Multiculturalism and the Foundations of Meaningful Life

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Multiculturalism and the Foundations of Meaningful Life: Reconciling Autonomy, Identity, and Community

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Contents

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Introduction

The extension of special rights and privileges to ethnocultural minorities is almost universally practised in liberal-democratic societies, yet it has not been satisfactorily reconciled with liberal principles, either in theory or in the popular imagination. Francophones and First Nations in Canada, Welsh and Scottish in the United Kingdom, Basques and Catalonians in Spain, Maori in New Zealand, Aborigines in Australia, Corsicans in France, Amish and Indians in the United States, and ethnic and immigrant groups in all of these countries receive rights, privileges, or exemptions not available to other citizens. For those of us who believe in the value and legitimacy of such rights, this is a cause for concern.

Lacking clear theoretical justification, these rights can appear to constitute anomalous violations of an otherwise consistent and appealing liberal conception of distributive justice. This impression is reinforced when claims for special treatment are handled in ways that do not appear to reflect consistent underlying principles. Together these perceptions suggest that different treatment is unjust treatment because it violates the basic principle that all citizens be treated with equal respect. This is a serious charge; it demands a response.

At least since Will Kymlicka published *Liberalism, Community, and Culture*, political philosophers have debated the compatibility of liberal principles of justice and claims for special treatment based on cultural difference.[1] Some, like Kymlicka, have argued that liberal principles can be reconciled with respect for cultural communities; others have critiqued this project in defence of traditional liberal principles;[2] still others have argued that proper respect for cultural difference may require a move away from liberal principles.[3]

This book develops an argument of the first variety: it seeks to reconcile liberal principles with the accommodation of cultural and other communities. As with all such arguments, the very logic of the values I seek to reconcile requires navigating a course between the Scylla of cultural relativism and the Charybdis of liberal universalism. On the one hand, cultural relativism, if based on an interpretation of equal respect that requires uncritical acceptance

of all cultures people have created, can provide no basis for critiquing the way communities treat their members. On the other hand, liberal universalism, if based on an interpretation of equal respect that requires identical treatment for all individuals, closes off the possibility of adjusting rights and privileges to accommodate differences between communities. These competing tensions are illustrated by Desmond Clarke and Charles Jones:

> Liberal societies are committed, in principle, to the ideal of equal opportunities for all citizens. When apparently fair procedures and structures are implemented, it is always open to individuals to argue that they are burdened unequally because of their special circumstances. If the claim of unfairness or inequality is to be addressed, it must be possible to find some impartial principle by reference to which the dispute may be resolved. However, if each person is entitled to appeal to their own "culture" as the exclusive source of values or principles for conflict resolution, and if the concept of culture is sufficiently broad to include almost all value differences that are likely to arise in a society, then the possibility of a principled resolution of any disagreement seems to be precluded by cultural relativism.[4]

This poses a challenge to those who feel the attraction of both liberal universalism and cultural difference. Joseph Carens describes it as a "challenge … to find a critical perspective which is at the same time open to the possibility of genuine differences among people's values and commitments."[5] For Avigail Eisenberg, the "challenge … is to develop an approach that systematically and fairly incorporates the cultural and historical circumstances of different people into analysis, without giving everything away to context."[6]

This book takes up this challenge by developing a theoretical approach that incorporates and builds on the insights of leading theorists sympathetic to both liberal democracy and the interests of ethnocultural minorities. (I follow Kymlicka in referring to such writers collectively as "liberal culturalists."[7]) It takes as its point of departure the co-existence of a high level of consensus among liberal culturalists on *advocacy positions* ("the moral stand or policy one adopts") with great diversity in the *ontological assumptions* ("what you recognize as the factors you will invoke to account for social life") to which they appeal to justify their advocacy positions.[8] Its key contribution is to suggest that we might answer the challenge of finding a systematic and principled reconciliation to the apparent conflict between liberal universalism and communal particularism by returning to questions of ontological, or what I will call foundational, assumptions.

The Liberal Culturalist Consensus
The broad liberal culturalist consensus on advocacy positions can be summarized in six claims, which I describe in fairly general language, as the

consensus does not carry over into all of the details. The first two claims form a basic starting point. First, it is reasonable to speak of groups of individuals that can be defined in terms of culture. Second, justice, properly understood, requires liberal-democratic conceptions of justice that equate equal treatment with identical treatment to be modified, or even transformed, to facilitate the recognition or accommodation of cultural groups.

The third and fourth claims concern the nature of accommodations: different types of groups warrant different types of recognition or accommodation, and the exact nature of recognition or accommodation must be determined contextually – that is, there are no universal, cookie-cutter solutions. Recognition and special accommodation have primarily been argued for four types of groups. National majorities are cultural nations that constitute the majority, or at least the dominant, group within a state or sub-state unit. It is generally suggested that it is both legitimate and inevitable that national majorities will use the state to promote the interests and survival of their cultures. National minorities are groups that have a strong sense of collective ethnocultural identity and live on their homeland within the territory of the state in question. It is generally claimed that such groups can legitimately demand the conditions necessary to ensure their survival as distinct peoples or societies, for example, group representation in political institutions, exclusions from laws or obligations that apply to other citizens, and self-government arrangements, including federalism. Indigenous peoples and traditional or premodern minorities are similar to national minorities in that they have a strong sense of collective identity, some may aspire to exercise powers of self-government, and, at least in the case of indigenous peoples, they may share ethnocultural features and live on their traditional homeland. These groups are distinguished from national minorities, however, by the fact that their present ways of life, or their origins as a group, or both, are not products of modernity. As for special accommodations, those associated with indigenous peoples are typically most extensive, usually including self-government, while those claimed for other minorities, such as Amish and Hutterite religious communities, are usually restricted to special exemptions that would permit them to survive as communities. Finally, unlike national and indigenous minorities, ethnic and immigrant groups are typically not concentrated on traditional homelands but arrived in the state as immigrants. Further, unlike premodern minorities, who often arrived in the state as a group, ethnic or immigrant minorities typically arrived as individuals or familial units. The accommodations suggested for these groups tend to be significantly less extensive than those suggested for the other groups. It is generally agreed that while they cannot justify claims to self-government, they can, in justice, exercise rights to use their language and live according to their traditions in their private lives as well as expect alterations of the society's public culture so that they can integrate without having to abandon their identity.

The final two claims concern intergroup relations and the bases of social unity. The fifth is that intercultural dialogue is both an appropriate means for making and resolving claims for recognition and accommodation and the vehicle through which social unity is to be fostered and sustained. Sixth, it is suggested that accommodating legitimate claims (and the dialogue through which this is to occur) is likely to enhance social unity, while denying legitimate claims is likely to undermine it. Liberal culturalists generally claim that any threats recognizing diversity may pose to state unity cannot be any worse than those arising from attempts to impose uniformity. The outcome of intercultural dialogue, it is often suggested, will be the development of a shared identity that can sustain the strong "sense of common purpose and mutual solidarity" that no mere modus vivendi between groups ever could.[9]

Two things are striking about this consensus. One is that it has not been accompanied by a similar consensus at the level of foundational assumptions. The other is the lack of interest some liberal culturalists have shown in attempting to address these disagreements by focusing on foundational assumptions. For example, Kymlicka has written that he has doubts about the usefulness of "a more high-level abstract theory that starts from first premises about the nature of reason, knowledge, and personhood,"[10] and Joseph Carens has written a very interesting book that considers how the ideals of fairness as neutrality and fairness as even-handedness might be reconciled in practice despite having "not yet worked out a general theoretical account of how this would work and how the two ideals might be reconciled in principle."[11]

A key supposition of this book is that much is to be gained by focusing on such foundational assumptions. Consider, for example, Carens' explanation of his reluctance to provide precise definitions for culture or identity: "Such definitions are rarely helpful, in part because they sometimes exclude things that are morally and theoretically relevant, in part because the limiting implications of the precise definition are often lost sight of in subsequent arguments."[12] While I think he is right in his description of what can go wrong, I think the appropriate response is not to eschew defining axiomatic terms but to be careful about getting definitions right and to be rigorous in applying them.

Overview of the Book

The book is divided into three parts. In Part 1, Inspecting the Foundations, I discuss important contributions to the multiculturalism debate and identify a number of issues and questions that, I believe, necessitate a return to foundational questions about the nature of identity, autonomy, and community. The chapter is organized according to these issues and questions. My aim is not so much to critique or evaluate the arguments I discuss as to suggest why we are pressed towards these fundamental questions. The

reasons vary. Sometimes they are found in disagreements between particular authors, sometimes in the different ways in which authors address the same issues. At other times, the reasons are suggested by loose ends within the work of a single author. The overall aim is to justify a return to foundational assumptions and to identify issues that such a return should enable us to address. These issues include the nature and value of the relationship between individuals and communities; how communities are defined; the role of socialization; the social units with which cultural interests should be associated; what to make of the distinction between modern and premodern or traditional cultures; and finally, the relationship between state borders, social unity, and intercultural dialogue.

In Part 2, The Foundations of Meaningful Life, I suggest that by placing meaningful life, defined as the pursuit of subjectively significant purposes, at the centre of a theory of justice, definitions of identity, autonomy, and community can be reconfigured in ways that permit their theoretical reconciliation. The approach I adopt, which owes much to those theorists I consider in Part 1, involves three major moves. The first, which I make here, is to place the inquiry in a broadly liberal context by stating two axiomatic assumptions: one, all individuals have equal moral worth and, thus, must be treated with equal respect; and two, the only interests that should matter in a theory of justice are those of individuals.

The second move, which is made in Part 2, is the development and defence of a conception of the person who has an essential interest in meaningful life. The reference to meaning or meaningful life, as anyone familiar with the authors canvassed in Part 1 will know, is nothing new. What is different is the way I position this value as underlying and explaining the significance of other key normative values. Most important, this use of meaningful life allows the development of a conception of the person that suggests how we might integrate, without ranking, our beliefs in the importance of personal autonomy and identification with community. To achieve this, I utilize a distinction drawn by John Rawls between a general concept and particular conceptions of that concept.[13] This permits the development and explication of conceptions of personal autonomy and community that, while being reconfigured in ways that reveal how they may be mutually supportive, remain true to their general concepts. In so doing, I hope to demonstrate the usefulness of shifting discussion from advocacy positions to foundational assumptions: while many particular conceptions of personal autonomy and identification with community may be irreconcilable, the concepts of personal autonomy and identification with community need not be.

Since the term "meaningful life" means different things to different people, Chapter 2 begins by defining it. I argue that defined as a life characterized by the pursuit of subjectively significant purposes, meaningful life is general enough to be compatible with many different ways of life but substantive

enough to escape the charge of radical relativism. The conception of the person for whom meaningful life is an essential interest is used to generate an account of human agency that in turn leads to a conception of a fluid-yet-fragile self-identity, a conception of community as context of value, and a conception of personal autonomy as situated autonomy.

These reconfigured conceptions are distinguished by the way they work together to sustain meaningful lives. Situated autonomy is reconcilable with the value of identification with community because it presupposes that people govern themselves by reference to values that they access in the communities with which they identify. In recognizing that autonomy requires such identifications, we find reasons to resist defining autonomy in ways that would threaten the development of such identifications. The conception of a fluid-yet-fragile self-identity permits us to recognize that self-identities can be based on identifications with multiple and often conflicting communities. Finally, the association of community with traditions that connect their members with contexts of value provides the basis for a defence of a much wider range of communities than cultural nations or societal cultures. I refer to these assumptions collectively as the foundations of meaningful life.

Chapter 3 applies the conceptions of fluid-yet-fragile self-identity and community as context of value to explain why special accommodations for particular communities can be justified, why people who are not members of these communities might reasonably be expected to accept the burdens such accommodation may impose on them, and the bases of social unity in culturally diverse states. Finally, Chapter 4 considers the implications of situated autonomy for how we should evaluate and address the role of socialization. This requires defending situated autonomy as a conception of personal autonomy, even though it rejects the ideal of the examined life.

The argument's third and final move is made in Part 3, A Politics of Liberal Multiculturalism. Here the theoretical foundations of meaningful life laid in Part 2 are used to ground a principled and systematic account of the practice of liberal multiculturalism. Part 3 aims to demonstrate three broad points: that the foundations of meaningful life can generate principles to inform substantive thinking about public policy; that these principles are internally consistent; and that the principles can support the main points of the liberal culturalist consensus. Each chapter addresses a different set of practical questions and builds on the preceding chapters.

Chapter 5 addresses two related issues. It begins by discussing the problem of defining communities. This is illustrated by considering *R. v. Powley,* a Canadian Supreme Court case that raised issues of Métis identity. It then moves on to consider when claims for special protection can be justified by revisiting criteria introduced in Chapter 3. It explores these criteria in more detail through case studies that cover a range of minority communities represented in the liberal culturalist consensus: national minorities (francophones

in Quebec, Welsh speakers in Wales), indigenous peoples (the Pueblo of New Mexico, the Coast Salish of British Columbia), non-indigenous premodern communities (the Amish in Wisconsin), and ethnic immigrant groups (Muslims in Ontario).

Chapter 6 suggests principles to govern the design of communal accommodation. Four key principles are identified, and the cases introduced in Chapter 5 are used to illustrate how they might apply in particular circumstances. The chapter concludes by considering the case of Pueblo Indians who converted to Protestantism in order to illustrate how these principles might help address issues raised by conflict *within* communities.

Finally, Chapter 7 completes the development of advocacy positions by considering the implications of the foundations of meaningful life for state-community relations. It considers two key aspects of state-community relations that a theory of liberal multiculturalism must address. One concerns the initiation and evaluation of claims for special accommodation. The case of Mi'kmaq demands for logging and fishing rights is introduced to demonstrate how the principles developed here might apply in practice as well as how they might help us sort out conflicts *between* communities. In the course of discussing these claims, the potential benefits and drawbacks of international adjudication are also assessed. The second aspect of state-community relations concerns state intervention in the internal practices of communities. Principles to guide practice are suggested, and their usefulness illustrated through case studies of the Amish in Wisconsin and Muslims in Ontario.

The book concludes by summarizing its main contributions to the wider debate: that a return to ontological assumptions is a useful way to advance thinking about liberal multiculturalism; that the foundations of meaningful life provide a compelling account of the relationship between individuals and communities; and that the theory of liberal multiculturalism erected on these foundations can provide a cogent response to those who believe that communal accommodations are never justified.

Part 1:
Inspecting the Foundations

1
Why Return to Foundational Assumptions?

> To build a country for everyone, Canada would have to allow for
> second-level or "deep" diversity, in which a plurality of ways of
> belonging would also be acknowledged and accepted. Someone of,
> say, Italian extraction in Toronto or Ukrainian extraction in
> Edmonton might indeed feel Canadian as a bearer of individual
> rights in a multicultural mosaic. His or her belonging would not
> "pass through" some other community, although the ethnic
> identity might be important to him or her in various ways. But this
> person might nevertheless accept that a Quebecois or a Cree or a
> Dene might belong in a very different way, that these persons were
> Canadian through being members of their national communities.
> Reciprocally, the Quebecois, Cree, or Dene would accept the perfect
> legitimacy of the "mosaic" identity.
>
> Charles Taylor, "Shared and Divergent Values," 1993

Much has been accomplished since Will Kymlicka suggested in his *Liberalism, Community, and Culture* that the interests of ethnocultural minorities could be reconciled within a liberal theory of justice. In fact, as noted in the Introduction, the positions of a number of prominent theorists have converged on a general set of advocacy positions that I am calling the liberal culturalist consensus. My aim in this chapter is to demonstrate three claims I made in the Introduction: that the emerging consensus on advocacy positions is not accompanied by a similar consensus on foundational assumptions, that these underlying differences have significant implications for matters of practical policy, and thus, that a return to ontological or foundational assumptions is warranted. To establish these claims, I consider the work of a number of prominent theorists who have taken positions in the ongoing conversation on liberal multiculturalism. In discussing their contributions,

my aim is not so much to critique or evaluate their arguments as to describe the implications they have for questions of foundational assumptions. Sometimes this involves considering disagreements between authors; at other times, it involves comparing how different authors address the same issues; and at other times still, it involves focusing on loose ends within the work of a single author.

As the purpose of this chapter is to raise questions that open up a space for the argument of the rest of the book, no linear argument runs through its various sections. Each stands alone, united only by a common purpose. While more issues could probably have been raised, I have chosen to focus on six: the nature and value of the relationship between individuals and communities; how the membership and substance of communities are defined; the role of socialization; the social units with which cultural interests should be associated; what to make of the distinction between modern and premodern or traditional cultures; and finally, the relationship between state borders, social unity, and intercultural dialogue. The chapter concludes by indicating how the matters it raises are addressed in the rest of the book.

Conceptualizing the Individual-Communal Nexus

It is impossible to discuss obligations of the state with respect to cultural communities without making assumptions, implicit or explicit, about the nature and value of the relationship between individuals and communities. Without some significant relationship between individuals and communities, it is difficult to justify accommodating communities within a liberal state. Once this is allowed, however, basic questions present themselves: What is the nature of the relationship between individual and community, and why is the relationship worth preserving? How these questions are answered will determine, in part, the policies advocated to accommodate such communities. For example, while no liberal culturalist would advocate policies that would disrupt the relationship between individuals and communities or undermine the values that make communities worthy of protection, what constitutes such policies will depend on how the relationship and its value are conceived. In this section I canvass three such conceptions under the broad headings of cultural monism, radically fluid self-identity, and fluid identities/constitutive communities. These conceptions raise foundational issues, both by virtue of their irreconcilability and for reasons specific to each, which I note along the way.

Cultural Monism

Cultural monism refers to the assumption that, under most circumstances, individuals have a significant relationship with only one cultural community, and that, under normal circumstances, this will be the cultural community in which they were born and initially socialized. I discuss this assumption

as illustrated in the work of Will Kymlicka and Charles Taylor. While these theorists share a similar cultural monist view on the nature of the relationship, they differ in their assumptions about its value: for Kymlicka, its value lies in its contribution to personal autonomy; for Taylor, in its contribution to collective goods that inform personal identity. Both the cultural monist account itself and the comparison of Kymlicka's and Taylor's accounts of its value raise questions that lead us back to foundational assumptions.

The liberal-communitarian debate of the 1980s provided the context within which Kymlicka located his seminal work, *Liberalism, Community, and Culture*. While no doubt an oversimplification, this debate can be viewed as pitting liberals, whose commitment to individual choice and personal autonomy did not permit adequate recognition of community, against communitarians, whose assumption of a constitutive relationship between the individual and his or her community did not allow for adequate recognition of personal autonomy. Just how was the relationship between individuals and communities conceived from these perspectives?

Ronald Dworkin provides an example of a liberalism that provides little or no basis for accommodating communities, cultural or otherwise. For Dworkin, whether any end or conception of the good will have enough of a society's resources to be viable is simply a matter of luck:[1]

> Numbers will indeed count … [People] who need a community of other committed believers in which to flourish, may find that enough other people share their convictions to enable them to join together in creating a special religious community without benefit of the criminal law. Nor is any minority, whether religious, sexual, or cultural, assured of social requirements ideal for them. Numbers count for them as well: they would plainly be better off … if more people shared their views, or had tastes that made their own activities less expensive. Their prospects … will depend on the opportunity costs to others.[2]

Where members of a cultural minority find their "just" share insufficient to sustain their community, Dworkin counsels them to accept this as bad luck, abandon any appeals for sufficient space, and ask themselves, "What is a good life for someone entitled to the share of resources I am entitled to have?"[3] Dworkin can suggest this because he assumes that people are related to their communities in such a way that they are able to exercise choice over their identities and the communities in which their identities are grounded. This is reflected, for instance, when he writes that "it is part of each person's ethical responsibility to decide an ethical identity for himself – to decide for himself whether it is a parameter of his life that he is an aristocrat or talented or whether these properties are only opportunities or limitations he faces in leading a life properly defined in some quite different way."[4] Dworkin draws

the implications of this quite starkly when, after entertaining the possibility that a person's personality may "disintegrate" if it becomes "detached from formerly unquestioned convictions," he asks, "Why should people not be able to reassemble their sense of identity"?[5]

To avoid this refusal to accommodate communities, Kymlicka must adopt a conception of the nature of the relationship between individuals and communities that can set limits to the individual's capacity for choice and thus explain why it is not always reasonable to expect people to reassemble their identities. While the communitarian conception of this relationship offers to circumscribe choice in the way that Kymlicka requires, it is not available to him for other reasons. Michael Sandel's "constitutive community" is representative of this communitarian approach. It suggests that the self is situated or embedded in inherited communal social practices that play an inextricably constitutive role in constructing the individual's identity. This self is typically defined in contrast to the liberal self, which Sandel describes as radically disembodied (that is, not determined by its circumstances; free to become whatever it chooses).[6] The self who finds him- or herself situated in a constitutive community presupposes a conception of human agency that is more a matter of discovery than of choice. The individual first recognizes that she is "indebted in a complex variety of ways for the constitution of identity – to parents, family, city, tribe, class, nation, culture, historical epoch, possibly God, Nature, and maybe chance,"[7] and then, through self-reflection, differentiates among those unchosen and thus limited attributes the ones that are "mine" (that "I have") from those that are "me" (that "I am"). Viewed in this way, community "describes not just what [people] *have* as fellow citizens but also what they *are,* not a relationship they choose (as in a voluntary association) but an attachment they discover, not merely an attribute but a constituent of identity."[8] From the perspective of this conception of the relationship between individual and community, Dworkin's "why should people not be able to reassemble their sense of identity[?]" cannot arise.

While the communitarian conception of the relationship between individual and community offers to circumscribe choice in the way Kymlicka requires, he cannot accept it because it presents this relationship as so strong and enduring that it undermines his commitment to individual choice and autonomy. Kymlicka's key achievement is to develop a subtle and ingenious argument that suggests the possibility of an alternative to both approaches. He begins by treating a liberal conception of justice that promotes individual freedom and equality by privileging a conception of personal autonomy (defined as "the capacity to rationally reflect on, and potentially revise, our conceptions of the good life")[9] as foundational. Concern for cultural community is introduced instrumentally in the suggestion that personal autonomy can be exercised only within a specific kind of community, a societal culture. This is "a culture which provides its members with meaningful ways of life

across the full range of human activities, including social, educational, religious, recreational, and economic life, encompassing both public and private spheres. These cultures tend to be territorially concentrated, and based on a shared language."[10] As contexts of choice, societal cultures support their members' capacity for personal autonomy by providing them with options and with resources such as narratives, traditions, and conventions that inform their sense of identity and enable them to make "intelligent judgements about how to lead [their] lives."[11] Given the further assumptions that people do not choose their membership in societal cultures and that people cannot reasonably be expected to renounce it,[12] Kymlicka suggests that liberals should agree that justice requires "special political rights … to remove inequalities in the context of choice which arise before people even make their choices."[13]

Thus, Kymlicka seeks to reconcile liberalism and cultural community by reconceptualizing the relationship between cultural community and personal autonomy while avoiding the extremes of both. On the one hand, associating contexts of choice with community enables recognition of a special relationship between the individual and his or her cultural community. On the other hand, associating the value of community with its capacity to support personal autonomy facilitates the extension of protection to cultural communities without threatening liberal freedoms within the community. This is reflected in his call for "*freedom within* the minority group, and *equality between* the minority and majority groups," and in his now famous endorsement of 'external protections' (measures that protect the community against the actions of outsiders) and rejection of 'internal restrictions' (measures designed to preserve the community's character and which can stifle internal dissent).[14] This distinction is reflected, for example, in his suggestion that while the Quiet Revolution of the 1960s transformed the character of Quebec's cultural community – from traditional, agrarian, and religious to modern, industrial, and secular – the community never ceased to exist as a context of choice for its members.[15] Where communities are protected as societal cultures, and not as communitarian constitutive communities, the cultural marketplace, to use Kymlicka's term, continues to function; "decisions about which particular aspects of one's culture are worth maintaining and developing should be left to the choices of individual members."[16]

While Kymlicka's view of the relationship between individuals and communities represents a genuine advance, its reliance on cultural monist assumptions is problematic. To see why, we need to reconsider the idea of a societal culture. Societal cultures are said to perform two distinct functions for their members: provide them with meaningful options, which Kymlicka calls a "context of choice," and provide them with a sense of identity and intellectual resources that they rely on to make important decisions about their lives.[17] The latter, which provide individuals with standards that inform their choices, I call a context of value.

It is essential for Kymlicka's defence of minority cultural communities within a liberalism that privileges personal autonomy that we presume that both of these functions are performed exclusively by societal cultures; this is the substance of his cultural monism. To see why, consider the alternatives. If an individual's context of choice exceeded the bounds of her societal culture, her capacity for personal autonomy could conceivably survive if she lost access to it. If, however, the contexts of value that informed her capacity for choice were located in sub-communities within her societal culture, it is not clear that protecting the societal culture would necessarily preserve her capacity for choice, and if these contexts of value were located in transnational communities that extended across societal cultures, it is not clear that her capacity for choice would necessarily be threatened if she lost access to her societal culture.

Once these possibilities are admitted, we are pressed to confront foundational questions about the nature of the relationship between individual and community. Is it reasonable to assume that individuals' societal cultures and contexts of *choice* overlap? I think this is what James Nickel was getting at when he wrote in a review of *Liberalism, Community, and Culture* that the "key problem for choice [for Inuit adolescents] is how to combine or integrate … options from two different cultural frameworks into a meaningful life plan that fits contemporary circumstances."[18] Conversely, is it reasonable to assume that individuals' societal cultures and contexts of *value* overlap? To cite a personal example, while I am sure that I do draw on my identification with Canada in making some choices, I more often draw on my membership in communities that exist within and across societal cultures – religious, familial, and professional communities, for example.[19] Such questions press us towards even more basic ones. Is cultural monism a reasonable account of the relationship between individuals and communities?[20] And if not, what would a better account look like?

Further questions are raised if we look at a difference between Kymlicka's approach and Charles Taylor's. The difference does not lie in their general assumptions about the nature of the relationship between individuals and communities. Like Kymlicka's, Taylor's account reflects cultural monist assumptions. This is reflected most recently in his focus on the historically developed collective state of consciousness of a civilization, which he calls its social imaginary. Similar to societal culture, a social imaginary includes "the ways people imagine their social existence, how they fit together with others, how things go on between them and their fellows, the expectations that are normally met, and the deeper normative notions and images that underlie these expectations."[21] While limited in time and space, a social imaginary "constitutes a horizon we are virtually incapable of thinking beyond."[22]

The difference that I want to consider concerns the value that each associates with this relationship. For Kymlicka, the value lies in how the relationship contributes to individuals' personal autonomy. For Taylor, it lies

in the way that communities can embody important collective goods that contribute to their members' identities. Indeed, he thinks this is so valuable that it can justify placing limits on individuals' personal autonomy. This is exemplified in his discussion of the laws in Quebec that restrict the use of languages other than French on commercial signs. Taylor says that while such laws limit individual freedom, the Quebec government can legitimately pass such legislation because it is designed to preserve and promote the French language as a collective good that is constitutive of the authentic identities of members of the Québécois nation. He goes so far as to describe the preservation of the identity of the French Canadian cultural community as the Quebec state's raison d'être.[23] The implication is clear: the interest of a cultural community in preserving its character/collective goods may sometimes legitimately outweigh the autonomy interests of individuals.

This difference in foundational assumptions leads Taylor and Kymlicka to advocate different policy positions for the treatment of internal dissidents (that is, members of the cultural nation who oppose rules designed to protect its collective goods). Whereas Kymlicka tends to privilege the autonomy of the dissidents,[24] Taylor says that, within the very broad limitations of respect for human rights and democracy, dissidents may be required to comply with such policies. For instance, to the person who objects to having to obey a law with which he or she disagrees, Taylor answers: "Something essential to your identity is bound up in our common laws … something of the order of cultural identity."[25] Thus, for Taylor, the survival of communities may sometimes require us to resist attempts to maximize personal autonomy.[26] These conflicting policy prescriptions for handling internal dissidents raise questions about the individual-community relationship further: Why is it valuable? Because it promotes personal autonomy? Because it contributes to member's self-identity? Must we choose between them?

The cultural monist account of the relationship between individuals and communities presses us to consider matters of foundational assumptions for three reasons. First, we must ask whether it captures the true nature of this relationship. Second, disagreements persist among its advocates about its value and the practical implications. And third, as we are about to see, cultural monism is not the only possible account of this relationship.

Radically Fluid Self-Identity

Chandran Kukathas presents a very different conception of the nature and value of the relationship between individual and community. He is no advocate of the liberal culturalist consensus, but his work raises important questions, especially about the relationship between group identity and political context.

Kukathas says his aim in making his argument is not to deny that people have interests in groups but to argue that they can be accommodated without

legitimizing special group rights. Thus, he says it "is not that groups do not matter but rather that there is no need to depart from the liberal language of *individual* rights to do justice to them." All that this requires, he suggests, is respect for freedom of association – the freedom "to form communities and to live by the terms of those associations." This unwillingness to recognize anything special in the relationship between individuals and communities reflects a deeper assumption that self-identity is radically fluid in nature. Observing that group identities appear to mutate over time, he suggests that this "reflects their nature as associations of individuals with different interests." As such, cultural communities are best understood as voluntary associations of individuals who "live according to communal practices each finds acceptable." Kukathas' faith in the capacity of individuals to exercise choice over their communal identifications is reflected when he rejects that states need to insist on "liberal" education, claiming that there "is no more reason to insist that gypsy parents offer their children a 'rational choice' of life-style through public education than there is to require that other parents offer their children the opportunity to become gypsies."[27]

Kukathas' conception of fluid self-identity does not lead him to deny that there is value in the relationship between individuals and communities – he accepts that people have legitimate interests in avoiding the dislocation and anomie that can accompany the disintegration of communities. Instead, it leads him to contest cultural monist assumptions about the relatively enduring nature of the identity of cultural communities by suggesting that all group identities have "a contextual character: Group boundaries 'tend to shift with the political context.'" On this ground, he offers two reasons for resisting policy that would attempt "to answer questions about what political institutions are defensible by appealing to the interests of existing groups." Given his assumptions about the fluidity of identity, such attempts do not so much recognize as create groups: group identities are always mutating, and thus, while "groups may generate entitlements," "entitlements can also generate groups." As well, the real effect of institutionalizing existing groups is to disregard internal dissent and favour "existing majorities."[28]

Kukathas' work suggests difficult questions that any account of multiculturalism must address. In particular, is it possible to maintain that the relationship between individuals and communities is sufficiently important and enduring to warrant special recognition while also recognizing that group identities appear to mutate over time and across contexts, and that some individuals appear to be able to exercise more choice over their communal identifications than cultural monism assumes?

Fluid Identity/Constitutive Community

A third possibility for understanding the relationship between individuals and communities retains both a conception of fluid self-identity and a con-

stitutive role for communities. An example of this is found in Iris Marion Young's idea of social groups.[29]

Contrary to Kukathas' radically fluid self-identity, Young's idea of social groups suggests a relationship between self-identity and groups or communities that could justify special accommodation. This is illustrated when she distinguishes social groups from "aggregates" and "associations." Unlike aggregates, which consist of individuals who share a set of attributes, social groups involve self-identification: it is "identification with a certain social status, the common history that social status produces, and self-identification that defines the group as a group." Unlike associations, such as clubs, political parties, churches, colleges, unions, and corporations in which individuals, conceived as "ontologically prior to the collective," come together to perform specific practices or form certain types of affiliation, social groups "constitute individuals. A person's particular sense of history, affinity, and separateness, even the person's mode of reasoning, evaluating, and expressing feeling, are constituted partly by her or his group affinities."[30]

Contrary to Kymlicka and Taylor, Young suggests that social groups embrace the constitutive nature of communal identifications without embracing cultural monism. For instance, she says that social groups that individuals join later in life can nevertheless be "socially prior to individuals."[31] This is possible, she suggests, because such groups reflect a quality that Martin Heidegger called thrownness, whereby "one *finds oneself* as a member of a group, which one experiences as always already having been. For our identities are defined in relation to how others identify us, and they do so in terms of groups which are always already associated with specific attributes, stereotypes, and norms." Thrownness, Young says, causes membership in social groups to define "one's very identity, in the way, for example, being Navaho might." Events such as heterosexuals becoming gay or young people becoming old "exemplify thrownness precisely because such changes in group affinity are experienced as transformations in one's identity."[32]

Whatever its strengths, and I think they are considerable, Young's approach greatly increases the complexity of the phenomena for which our foundational assumptions must account. The cumulative effect of the personal transformations in identifications she describes is that "most people in modern societies have multiple group identifications … [and] every group has group differences cutting across it."[33] Here again we face difficult questions. Is it possible to conceive a theory of the nature and value of the relationship between individuals and communities that accurately captures the complexity of fluid self-identities and multiple cutting identifications? Even if is possible, could such a theory explain why particular communities might warrant special accommodations? And, finally, could such a theory be operationalized into effective public policy?

Summary

The various accounts we have seen of the nature of the relationship between individuals and communities – cultural monist, fluid self-identity, fluid self-identity/constitutive community – and its value – personal autonomy, collective goods, and identity – are, at least as presented in these formulations, irreconcilable. Besides the other points raised along the way, it is this very fact of irreconcilability that presses us to return to matters of foundational assumptions by leading us to ask, which, if any, presents an accurate account of the nature and value of this relationship?

Communal Definition

Another matter we need to consider is how cultural communities and their membership are to be defined. Much discussion seems to be conducted on the assumption that the substance, and thus the membership, of communities are already known; that is, we know who are members of particular cultural communities and who are not. But matters are more complex than this, with significant implications for public policy.

The relationship between the presumed substance of a community and the people who constitute its membership has an inherent complexity. Consider Kymlicka's suggestion that, in principle, membership in a cultural community be open to anyone "who is willing to learn the language and history of the society and participate in its social and political institutions."[34] Rather than clarifying matters, associating the substance of the community with its language and history merely opens the door to a certain degree of circularity: to determine if someone belongs, we need to know if he or she has learned the society's language and history; to determine this, we need to know the proper form of the language and the correct (or at least not incorrect) version of the history; to do this, we would need to ask members of the community; but, and here the circle is completed, to do this we need to know who belongs to the community. (This is not a fanciful proposition, as the discussion of the Métis in Chapter 5, pp. 100-1, shows.) Two questions reflect the practical significance of this point: How do we know that the "dissenter" who Kymlicka would have a community tolerate isn't really a non-member? And how do we know that the individual Taylor would require to respect communal laws is actually a member of the community? These questions need to be answered correctly, otherwise the character of communities may be altered to suit the preferences of non-members or the autonomy of non-members may be curtailed to promote the interests of communities with which they do not identify.

How communities are defined also affects the nature of the threats they are understood to face. If communities are defined as societal cultures, the main threats they face are those that undermine their ability to sustain the contexts of choice that contribute to their members' autonomy. If communities are

defined as social imaginaries, the main threats concern their ability to sustain the collective goods that contribute to members' identities. The threats posed to communities defined as social groups are sometimes those that challenge communities' ability to sustain ways of life and, at other times, where members do not accept how others have identified them, it is group membership itself that appears to be the problem and exit the solution.[35] Which of these characterizations is treated as authoritative will have important implications for public policy.

How should we define the substance and membership of communities? While the answer is not clear, two things are: the answer will have significant implications for the policy positions we advocate, and finding it will involve considering the nature and value of community itself.

The Role of Socialization

How should we address the role of socialization in forming the relationship between individual and community? Reviewing an exchange between Kukathas and Kymlicka about the extent to which an individual's choice to associate with a community in which he or she was born and socialized can be considered free illustrates just what is at stake.

Consistent with his assumptions about fluid and mutable group and self-identities, Kukathas says individuals' choices to associate with such communities can be treated as voluntary where "members recognize as legitimate the terms of association and the authority that upholds them" and express such recognition by choosing to remain in the community.[36] Not surprisingly, given his commitment to personal autonomy and his more constitutive assumptions about the role of community, Kymlicka disagrees. He draws attention to the role of socialization by suggesting that someone deprived of "literacy, education, or the freedom to learn about the outside world … does not have a substantial freedom to leave because she lacks the preconditions for making a meaningful choice."[37] While Kymlicka accepts that the presence of a society into which to exit is a necessary precondition of free choice, he says it is not sufficient; individuals should also receive a mandatory education that enables them to "acquire an awareness of different views about the good life, and an ability to examine these views intelligently."[38] In responding to this critique, Kukathas seems to assume that there are only two alternatives for addressing socialization: "to leave cultural communities alone to manage their own affairs, whatever we may think of their values … [or] to champion the claims or the interests of individuals who, we think, are disadvantaged by their communities' lack of regard for certain values."[39] Believing these are the only options, Kukathas thinks he has simply made a hard choice.

This interchange suggests several difficult questions. How much impact should we suppose processes of socialization in communities have on the freedom of individuals' subsequent life choices? Are the alternatives really

as stark as Kukathas presents them? And finally, what remedial actions or interventions, if any, do the effects of socialization require of the state?

Social Units and Cultural Interests

Even among theorists who agree on both the legitimacy of cultural accommodations and the supposition that only individuals, and not communities, can bear rights, two positions can be discerned when we consider which social units those cultural interests are associated with: those that associate cultural interests with communities and those that associate them with individuals. Below I describe examples of these approaches and note how the position they adopt on cultural interests and social units affects their attempts to justify their liberal culturalist desire to advocate the accommodation of ethnic and immigrant minorities.

Associating Cultural Interests with Communities

When cultural interests are associated with one type of community, that community becomes the paradigmatic case and the accommodation of other types of communities must be justified as exceptions or by analogy. Kymlicka provides an example of the former, Taylor the latter.

Kymlicka, as we have seen, works within a framework that emphasizes individual rights and associates cultural interests with a specific type of community: the societal culture. While this works well for justifying accommodations for groups, such as national minorities, that qualify as societal cultures, it does not work nearly so well for other groups, such as immigrant communities, that by definition do not form societal cultures.[40] To extend his argument to such groups, Kymlicka employs what we might call an indirect justification. Since individuals, including members of ethnic and immigrant minorities, depend on having access to a societal culture to support their capacity for autonomy, and since the political community does not support *their* societal culture, justice requires that they have access to one that it does sustain. While such a view could justify a policy of assimilation, Kymlicka avoids this by suggesting that the integration of ethnic and immigrant groups must be on "fair terms." This requires ensuring that the "common institutions into which immigrants are pressured to integrate provide the same degree of respect, recognition, and accommodation of the identities and practices of ethnocultural minorities as they traditionally provided for the dominant group."[41] Thus, having associated cultural interests with a particular type of community (societal culture), Kymlicka must invoke a supplemental argument to justify accommodating ethnic and immigrant groups.

While Taylor also associates cultural interests with a specific type of community – the nation – his account of modernity allows him to justify the accommodation of ethnic and immigrant minorities as analogous to this special type. This is facilitated by three ideals he associates with modernity:

authenticity, recognition, and, most important, popular sovereignty. Taylor says the ideal of authenticity – "the idea that each of us has an original way of being human" with which we must live in accordance if we are to "be true and full human beings" – developed in the wake of the "collapse of social hierarchies." Disembedded from the social positions that defined identity in premodern societies, each person's identity became "individualized": without a socially defined identity, the individual had to define her identity for herself. While personal identity is individualized in modernity, it does not, Taylor says, develop in isolation, but rather it develops dialogically in communication with "significant others."[42]

This is where authenticity connects with identity and recognition: equal respect for individuals requires extending equal recognition to the identities they have formed. As I understand it, the emphasis on dialogical relations has two important consequences. The first ties back to authenticity: for an individual to lead an authentic life, others must recognize, and not misrecognize, the identity the individual has actually formed.[43] Second, if we care about the authenticity of individual identities, and if authentic identities are formed and sustained in dialogical relationships with significant others, we should also care about the communities and cultures that foster and sustain these relations. Thus, an acceptable account of justice must prove "willing to weigh the importance of certain forms of uniform treatment against the importance of cultural survival, and opt sometimes in favor of the latter."[44]

For Taylor, liberal concern for individual freedom and equality meets concern for identity, authenticity, and recognition in the ideal of popular sovereignty, which he says requires the realization of "the government of *all* the people."[45] This can be the case only where the people share a political identity that can act as the basis of a collective agency. Under conditions of cultural diversity, if the authenticity of each citizen's identity is to be given equal recognition, the state cannot define this collective agency in terms of just one, even if the largest, of its cultural groups. For if it does, members of its cultural minorities may come to believe that they are "being ruled by some agency that need take no account of [them]." Those who are excluded will feel alienated; "the rule of [the] government [will seem] illegitimate in the eyes of the rejecters, as we see in countless cases with disaffected national minorities."[46]

For the government to be the government of all the people, the state's political identity – which Taylor defines variously as "some strong common purpose or value" and "the generally accepted answer to the What/whom [is a country] for? question" – must be shared.[47] Thus, Taylor suggests, the state balances its needs to recognize its citizens' different identities and to generate a collective identity capable of acting as a sovereign people, through the process of "sharing identity space": "Political identities have to be worked out, negotiated, creatively compromised between peoples who have to or want

to live together under the same political roof." Sharing identity space requires more than a nationalism that simply leaves room for minorities to exist.[48] When identity space is shared properly, it seems, the core goals of the minorities contribute to the political identity that exercises popular sovereignty.[49] The practical outcome of such sharing of identity space is the accommodation of ethnic and immigrant minorities. This, as the chapter's epigraph illustrates, is reflected in what Taylor has famously called "deep" diversity. The secondary and derivative nature of the claims of ethnic and immigrant groups is not entirely escaped, however: "Modern nationalist politics," Taylor writes, "is a species of identity politics. Indeed, the original species: national struggles are the site from which the model comes to be applied to feminism, to struggles of cultural minorities, to the gay movement, et cetera."[50]

Associating Cultural Interests with Individuals

Where cultural interests are associated with individuals, however, the accommodation of different types of communities can be justified on a common basis; in this case, differences in the size and substance of communities affect which, and not whether, accommodations can be justified. Carens and Tully provide examples of this approach.

Like Kymlicka, Carens adopts a framework that places more emphasis on rights than on popular sovereignty. Unlike Kymlicka, though, he associates cultural concerns with individual interests that are separate and distinct from their interests in liberal rights. Culture, Carens says, can be a legitimate source of individual interests "because what people regard as their interests often depends on how they think of themselves and on how they think about the identity of their community."[51] This allows him to justify rights for ethnic and immigrant minorities on the very same basis as national minorities. So constructed, culture and identity claims do not appear so much a matter of thresholds (for example, a group is/is not a nation/societal culture) as of a continuum: "As the number of immigrants speaking a given language increases in a given area, the justification for not having public service providers who speak the language decreases."[52]

Tully relies on a similar understanding of the relationship between cultural interests and individuals, but unlike Carens and more like Taylor, he assigns a central role to popular sovereignty. The individual interest that unites culture and popular sovereignty for Tully is freedom: "The primary question is thus not recognition, identity or difference, but freedom; the freedom of the members of an open society to change the constitutional rules of mutual recognition and association from time to time as their identities change."[53] This understanding of freedom reflects assumptions about the importance of culture to individual identity: "The diverse ways in which citizens think about, speak, act and relate to others in participating in a constitutional association … are always to some extent the expression of their different

cultures." A just constitution for Tully, then, would emphasize popular sovereignty by giving "recognition to the legitimate demands of the members of diverse cultures in a manner that renders everyone their due, so that all would freely consent to this form of constitutional association."[54] This has the effect that no type of cultural group has a privileged position in Tully's account; the rights of nations, he writes, "are a subset of the kinds of rights that any member invokes whenever he or she enters into public debate, joins a political party, votes, demonstrates, introduces a bill in parliament, enters into litigation, initiates treaty negotiations, or any other form of participation, with the aim of changing any of the rules of the society."[55]

Summary

As one of the main concerns of this book is to determine whether the cultural accommodations of the liberal culturalist consensus can be justified in a way that does not leave them vulnerable to charges of being unprincipled or arbitrary, it is of supreme importance that the question of the social units with which cultural interests are properly associated be resolved.

Modern versus Premodern or Traditional Cultures

A different set of questions comes to the fore when we consider how different authors deal with the fact that many communities that demand cultural accommodations are not modern, or not liberal, or neither. In this section I discuss four approaches to accounting for the distinction between modern and premodern cultures within broadly liberal theories of justice, noting questions suggested by each approach as well as implications for how and whether certain advocacy positions of the liberal culturalist consensus can be justified.

Modernity as Inescapable

The first account treats the advance of a particular conception of a liberal modernity, and thus the decline of traditional or premodern cultures, as inevitable. Kymlicka and Taylor, both of whom work with conceptions of a liberal modernity influenced by the work of Ernest Gellner, exemplify this approach.

The types of communities that are the primary foci of Kymlicka's and Taylor's theories reflect a particular conception of modernity: they are committed to the liberal ideals of equality and rights, they are democratic, they are organized into bureaucratic welfare states, their economies are industrial, and they "tend to be national cultures."[56] Further, and significantly, both characterize the progress of this modernity and the particular kinds of cultural community it privileges as, in Taylor's words, "becoming inescapable."[57] This renders the status of certain indigenous and premodern and traditional communities problematic.

One approach that has been adopted to square this assumption with the liberal culturalist commitment to accommodating such communities assumes, more often tacitly than expressly, that all cultures will eventually modernize. Taylor is most clear in his attempt to find space for a defence of cultural diversity within a framework that presumes the inescapability of modernity. This is reflected in his discussion of the "'subtraction' account of the rise of modernity," which he describes as suggesting that, for modernity to emerge, we "just needed to liberate ourselves from the old horizons."[58] As I understand it, the problem with the subtraction account is that it encourages the view that the individual, as represented in modern societies, reflects what is universal in human nature after all the trappings of socialization have been removed. Taylor thinks this is wrong and dangerous because it misconceives the nature of modern society; properly understood, the emergence of modernity involved the transformation, not the transcendence, of social orders. Thus, for instance, he says that even in the most individualistic modern societies, individual independence is "a social, and not just a personal, ideal." Taylor attempts to recognize space for cultural diversity by suggesting that while modernization may be inescapable, it is not necessarily homogenizing. Rather, it is a process each society undergoes on its own terms: "It is easy to go on nourishing the illusion that modernity is a single process ... my foundational hunch is that we have to speak of 'multiple modernities.'"[59] Modernity, even liberal conceptions of justice in modernity, is multiple because each cultural group undergoes modernization by "finding resources in their traditional culture to take on the new practices."[60] Kymlicka appears to take a similar tact by placing indigenous people's commitment to "a premodern way of life" in the recent past and describing them as aspiring to "the ability to maintain certain traditional ways of life while nevertheless participating on their own terms in the modern world."[61]

This approach raises several questions. Is it reasonable to treat modernity as inescapable?[62] If the progress of modernity is indeed inescapable, might there still not be good reasons to extend cultural accommodations to particular traditional or premodern communities to help them resist its advance? And if so, how, to what extent, and for how long?

Distinct Moral Foundations

A different account of the relationship between modern and premodern cultures avoids privileging modernity by defending traditional cultures on a separate basis from that which supports liberal modernity and its rights. This approach can stand on its own or, as employed by Kymlicka, can act to supplement the modernity as inescapable account.

The approach is implicit in Kymlicka's discussion of how to deal with illiberal traditional groups such as the Amish and Hutterites. While he believes they should be tolerated, he doesn't try to justify this within his

liberal framework of justice. Instead, he appeals to principles external to his autonomy-based framework, such as honouring historic agreements, and to pragmatic considerations, such as the concern that "attempts to impose liberal principles by force are often perceived … as a form of aggression or paternalistic colonialism" and often "backfire."[63]

While this approach supplements Kymlicka's theory, it rests at the core of Joseph Carens'. Although Carens says that "liberal democracy is the only just political order, at least under modern political conditions,"[64] his general approach is to treat liberal rights and membership in cultural communities as having distinct moral foundations. He does so by assuming that traditional and illiberal cultures may embody genuine human goods.[65] Where conflicts arise between these two distinct moral foundations, Carens says reconciliation requires a "contextual" approach that involves a play back and forth between two conceptions of justice: justice as neutrality, "the idea of a common set of liberal democratic principles" that can be used to assess "claims about the respect due cultural difference"; and justice as even-handedness, the idea that under some conditions "context is morally decisive, that our moral judgements should turn on our understanding of the history and culture of a particular political community."[66] He says that whether a group can justify a claim for special accommodation depends on the balancing of a variety of factors, including "who [members of the group] are and what they care about", the degree of compatibility between their demands and the principle of equal respect, and "political judgements differentiating more fundamental interests from less fundamental ones."[67]

When we ask what principles are to govern the invocation and adjudication of these different sets of principles, however, the answers we receive are not satisfactory. For instance, it is not clear what principles govern Kymlicka's invocation of historic agreements and pragmatic considerations. Similarly, Carens is explicit about the kinds of factors that should be at play in a contextual analysis aimed at resolving such conflict, but he says little about the calculus that is to be applied to these factors to reach a resolution. In fact, he insists that "there is no master principle that enables us to determine when we should respect claims advanced in the name of culture and identity and when we should deny them."[68]

If we accept the general thrust of this approach, then, we are pressed to raise questions about the underlying moral assumptions that are to guide evaluations when conclusions drawn from distinct moral foundations conflict. If concerns about moral arbitrariness are to be addressed, we must ask whether it is possible to develop a principled approach to resolving conflicts between such foundations. And, this, it seems, requires us to ask questions about the nature of the relationship between these different moral foundations. How are they related? Are they commensurable? Incommensurable? Which takes precedence under which circumstances?

Appeal to a Common Underlying Value

Another account of the relationship between modern and premodern cultures suggests that they both derive their value from a common underlying value but realize it in different ways. An example of this is found in Joseph Raz's appeal to the underlying value of well-being.

For Raz, well-being is related to "how good or successful" a person's life is "from his point of view," measured against his "actual goals." While it doesn't matter for well-being how these goals are acquired – they may be the outcome of choice or one "may have drifted into, grown up with, never realized that anyone can fail to have them, etc."[69] – Raz avoids relativism by adopting a perfectionist position that rejects the assumption that something is valuable simply if someone wants it.[70] Having identified a value that lies deeper than and does not presuppose personal autonomy, Raz is able to find value in both modern societies where "personal autonomy is a fact of life" and traditional societies where "each person's course in life (occupation, marriage, place of residence) are [sic] determined by tradition or by his superiors."[71] He achieves this through two main steps. First, he suggests that autonomy is a characteristic of societies, not of individuals. What differentiates modern from traditional societies is not that people make choices in one and not the other but that the societies themselves are constituted in different ways: "The conditions of autonomy do not add an independent element to the social forms of a society. They are a central aspect in the character of the bulk of its social forms."[72] For instance, in autonomy-enhancing societies, marriages are chosen, while in traditional societies they are pre-arranged.[73] Having assumed that it is difficult if not impossible for people to be autonomous in traditional societies, the question becomes whether they can nevertheless experience well-being. Raz's answer is expressed in his rejection of the idea that personal autonomy and choice are valuable in all societies: "To be a universal value it must be the case that people who lack personal autonomy cannot be completely well-off, or have a completely good life … There were, and there can be, non-repressive societies, and ones which enable people to spend their lives in worthwhile pursuits, even though their pursuits and the options open to them are not subject to individual choice."[74] Thus, by appealing to the underlying value of well-being, Raz can recognize value in societies that do not value autonomy.

The practical implication is that Raz recommends different policies for modern and traditional societies. Within modern autonomy-enhancing societies, he, like Kymlicka, says the state has a duty to sustain the conditions that make autonomy possible.[75] The reason is that socialization in such societies makes the experience of autonomy a prerequisite of well-being.[76] For similar reasons, Raz advocates the toleration or even protection of traditional societies within modern societies if "they are viable communities offering acceptable prospects to their members, including their young."[77] According

to Raz, "wrenching" people out of traditional societies "may well make it impossible for them to have any kind of normal rewarding life whatsoever because they have not built up any capacity for autonomy."[78] In short, communities that enable their members to experience well-being should be accommodated.

To round things out, Raz also advocates the accommodation of modern cultural minorities, who by definition have "built up a capacity for autonomy." He does so by making an argument similar to Kymlicka's, with two key differences. One is that Raz's argument is limited to modern societies and does not apply to traditional communities. The other is that his encompassing groups, which play a role very similar to societal cultures and are also conceived in cultural monist terms,[79] are not necessarily territorially concentrated,[80] and thus can be applied more easily than Kymlicka's societal cultures to justify accommodation of ethnic and immigrant groups.[81]

This approach of appealing to underlying values appears capable of providing a principled basis for recognizing that there might be value in both modern and premodern cultures. Some questions it raises concern the nature of this underlying value: What is this underlying value? Why is it important? How, if at all, is this value to serve to prevent radical appeals to cultural relativism that would undermine the very possibility of a principled multicultural politics?

Rejecting the Modern/Premodern Distinction

The final account of the relationship between modern and premodern cultures that I wish to discuss rejects both cultural monism and the moral significance of the distinction between modern and premodern cultures. It is illustrated in James Tully's idea of a "post-imperial view of constitutionalism." Tully's approach is distinguished by his refusal to treat processes of modernization as a constraint on his moral thinking. He adopts a critical perspective towards modernity by attempting to view matters "from the perspective of the struggles of Aboriginal peoples."[82] This offers an important vantage point because, as Carens notes, Aboriginal cultures are not modern and "cannot be understood as the product of modernization."[83] When modern constitutionalism is viewed from this vantage point, Tully says, "unnoticed aspects of its historical formation and current limitations can be brought to light."[84]

This perspective enables Tully to challenge assumptions about the superiority of modernity as well as the tendency to essentialize the West as modern.[85] He argues that the modern view is not the only understanding of constitutionalism in the Western tradition; other elements are "hidden" and available to be recovered.[86] This argument results in a decidedly anti-monist understanding of the relationship between individuals and cultural communities: cultures in diverse societies, Tully writes, "are neither sharply

bounded, homogenous nor static; they are a cluster of intercultural relations negotiated and renegotiated over time."[87]

Properly understood, he argues, Western civilization embodies "two dissimilar [constitutional] languages: a dominant, 'modern' language and a subordinate, 'common-law' or simply 'common' language."[88] The dominant modern language embodies key elements largely shared by the approaches of Rawls and Dworkin, Taylor and Kymlicka: "A culturally homogenous and sovereign people … [who establish a constitution that] founds an independent and self-governing nation state with a set of uniform legal and representative political institutions in which all citizens are treated equally."[89] Theorists in the traditions of modern constitutionalism, he says, respond to demands for recognition of cultural diversity either by assimilating those demands "to the prevailing forms of recognition" or by judging them "unwarranted."[90] The second, or common constitutional language, reflects Tully's anti-monist account of cultures. Within each culture there are competing views on many matters, including constitutionalism; some overlap with perspectives found in other cultures, some do not. Tully describes the overlap as representing a "common language of constitutionalism" that is spoken on the "intercultural common grounds." This dovetails with his thoughts on freedom and popular sovereignty: the only view of constitutionalism to which all might freely consent is the one articulated on this "'common' ground."[91]

An implication of this idea of an intercultural common ground is that it blurs the distinction between modern and premodern cultures. It suggests that the contemporary West *can* recognize the demands of traditional cultures because it shares many of their values; these values have not been left behind in a premodern past but rather have been "elbowed aside" and are merely "hidden."[92] This view also provides a basis for challenging assumptions about the superiority of liberal modernity. Since the intercultural common ground highlights that which is common to, or overlaps, all cultures, it actually marginalizes the very features that distinguish modernity.

The idea of an intercultural common ground underlying and overlapping and thus binding together various cultures in a shared conception of justice is appealing. It seems especially well suited for recognizing both modern and premodern cultures on their own terms. It does, however, raise a couple of questions. What is the content of this common ground and how can we know we've discovered it? And even if we can know it, what, besides its commonality and its fit with a certain conception of popular sovereignty, should convince us to prefer it to other conceptions of justice?

Summary
Here again we are presented with irreconcilable positions that press us to ask questions about foundational assumptions. Either the progress of modernity should be treated as inevitable or it should not. Either the values of liberal

modernity should be applied to all cultures and communities, or they should not. If not, then we must ask how our moral universe must be constructed if both modern and traditional cultures should be respected within their own spheres. And finally we must ask if any moral basis can generate a principled and non-arbitrary approach to adjudicating conflicts across these spheres. If not, then our choice may really be between liberal universalism and moral relativism.

State Borders, Social Unity, and Intercultural Dialogue

While the boundaries of states and sub-state units are often morally and historically arbitrary, their impact sets the context of all debates about multi-culturalism: borders determine which groups are present and thus must find a way to live together; they affect which group is in the majority and which the minority; they influence the distribution of power between groups and thus help determine which groups have to request cultural accommodations and which groups are in a position to satisfy or deny such requests. As I noted in describing the liberal culturalist consensus, there is a tendency in this literature to suggest intercultural dialogue as a basis for fostering and sustaining social unity under these conditions.

One problem with the appeal to intercultural dialogue is that, at least within some philosophers' arguments, it lacks a clear purpose. This problem appears most distinctly in the works of Kymlicka and Carens. Although both advocate intercultural dialogue as a means for modern liberal societies to interact with traditional and illiberal societies,[93] both also indicate that they believe liberal conceptions of justice constitute justice, if not universally, at least under modern conditions. My concern can be stated as a question: Where liberal-democratic conceptions of justice are presupposed to consti-tute justice, what "shared" or "mutual understanding" can be expected to emerge about the substance of justice?[94] Tully captures the essence of my concern when he writes that if one "language or tradition gained ascendancy in a constitutional negotiation, it would cease to be a dialogue at all."[95]

This said, I think it is fair to say that among the approaches canvassed in this chapter, intercultural dialogue has a clearer purpose in those, like Tully's, that put more emphasis on popular sovereignty than on liberal rights. For instance, on Tully's account, the purpose of dialogue is not to discover some pre-existing understanding of justice but to produce or even constitute justice in relations between cultural groups. Tully argues that a constitution that reflected the common language of constitutionalism would "be seen as a form of activity, an intercultural dialogue in which the culturally diverse sovereign citizens of contemporary societies negotiate agreements on their forms of association over time in accordance with the three conventions of mutual recognition, consent and cultural continuity."[96] That is, each group would be recognized by other groups as it understands itself (mutual recognition), and

it would be permitted to sustain its present identity (continuity) until such time as it agreed to changes affecting that identity (consent).

Even under conditions where intercultural dialogue has such a clear purpose, I think it is fair to ask whether, other things being equal, either majorities or minorities should be positively motivated to engage in such dialogues. From the majority's perspective, several negative implications may be associated with intercultural dialogue. Successful dialogue may require compromising "hallowed" conceptions of the state-level community; it is likely to entail a lot of work and frustration; and it may be perceived as impeding the majority's ability to "act as a nation."[97] Thus, majorities may feel that the costs associated with successful dialogue outweigh any possible benefits. Intercultural dialogue does not look much better from the minority's perspective. The main reasons for participating are more often to avoid bad outcomes than to achieve good ones. Consider, for example, reasons Kymlicka has suggested for minorities to participate: to demand special accommodations, rights, or privileges; to defend existing accommodations from encroachments; to protect their interests and identities from being marginalized; and to overcome systemic discrimina-tion.[98] But minorities must attempt to achieve these goals by engaging in a dialogue that is likely to be conducted in the majority's language, a language that presupposes its values and conceptions of justice. Again, Tully captures the essence of the problem when he writes: "If there is to be a post-imperial dialogue on the just constitution of culturally diverse societies, the dialogue must be one in which the participants are recognized and speak in their own languages and customary ways. They do not wish either to be silenced or to be recognised and constrained to speak within the institutions of interpretation of the imperial [modern liberal] constitutions that have been imposed over them."[99] Given these concerns, we might ask, as many national minorities do, wouldn't it be better all around to revisit the question of the territorial boundaries of states and, wherever possible, advocate secession?

This being the case, those of us who wish to resist secessionist impulses need to develop answers that face these problems with the arbitrariness of state boundaries head-on. Kymlicka's treatment of secession and social unity in *Multicultural Citizenship* provides a good example of how this problem is often confused by cultural majorities. In the course of two paragraphs he acknowledges that liberalism is not inconsistent with secession in principle, then notes many good and well-known reasons why secession "is not always possible or desirable," and concludes that "we need to find some way to *keep* multination states *together*."[100] The problem is that the conclusion doesn't follow from the premises: if it is meant to apply to situations where secession is not a viable option, the problem, by definition, is not how to keep them together but what to do when they cannot be separated; and, if it is meant to apply to cases where secession is a viable option, it raises the question of why groups should not be allowed to live apart.

In situations such as Quebec in Canada, Scotland in the United Kingdom, and Catalonia in Spain, state borders and intercultural dialogue cannot be justified by appeals to the impossibility of secession. Instead, I think we must accept with Taylor that in such cases the coexistence of different peoples in the same state is "always grounded in some mixture of necessity and choice."[101] Once we accept this, different questions arise. For example, if we accept the moral and historical arbitrariness of existing state borders and their uneven effects on the interests of cultural communities, are there any good reasons to insist on sustaining such political communities where secession is a viable option? And, assuming an answer can be found to the first question, are there any means by which intercultural relations in such states might be made more just?

Conclusion

The purpose of this chapter has been to demonstrate that the emerging consensus on advocacy positions is not accompanied by a similar consensus on foundational assumptions, that these underlying differences have significant implications for matters of practical policy, and thus that a return to ontological or foundational assumptions is warranted. Rather than summarize all the questions that have been raised, I will simply emphasize how the topics canvassed naturally lead to matters of foundational assumptions. The first four topics – the nature and value of the relationship between individuals and communities, how communities are to be defined, the role of socialization, and whether cultural interests should be associated with individuals or communities – all raised questions that can be answered only by considering the nature and formation of individual identity, the nature of community, and the relationship between the two. The fifth topic – modern versus premodern or traditional cultures – requires considering the relationship between justice, liberalism, and a conception of personal autonomy that privileges individual choice and critical reflection. The final topic – state borders, social unity, and intercultural dialogue – requires considering what, if anything, can justify efforts to maintain the unity of existing states, with their arbitrary majorities and minorities. We have also seen that how these questions are answered has implications for how key elements of the liberal culturalist consensus are to be implemented, and for whether others, such as the accommodation of ethnic, immigrant, traditional, and premodern groups, can be justified at all.