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Ways of belonging: ethno-national minorities and models of ‘differentiated citizenship’

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The campaigns by many national minorities for greater regional autonomy to establish distinct legal and political frameworks and calls for cultural recognition by ethnic and religious minorities have highlighted the limitations of the dominant model of the modern nation state as an administratively centralised, and politically and culturally homogeneous unit. The emphasis such groups place upon collective identity and their subsequent demands for group rights question the wide-spread assumption that the nation state should constitute the only significant locus of political belonging and that citizenship should be seen primarily in terms of equal, universal, individual rights. For theorists such as Taylor, Carens and Parekh¹ these challenges highlight the need for an alternative conception of the modern state that can accommodate the aspirations of diverse cultural, ethnic and national groups. In place of the preoccupation with homogeneity that characterises dominant models of the nation state - including the liberal ideal of civic nationalism, Taylor and Carens propose distinctive models of liberal democratic citizenship which seek to recognise multiple forms of belonging to the political community and overlapping identities and citizenships. What characterises these models of ‘differentiated citizenship’ is a commitment to what Taylor terms ‘deep diversity’; an arrangement that would grant many minorities collective group rights, including rights to self-government for territorially based minorities. On such a model, individual citizens are incorporated into the state not universally, but consociationally, that is to say as members of their cultural or national group. Thus members of different minority cultural and national groups belong to the state in different ways. Hence
membership of the relevant cultural or national group becomes the primary locus of political identity.

While attempts to develop models of the state that recognise the multiple dimensions of citizenship are to be welcomed, the paper argues that these conceptions of citizenship remain problematic on three counts. (1) Although theorists such as Taylor and Carens stress that cultural and national identities should be defined in an open way and that the fundamental rights of all citizens must be respected, the exercise of collective rights which seek to guarantee the long-term survival of a particular language or culture may ultimately remain at odds with the liberal ideals of equality, freedom and self-determination. (2) Furthermore, the emphasis these writers place upon the recognition of existing identities does not provide an adequate model for the struggles for recognition by social groups such as women. (3) Finally, if national or cultural group membership is to be the primary focus of political identity, it is difficult to see what common good the state will secure. While membership of the state may continue to be of instrumental benefit to the various communities that constitute it, this may not be sufficient to generate a genuine sense of cohesion necessary for political stability. The paper concludes that, although the advocates of ‘differentiated citizenship’ address many of the limitations of dominant models of the nation state, if this approach is to succeed, it must answer complex questions surrounding political stability and the equality of citizens. Here one potentially promising avenue is indicated by Parekh’s emphasis upon intercultural dialogue.
**Ethno-national minorities: challenges to the modern nation state**

The dominant model of the nation state as an administratively centralised, and politically and culturally homogeneous unit has its roots in the late fifteenth, early sixteenth century and reflects a historically and culturally distinctive vision of the political order that has a strong liberal orientation. Whereas pre-modern polities tended to be composed of communities like castes, clans, tribes and ethnic groups, the modern state is defined as an association of individuals. Individuals are not linked to the state through membership of a particular cultural community, but stand as singular citizens in the same direct relationship to the state. Thus citizens relate to the state in an identical manner and enjoy equal status. This preoccupation with the relationship between state and individual citizen is probably most apparent in the liberal contract tradition. For contract theorists the state is the product of a process of deliberation among undifferentiated individuals and no account is taken of the customs, traditions and institutions that may constitute a particular people prior to the social contract. On this model to ‘be a citizen is to transcend one’s ethic, religious and other particularities, and to think and act as a member of a political community’. The aim is to constitute one uniform political association. Hence even liberal states hostile to the idea of ethnic nationalism have promoted forms of civic nationalism. This drive for homogeneity is reinforced through a uniform legal system. A single set of constitutional principles guarantees identical rights and obligations to all citizens and, in the case of federal states ensures that the various component units are granted roughly the same rights and powers. In contrast the constitutions of pre-modern polities were multiform - an ‘assemblage’ of overlapping legal and political jurisdictions, based upon a variety of local customs. Finally, whereas earlier polities recognised
multiple and often cross cutting ethnic, religious and territorial identities, the modern nation state attaches unprecedented importance to territory. Thus the modern state is typically perceived as a self-contained unit within which the state acts ‘as the sole collective spokesman’\(^6\). Indeed, since the 19\(^{th}\) century citizenship has come to be identified with membership of a modern nation state\(^7\).

Yet this vision of the nation state has important limitations. Whereas the dominant model of the nation states seeks to build a culturally and politically homogeneous unit, many modern states have recently been confronted with the ever more vocal demands on the part of an increasing number of minority groups for the recognition and support of their particular identity and culture. Thus numerous national minorities have sought to protect their distinct identity and culture by gaining legal protection and support for their national language. For instance the Catalans in Spain, the Quebecois\(^8\) in Canada and, to some degree the Welsh in Great Britain have attempted to enshrine in law the use of their national language in schools, employment, the media and public life in general. Such campaigns have frequently been associated with wider demands for greater regional autonomy to and, in the case of Quebec, secession. Another distinctive set of demands stems from the aspirations of indigenous people in New Zealand, Australia, Canada and the United States to gain greater control over the resources and policies that affect their way of life. Here the focus has tended to be on land rights. For example, in New Zealand Maori have invoked the Treaty of Witangi\(^9\) to establish claims to ancestral lands, while in Australia the 1992 High Court Judgement in the Mabo\(^10\) case recognised the principle of indigenous land rights. Similar legal challenges have been mounted in Canada\(^11\). Yet a
different set of concerns has been voiced by religious minorities, who have expressed fears about the impact of educational provisions upon their ability to raise their children in accordance with their own religious beliefs. Thus in Britain sections of the Muslim community have campaigned for state funding for Islamic schools, while in France Muslim girls have demanded the right to wear traditional headscarfs or hijab in the classroom\textsuperscript{12}. In a similar vein in the United States members of the old order Amish obtained an exemption for their children from mandatory high school attendance\textsuperscript{13}, whereas ‘born again’ Christians in Tennessee\textsuperscript{14} have sought the right to withdraw their children from a school reading programme, the content of which they regard as inhospitable to their beliefs.

While the dominant model of the nation state emphasises our shared or universal interests as fellow citizens, these demands for recognition highlight the political significance of those interests individuals possess by virtue of their membership of a particular religious, ethnic or national group. Rather than transcend their particular identities, those campaigning for recognition have stressed the impact of ethnicity, religion and nationality upon the identity of individual group members and have pointed to the links between the well-being of individual members and the well-being of the group as a whole. Consequently many groups campaigning for recognition seek group specific cultural rights designed to protect and perpetuate their culture and identity. Such group-differentiated rights can take the form of either \textit{personal} or \textit{corporate cultural rights}. While personal cultural rights are exercised by group members individually, corporate cultural rights are exercised by the group collectively. For example, the campaign by
Muslim girls in France for the right to wear headscarfs in the classroom constitutes a demand for personal cultural rights. In contrast campaigns by national minorities for greater self-government and demands by indigenous people for special hunting, fishing and land rights are calls for collective cultural rights. On the dominant model of the modern nation state such demands for group-differentiated rights are problematic on at least two counts. (1) Both personal and collective cultural rights challenge the assumption that citizenship should be seen primarily in terms of identical, universal, individual rights and hence challenge the conventional meaning of equal citizenship. (2) In addition collective cultural rights contest the claim that the state should constitute the only significant locus of political belonging and thus raise important questions about the manner in which citizens are to be incorporated into the state.

‘Deep diversity’ and ‘differentiated citizenship’

In the light of these difficulties theorists such as Charles Taylor, Joseph Carens and Bhikhu Parekh have recently expressed serious doubts about the adequacy the dominant unitary model of the nation state. As Carens notes:

‘This picture of citizenship is inadequate in many respects. It is conceptually inadequate in the sense that it does not appreciate the multiple dimensions of citizenship and the complex relationships among these dimensions. It is empirically inadequate in the sense that it does not correspond to actual practices in…states that embody a recognition of multiple forms of belonging and of overlapping citizenships. And it is theoretically inadequate in the sense that it fails to see the ways in which recognition of difference may be essential to fulfil the commitment to equality that is often expressed in the language of citizenship.’

In contrast to the emphasis of the unitary model on cultural and political homogeneity, most modern states are ‘multi-ethnic and multinational societies whose constituent communities entertain different views of its nature, powers and goals, have different
histories and needs and therefore cannot be treated in an identical manner. A failure to recognise these diverse needs and aspiration could lead to injustice and oppression and may well give rise to political instability. This is indeed recognised in the practices of many nation states, which already grant at least some cultural rights to a number of religious, ethnic and national minorities. Thus for instance, in the United States the Supreme Court upheld the right of the Amish to keep their children out of local high schools (Wisconsin v. Yoder 1972), while New Zealand recognises claims by Maori to ancestral land. Finally, whereas the unitary model assumes that the legal, psychological and political dimensions of citizenship reinforce one another and clearly identify every individual with one particular nation state, the relationship between these dimensions is complex and the three dimensions do not necessarily fit together tightly. Not only do many nation states recognise dual citizenship, individuals often have multiple loyalties and identities and attachments, which may at times run contrary to their formal legal citizenship status. For example, regardless of their formal citizenship, the descendants of immigrants may continue to feel a strong attachment to the country of their ancestors.

In the light of the limitations of the unitary model, Taylor and Carens have developed distinctive models of liberal democratic citizenship that seek to recognises multiple form of belonging to the political community and set out to accommodate overlapping identities and citizenships. Thus both writers reject the difference-blind conception of equality that characterises the unitary model in favour of the idea of equitable treatment, which recognises that the standard schedule of liberal rights might apply differently in different cultural context. Furthermore both want to enable citizens to be incorporated
into the state not just universally but also consociationally, that is to say as members of their cultural or national group.

Difference-blind conceptions of equality have of late been subject to considerable criticism. Although every liberal democratic regime must uphold certain principles, such as freedom of speech, freedom of religion, majority rule on so on, these principles can be implemented in a variety of ways and every actual liberal regime remains thickly embedded in particular contexts. After all every state must make decisions about which official language to use, what public holidays to respect and how to draw internal boundaries. Yet such decisions may place members of religious, ethnic and cultural minorities at a disadvantage. In the light of these difficulties a number of liberal writers - including Habermas, Kymlicka and Raz\(^{17}\) - have argued that if members of minorities are not be discriminated against they must be granted group specific cultural rights. The aim of such rights is to ensure that the autonomy of all citizens is protected equally. What distinguishes the models of differentiated citizenship advocated by Taylor and Carens is that in addition to personal cultural rights designed to protect the members of minority groups from discrimination, these writers advocate collective cultural rights that seek to guarantee the long-term survival of a particular culture and identity. Yet in the eyes of many liberals collective cultural rights remain profoundly problematic, since attempts to guarantee the survival of cultures may entail restrictions on individual freedom.

For Taylor and Carens, however, collective cultural rights are not incompatible with a commitment to liberalism. Both maintain that since individual identity is constructed
within a particular cultural context, a secure identity can only be established if the survival of the cultural community in which it was formed is ensured. A failure to safeguard the particular identity of existing cultural communities constitutes a threat to the identity of their members and, hence, is incompatible with the typically liberal commitment to equal respect. Taylor maintains that a liberal society can legitimately adopt measures designed to protect and promote the culture and way of life of a particular community, provided such measures respect the fundamental liberal rights of all citizens and grant equal citizenship to all members of society. Here Taylor draws a careful distinction between fundamental rights, such as rights to life, liberty, due process, freedom of religion, free speech etc. and the wide range of possible privileges and immunities, which may be granted by the state. While the liberal state must protect the fundamental rights of all citizens equally, privileges and immunities ‘can be revoked or restricted for reasons of public policy’. Indeed the liberal state should at times ‘weigh the importance of certain forms of universal treatment against the importance of cultural survival, and opt sometimes in favour of the latter’.

Thus, for instance, on this account, the government of Quebec is entitled to safeguard the continuation of French Canadian language and culture. Hence laws stipulating that commercial signs be in French and which require that companies with more than 50 employees use French, as well as the compulsory French language education of children of French speaking parents and immigrants, do not, according to Taylor, violate the fundamental rights of either immigrants or the English speaking community in Quebec. They merely restrict certain privileges and immunities. Thus a government may effectively safeguard the survival of a nation’s culture, without violating the rights of those citizens who do not subscribe to this
particular vision of the good. This view is echoed by Carens. While the state cannot
legitimately restrict the right of citizens to communicate in their chosen language, it does
not have to be neutral as far as the positive support for languages is concerned. As long
as the Quebec state permits the English speaking community and immigrants to
communicate in their chosen language, it can legitimately insist upon the use of French in
public life. Not only is French central to the culture and way of life of the majority of the
Québécois, French-speaking Canadians constitute a potentially vulnerable minority in
overwhelmingly English-speaking North America. Indeed the Québécois are keenly
aware of the rapid and substantial decline of the use of French among francophone
emigrants from Quebec. Prior to the introduction of the language laws, this vulnerability
was reinforced by the tendency of immigrants to Quebec to learn English rather than
French. However, while Carens believes that the Québécois are entitled to take steps to
secure the long-term survival of their distinctive cultural community, he stresses that
Québécois culture should be defined in an open way with an almost exclusive emphasis
on the French language as the shared cultural commitment and without privileging the
culture of the descendants of the settlers of Quebec. This ensures that while immigrants
will have to adopt the French language, they can none the less feel a genuine sense of
belonging to the community.

As Taylor’s and Carens’ discussion of Quebec indicates, these writers endorse a model of
citizenship which grants cultural and national minorities the right to develop their own
distinct legal and political frameworks designed to protect and perpetuate their cultural
identity. However, Taylor and Carens do not merely challenge the preoccupation with
political and legal homogeneity that characterises the dominant model of the nation state, they also raise important questions about the manner in which citizens are incorporated into the state and identify with the state. As Carens notes, the unitary model insists upon ‘the sovereignty of the nation state and thus the subordination of other forms of political community … With respect to citizenship, the conventional view is that state citizenship should take priority as a locus of political identity, that other forms of citizenship ought to be subordinate, both legally and psychologically.’

While the unitary model expects citizen’s primary attachment to be to the state, citizens frequently identify more strongly with the national and cultural communities that make up the state than with the state itself. Thus francophones living in Quebec identify more strongly as Québécois than as Canadian. Similarly many Scots in Britain see themselves as Scottish first and British second. Something analogous holds for many aboriginal communities. According to Taylor and Carens liberal democratic states should not only seek to accommodate but should embrace such ‘deep diversity’ ‘as a positive basis for unity and a common identity’. ‘First-level’ diversity acknowledges that there are differences in culture, outlook and background, but insists that all citizens stand in an identical relationship to the state. In contrast ‘deep’ or ‘second level’ diversity allows members of different cultural and national groups to belong to the state in different ways. Thus reflecting upon the diverse loyalties and senses of identification that characterises Canadian politics Taylor concludes:

‘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 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 Québécois or a Cree or a Déné might belong in a very different way, that these persons were Canadian through being members of their national communities. Reciprocally, the
Québécois, Cree or Déné would accept the perfect legitimacy of the ‘mosaic identity.’

Just like asymmetrical federalism, ‘deep diversity’ requires that the institutional arrangements, including the legal rights and duties of citizens, should ‘reflect the psychological realities of differentiated political identities’.

Thus the state should play a stronger role in parts of the federation where the primary attachment is to the state and a lesser role in areas where the primary attachment is to a local national or cultural identity. However, ‘deep diversity’ ‘goes further than asymmetrical federalism in the sense that it affirms, and does not merely yield to, the multiplicity and variety of political identities’. ‘Deep diversity’ therefore expresses a particular political culture rather than just a set of political arrangement.

This model of ‘deep diversity’ has particularly far reaching implications for liberal democracies as far as the accommodation of non-liberal minorities, such as, for example, aboriginal peoples, is concerned. These are illustrated by Carens’ discussion of the demands by aboriginal people in Canada for greater control over their lives. According to Carens, if a case can be made for a right to self-government for the Québécois, then the same must apply to aboriginal people. Indeed ‘their political identities are clearly much more sharply distinct from Canadian citizenship than those of any other people who live in Canada.’ For Carens this degree of difference has far reaching political consequences. Whatever the differences between French-speaking and English-speaking Canadians, both cultures are broadly liberal and recognise the standard language of liberal rights and freedoms. However, where difference runs deeper, as in the case of aboriginal people, the language of liberal rights and freedoms may be perceived by some
minority communities as alien. Thus, for instance, while some Canadian aboriginal people, such as the Métis, have embraced the Canadian Charter of Rights and Freedoms introduced in 1982, other aboriginal groups have argued that the Charter should not apply to them. Opponents of the Charter maintain that the typically liberal language of individual rights and freedoms is alien to their culture and tradition which emphasises responsibilities and the well-being of the community. While Carens does not wish to simply endorse the view that the Charter should not apply to aboriginal governments, he does recognise such a view as potentially defensible and plausible. For Carens principles of justice, like all other principles, require ‘mediation, instantiation, embeddedness in some concrete social context.’ Hence in the ‘face of deep cultural differences within a state, it may be appropriate and even necessary to try to construct alternative forms of mediation, forms more concurrent with non-dominant cultures’\(^{28}\). Carens is therefore in principle sympathetic to the idea that aboriginal governments should be free to draw up their own Charter or that the Charter should only ‘apply to aboriginal governments as long as those governments have the same override powers as the federal and provincial governments’\(^{29}\). In Carens’ opinion the later is particular difficult to object to. After all fundamental rights and freedoms can be protected in a variety of ways and ‘what will work best in a particular political context depends partly on the character of the culture of the people whose rights and freedoms are being protected.’\(^{30}\)

*The Dilemma of ‘Deep Diversity’*

The demands for recognition and the multiple and cross-cutting loyalties identified by Taylor and Carens are by no means unique to Canada. As noted earlier, many liberal
democracies have recently been confronted not only with demands for cultural rights on the part of ethnic and religious minorities, but have also witnessed challenges to the existing constitutional arrangements that govern the relationship between the state and its national and cultural communities. The model of ‘differentiated citizenship’ advocated by Taylor and Carens clearly constitutes an innovative response to these challenges and avoids the difficulties associated with formal equality and a unitary model of citizenship as advocated by the dominant model of the nation state. Yet, despite these strength, this model of ‘differentiated citizenship’ remains problematic on at least three counts: (1) Collective rights which seek to guarantee the long-term survival of a particular language or culture may ultimately remain at odds with the liberal ideals of equality, freedom and self-determination. (2) Furthermore, the emphasis these writers place upon the recognition of existing identities does not provide an adequate model for the struggles for recognition by social groups such as women. (3) Finally, if national or cultural group membership is to be the primary focus of political identity, it is difficult to see what common good the state will secure.

Although Taylor and Carens stress that their model of ‘differentiated citizenship’ is compatible with liberalism, the liberal credentials of this approach are open to question. In this context the idea of collective cultural rights is liable to remain particularly problematic. In the eyes of liberal critics such as Steven Rockefeller, an emphasis upon ethnic identity and cultural survival is liable to generate a separatist mentality that is ‘inconsistent with the ideals of freedom, equality and the ongoing, co-operative and experimental search for truth and well-being’\(^\text{31}\). Yet for many liberals these ideals are
definitive of a liberal society. Indeed Carens acknowledges this point when he observes that the unitary model of citizenship does offer an ideal of equality, which ‘provides grounds for criticising policies and practices that exclude or marginalise distinct groups of citizens.’\textsuperscript{32} Not only is the closure with respect to outsiders, which tends to accompany the consolidation of cultural identity, liable to impair the sense of solidarity that underpins the liberal commitment to equal dignity and universal rights, it may also threaten to undermine the freedom and autonomy of group members. As Habermas notes, policies such as the Quebec language laws, which seek to guarantee the long-term survival of a particular cultural community, extend well beyond what could be justified as ‘just providing ... a facility to already existing people.’\textsuperscript{33} After all the ‘language laws’ of Quebec not only ensure that francophones are able to use French in public, but actually restrict the availability of English language-based education and limit the use of English in certain spheres of life. Such measures clearly constrain the ability of francophones to freely choose to speak English. Yet if cultural survival is to be guaranteed such restrictions are vital. To ensure long-term survival a culture must systematically socialise future citizens into the language, values and norms definitive of that culture. This is most readily achieved if the choices of future citizens are restricted. However, such attempts to fix the identity of future generations are not readily compatible with the ideals of individual freedom and self-determination upon which liberalism is premised. As Ripstein observes, while keeping traditions alive is one of the most abiding of human aspirations, ‘it is not clear that this is the sort of aspiration that liberals should be prepared to use the state to protect.’\textsuperscript{34}
Here liberals are liable to be particularly fearful of the desire of non-liberal societies to preserve their traditional character. For example, while the long-term survival of certain religiously-based cultures may well require state intervention and protection to ensure that children continue to share the faith of their parents, liberals would surely not wish to use the powers of the state to enforce religious faith\(^35\). Taylor seeks to address such fears by distinguishing between ‘fundamental rights’ and ‘privileges and immunities’. However, ‘[f]undamental liberal rights always require interpretation’\(^36\). In a truly multicultural society should the ‘right to freedom of religion’ be interpreted primarily in terms of the right of individuals to autonomously choose faith commitments or should it merely imply tolerance of the faith of others? Thus for Ripstein, while the distinction between ‘fundamental rights’ and ‘privileges and immunities’ ‘is by itself impeccable, Taylor asks it to support a heavier load than it can bear.’\(^37\)

Similar difficulties surround Carens’ insistence on the need to define culture in an open-ended manner so as to guarantee equal citizenship to immigrants and ensure that immigrants can feel a genuine sense of belonging to the community. Thus, in the case of Quebec, Carens maintains that while the government can legitimately insist upon the adoption of the French language as a shared cultural commitment, it should not privilege the culture of the descendants of the French settlers of Quebec. However in practice it may be difficult to distinguish between preserving the French language and upholding Québécois culture. Although from a liberal perspective, immigrants can legitimately be asked to accept the constitutional principles anchored in the wider political culture, the liberal principle of impartiality implies that they cannot be expected to take on board the
particular culture that prevails in a given country. On the contrary there has to be room for mutual adaptation. While all liberal states inevitably reflect the concerns of the social and cultural groups within its boundaries, the arrival of new ethnic groups should in the long-run lead to changes in the political identity of the state. This gives rise to an uncomfortable dilemma. If, in the case of Quebec the common cultural commitment could be successfully limited to the French language, it would be difficult to see what would remain of the Quebec demand for distinctiveness and why Quebec should be entitled to restrict the freedom of citizens. If, on the other hand, a strong case can be made for a genuinely distinct French-Canadian culture, tied to a specific history and particular cultural practices, it is difficult to see how on liberal grounds this identity can be tied in exclusively with the Quebec state.

A preoccupation with cultural identity may not only restrict the freedom of future generations and immigrants, but may also prove oppressive vis-à-vis existing group members. Even if individual rights are respected, a ‘politics of cultural survival’ may lead to pressure being placed upon the individual to define herself primarily in terms of her cultural membership rather than a whole host of alternative criteria which may shape her identity. After all, our cultural identity constitutes only one influence upon our conception of the good life. In modern societies we all belong to many distinct and sometimes opposing groups. Thus our occupation, social status and choice of neighbourhood all contribute to our sense of self and conception of the good life. In the face of such a range of possible sources of identity, a preoccupation with cultural membership may lead to an undue emphasis upon this aspect of the self. Indeed, as Amelie Rorty\textsuperscript{38} notes, in the context of the American multiculturalism debate members of
the Jewish American and African American communities have been pressurised to define themselves primarily in terms of their cultural identity. These communities tend to expect their members actively to participate in promoting specific policies associated with Jewish or Black interests and to vote along ethnic lines. While individuals may choose to resist such pressures, such resistance often carries with it costly personal consequences in terms of losses of alliance and friendship.

Such pressures upon individual members of a community become particularly troubling once the contested nature of cultural identity is recognised. While Taylor and Carens are sensitive to the diversity of differently constituted political societies, their vision of particular cultures remains quite homogeneous. For Taylor the members of a cultural community share meanings and values and are collectively committed to the promotion of their particular conception of the good. Such an emphasis upon shared meanings and goals, however, appears to underestimate the extent to which cultural identity will always remain internally contested. As Houston\textsuperscript{39} observes, part of the difficulty here stems from the manner in which Taylor tends to conflate the construction of individual identity and cultural identity. While the construction of individual identity presupposes a constituting self prior to the dialogue with others, which generates a sense of unity and coherence, cultural identity lacks such a unifying centre. In the construction of cultural identity there simply is ‘no neutral referee to choose a coherent logic between multiple competing narratives’\textsuperscript{40}. The construction of cultural identity is therefore an inherently political process, characterised, in the words of Amelie Rorty, by powerful, intracultural struggles.
to determine the ‘right of authoritative description’\textsuperscript{41}. Therefore what is to be regarded as ‘shared inheritance’ is liable always to remain to some degree contested.

These worries regarding the contested nature of identity also highlight a second problem inherent in the idea of ‘differentiated citizenship’ as advocated by Taylor and Carens. The emphasis Taylor and Carens place upon the recognition of particular distinctive cultural identities is clearly well-placed to capture the character of modern nationalist politics. However critics have questioned whether such an appeal to the recognition of existing identities can provide an adequate model for the struggles for recognition by social groups like women. As critics such as Nicholson and Wolff\textsuperscript{42} have been quick to point out, in the case of women, it is precisely the recognition of their particular identity which is problematic. Historically, women have only too readily been recognised and defined in terms of their gender. As Wolff notes, for women the problem is not that powerful sectors of the community do not notice or do not want to notice their specific identity, ‘but that this specific identity is put to the service of oppression and exploitation’\textsuperscript{43}. Consequently, in the case of women, the demands for recognition do not primarily reflect a desire to have a particular way of life recognised, but stem from an analysis of the ways in which ‘oppression was manifesting itself in terms of forms of descriptions and evaluations’\textsuperscript{44}. These worries about the nature of recognition are particularly troubling with regard to the recognition of cultural and religious groups who do not endorse the liberal commitment to gender equality. According to Carens, a commitment to a genuinely differentiated citizenship requires that liberal societies tolerate many of the gender differences inherent in the internal cultures of religious, ethnic or national groups. While Taylor and Carens link the recognition of cultural identities to the liberal ideal of equal respect, the
comparatively low esteem in which women are held in such cultures and the restrictions
cultural expectations place upon women’s choices and the kind of lives they should lead,
may well undermine women’s self respect. While Carens believes that the commitment
to equality inherent in a liberal public culture subverts patriarchal values, the worry
remains that traditional communities may be able to resist such pressures only too well.
Thus cultural rights that seek to support and sustain existing cultural identities and
practices may ultimately threaten rather than promote the kind of recognition that Wolf
and Nicholson regard as central to women’s identity politics. Some of the tensions here
are illustrated by the debate among Aboriginal women in Canada regarding the Canadian
Charter of Rights and Freedoms. While some Aboriginal women have sought to have
their voices heard within aboriginal governments, other have argued that the Charter
should be applied directly to aboriginal governments, so as to protect women from a
traditional, male-dominated leadership, insensitive to their rights and interests. From a
liberal perspective the worry remains that any attempt to mediate typically liberal rights
and freedoms in the light of the values and practices of traditional communities will
undermine key liberal commitments such as gender equality.

In addition to these worries regarding the liberal credential of the model of citizenship
advanced by Taylor and Carens, it is questionable whether a ‘differentiated citizenship’,
which enables citizens to be incorporated consociationally will be able to generate bonds
strong enough to sustain the state. Both Taylor and Carens maintain that in the face of
genuine cultural diversity a ‘differentiated citizenship’ is more likely to promote civic
integration than the conventional unitary model. Thus for Taylor ‘deep diversity is the
only formula on which a united federal Canada can be rebuilt. Yet, as Horton notes, if the primary identity of citizens is as members of their national community, it is difficult to see what common good the federation will secure. While an alliance can promote law and order, security and common provisions and may well be of instrumental benefit to the various national communities that constitute it, Taylor himself recognises that ‘securing common goods in this sense is not sufficient to make them a single people’. In the absence of genuine sense of common purpose over and above the purely instrumental, a federation that recognises ‘deep diversity’ will be difficult to maintain in the long-run.

**Diversity and Unity: Reconceptualising Citizenship**

While the models of ‘differentiated citizenship’ advocated by Taylor and Carens recognise multiple forms of belonging and can accommodate overlapping identities and citizenships, the difficulties that surround these models highlight the dilemma that confronts many modern states. The modern state can only secure legitimacy if all citizens are shown equal respect and are able to participate in the political process on equal terms. If this is to be achieved the different histories, needs and goals of the various communities that constitute the state must be acknowledged. Yet, at the same time, a multicultural society must develop a genuinely shared culture. If such a culture is to provide a basis for civic integration and mutuality, it must be based upon more than purely instrumental considerations. While the collective rights advanced by Taylor and Carens are well placed to accommodate the demands for recognition by many national and cultural minorities, such rights risk reinforcing differences between communities and thus may undermine attempts to develop a shared culture and an overarching national
identity. Hence attempts to secure the long-term survival of a language or culture via collective rights not only remain problematic from a liberal perspective, but also threaten to give rise to fragmentation and political instability. These worries are reinforced by the multifaceted nature of demands for recognition. Not all demands for recognition can be easily reconciled. The tensions between the aspirations of women for greater gender equality and the desires of traditional communities to perpetuate their way of life pose a complex dilemma to those seeking a ‘differentiated citizenship’.

These difficult questions surrounding political stability and the equality of citizens cannot be easily resolved. However, one potentially promising avenue is indicated by Parekh’s emphasis upon intercultural dialogue. While in a multicultural society the recognition of diversity may entail granting some minorities collective cultural rights and may require institutional arrangements that are sensitive to the differentiated political identities that constitute the state, such a ‘differentiated citizenship’ must be accompanied by an open-minded, morally serious dialogue between the majority and minority. Such dialogue must search for common ground and aim at mutual adaptation. In this search neither majority nor minority can expect all its existing cultural practices to remain unchanged. Where the current practices of the majority and minority conflict, intercultural dialogue must probe the nature and importance of existing cultural practices and must encourage reflection and debate not only between communities, but also within the various communities themselves. Thus communities must consider whether contentious cultural practices are essential to their way of way of life, or whether they could safely be abandoned. For example, on Parekh’s account, many of the most contentious cultural
practices regarding the treatment of women, such as female circumcision, are arguably not essential to the way of life and values of the cultures that practice them and therefore could be abandoned without threatening the survival of these cultures as such.\textsuperscript{49} However, while intercultural dialogue may be able to resolve some disagreements and tensions, the multifaceted nature of demands for recognition suggests that it is highly unlikely that it will always be possible to resolve value conflicts in a manner that is satisfactory to all concerned. As Parekh so aptly notes, political dialogue not only promotes greater understanding, it also seeks to yield decisions. Yet:

‘It is difficult to see how a decision can be reached other than by minorities accepting the society’s established decision-making procedure and the values embedded in it. Minorities should, of course, be free to convince the majority, and the latter should enter into an open-minded dialogue with them. However, if the majority remains genuinely unpersuaded, its values need to prevail. In the absence of such finality, no decision is possible and the point of dialogue is lost.’\textsuperscript{50}

Here it is important to bear in mind that liberalism is not neutral. Since the principles of liberty and equality are definitive of a commitment to liberalism in general, in a liberal society the decision-making procedure and the values embedded in these procedures will clearly be shaped by these ideals. While a liberal society can be tolerant in terms of morality and religion, it cannot be agnostic as far as the political principles that give it its specific character are concerned. Therefore, while the principles of liberty and equality are open to a wide variety of different interpretations and thus will always remain contested, it is the shared concern with liberty and equality which provides the criteria whereby a liberal political community assesses the legitimacy of political demands. For liberals this shared concern typically implies a commitment to the separation of the state and church, civil and religious law and a distinction between the public and the private.
Consequently there will be real limits to the diversity that a liberal democratic state committed to equal citizenship can accommodate.
Endnotes


2 B. Parekh, ibid.

3 B. Parekh, ibid., 181.


5 Ibid.

6 B. Parekh, *Rethinking Multiculturalism*, 181.


11 See the Delgamukw Case in British Columbia, Canada. For a discussion of this case see E.T. Durie, ‘Justice, Biculturalism and the Politics of Law’, ibid..


19 C. Taylor, ibid., p 61.


21 Ibid.

22 C. Taylor, *Reconciling the Solitudes*


26 J. Carens, ibid., p.172

27 J. Carens, ibid., p.172.

28 J. Carens, ibid., p.190.

29 J. Carens, ibid., p.192.

30 J. Carens, ibid., p.192.


35 See for instances the responses by members of the Muslim community in Britain to the recommendations by the Committee of Inquiry into the Education of Children from Ethnic Minority Groups discussed in chapter 3.


37 A. Ripstein, ibid., p 335.


40 C. Houston, ibid. p 238.


43 S. Wolff, ibid., p 77.


45 See J. Tully, Strange Multiplicity and J. Carens Culture, Citizenship and Community.

46 C. Taylor, Reconciling the Solitudes, p. 183.


48 J.Horton, ibid., p 170.

49 B. Parekh, Rethinking Multiculturalism.