

Cultural Minority Rights and the Rights of the Majority in the Liberal State*

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Abstract. Traditional liberalism's blindness to cultural concerns has often come under fire, while so-called "liberal multiculturalism" (Taylor and Kymlicka) has made it its business to take a good look at the place of culture within liberal law. According to them, cultural minorities should be recognized. In my opinion, however, their proposals, in fact, almost entirely preclude the possibility that cultural minorities would receive recognition within liberal society. In what follows, I explain my view of these matters and, above all, argue for a more vital understanding of cultural minorities. This will entail presenting a comprehensive view of minority rights within liberal society.

1. Integration of Differences without Uniformity

Liberal society's traditional neutrality toward individual cultures, as captured by the notion, "equal treatment of all people regardless of their cultural differences," seems *prima facie* to be opposed to a more comprehensive recognition of cultural minorities which are often, at best, only tolerated. In this connection, I would like to recall the principle from which the demand for equal treatment was derived: "the right to treatment as an equal [i.e., as a fellow citizen]." According to Dworkin (1977, 226), equal treatment would thus represent a restriction of the right to be treated as an equal, which for liberalism is the highest of all principles. Liberal law is intended to guarantee the greatest possible freedom in equal measure to all citizens. I think in applying this principle, however, there are at least *three* levels to be distinguished. The *first* has been most often discussed. At this level, freedom

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of conscience, which is all-important for minorities, and the right to be protected from violence, as well as other basic freedoms, should hold without restriction in liberal law. This is where the origin of traditional Lockean tolerance makes itself manifest. Guaranteeing these human rights to one individual it is by no means necessary to limit them for any other individual.

At the *second* level, the liberal state has recently gained new ground. This is the level of basic institutions (and also of the "nightwatchman state"). The task of these institutions is to ensure the most fundamental forms of freedom. Right from the start, they have abstracted from all individual religious, ethnic and gender affiliations by treating all citizens equally. For example, all official posts have been open to anyone with the requisite skills or abilities. Nevertheless, many of these institutions bear the stamp of the traditional cultural majority, and some of their regulations are either at odds with, or completely alien to the cultural orientation of various minority groups. Examples include: Christian holidays, military service, uniforms for civil servants, and, not least, official languages. At the same time, however, the state can adapt its institutions to minority groups, for instance, waiving mandatory closing times for businesses; in Canada, allowing Sikhs who are members of the police force to don traditional ethnic clothing. Other examples include: wearing turbans instead of helmets on motorcycles; exemption from military service for Quakers and for the Amish; reinforcement of federalist structures (and provisions for a democratic process of secession); classroom teaching in a minority language or the inclusion of a second national language in core curricula; and finally, new history textbooks and state symbols which do not identify the nation with opinions held by the majority. These are new solutions which do not affect the state's central functions: for example, its system of defense, internal security, traffic safety, public order, and the school system. In this way, it is possible that the freedom of certain citizens is not needlessly restricted, while the freedom of others remains completely intact. But there are problems generated by a multicultural society which require expensive solutions, and sometimes so prohibitively expensive as to preclude implementation; for example, there is a definite limit to the number of languages a state can recognize as official. The justice of such solutions is obviously measured by the principle of proportionality. This principle can be seen at work in the relation between the percentage of different minorities making up the general population and how much consideration is given their claims within particular institutional frameworks.

A *third* level, foreign to traditional liberalism and *therefore requiring further justification*, consists in the institutions of cooperation and utility distribution, which do not only depend on the free market but also on public justice. Yet Rawls, the first to open up this area for liberalism, does not situate cultural concerns at this level. Rather he envisions culture to be the locus of conceptions about the good, conceptions which are themselves highly

controversial. On this account, all members of society are free to make use of the social primary goods available to them in order to realize their own conceptions of the good. In this regard, it seems to me that Rawls basically understands culture to be a sphere falling outside the jurisdiction of the law. I will suggest *two* possible strategies for opening up promising yet liberal options for minority rights.

I will sketch out the *first* strategy by following Samuel Black's case (1992, 244–67) against Rawls' censure of the public subsidizing of cultural institutions. Black argues that "if cultural goods are consigned to the market, then one can safely predict that the members of society will get less of those goods than they would be willing to pay for [...]; for an entrepreneur cannot realize a return commensurable with her investment during a single lifetime" (Black 1992, 264–65). This argument is liberal in so far as it is neither perfectionistic nor paternalistic. Black refers to Dworkin's auction criterion: Cultural institutions (Black's examples are museums and libraries) correspond to the preferences of many present and future citizens who would be willing to pay for them (i.e., to invest basic goods for this purpose), but only under the condition that the state makes such participation possible. In this way, Black emphasizes, all liberal states act, so to speak, as catalysts for cooperation. This is something more than traditional freedom of association. If this were not so, we would be making private autonomy absolute at the expense of public autonomy, as George Sher (1997) has recently shown in his argument for liberal perfectionism.

Five aspects of this model for minority rights, which Black unfortunately does not treat, are of interest with regard to the role of culture. First, the argument is not only valid for culture in the narrow sense of fine arts, theatre, etc., but also for many other projects which only have to do with culture in the broader sense. Railroad lines, airports, highways, public parks, and the like, are all subsidized by the state for the same reason. These, however, have nothing to do with safeguarding basic freedoms, but rather with our liberal, modern way of life—and not with the Amish way of life or the reservation life of Native Americans, as many of multiculturalism's representatives have correctly reminded us. Not only the welfare state, but also the minimalist liberal state is undisputably committed to supporting these aspects of liberal life which underpin the culture of the majority. Nevertheless, this is, in fact, a matter of using public resources to implement specific conceptions of the good. As Sher has recently demonstrated (1997, 37), if conceptions of the good really represent our convictions about what is good for us, then they have a much greater scope than Rawls allows them. For example, they will encompass "health, security and freedom." Yet the state is to follow a neutral principle (Larmore 1987, 45), a criterion for proportionality, so that it neither privileges nor discriminates against a particular minority. Kymlicka (1989, 184) rightly demands that a 40% minority "should win 40% of the time." According to Kymlicka's example, this means

if 40% of the voters want an opera, and 60% want swimming pools, then the public funds are not to be spent only for swimming pools, but proportionally for the opera as well. Second, public support benefits all cultural groups equally, whether they make up a majority or a minority, whether they are small or large, whether they are a traditional, well-organized community or a loosely associated, newly formed affiliation. This strategy can integrate differences without levelling them out to uniformity (see Walzer 1980, 786). Third, the model leaves completely open the question of just how comprehensive a minority is. Michael Walzer (1984) is not alone in describing liberalism as the "art of separation" of individual spheres each regulated by its own criterion of justice (the spheres of the economy, work, education, leisure time, love, religion, recognition, political power, welfare, etc.). Every individual's freedom consists in being treated in every sphere as equal to all other individuals in any given sphere. In the liberal state, membership in a particular group can only result from free choice. Seen in this way, minority rights amount to the right to voluntary associations (Walzer 1980, 784). In general, each individual simultaneously belongs to several groups, minorities as well as majorities. The model described above offers sufficient freedom not only to large and highly comprehensive groups (groups which are actively present in most or all spheres), but to all possible groups within each sphere. This model is thus able to do justice to the complexity of modern society, i.e., to the multiplicity of small groups (Walzer 1983, 28). All interests are taken into account: They are not fused together into a higher commonality, as is the case for Hegel, but rather integrated into a legal community which does not demand uniformity. The argument cannot be applied, however, where a particular cultural group loses its voluntary adherents but nevertheless continues to make the same claims for itself (Raz 1994, 173) as if nothing had changed. Fifth, this third level owes nothing to the liberal state, but calls only for its own just and proportional application. This model does not commit the state to the conception of either an active state or nightwatchman state, but solely to respecting minority rights.

Yet the question arises, whether or not this third level should fall under the competence of the state, as is the case in all existing liberal states, where the responsibility is usually recognized in terms of subsidies or at least various forms of tax relief. The alternative to state responsibility would be to give the cultural realm completely over to private initiative, and the citizens' financial involvement thus would be strictly on a voluntary basis. This seems incorrect to me for the following reason. The culture handed down from earlier generations is our common heritage which we enjoy together. It is almost a natural resource and, therefore, can be treated in the same way as the environment. Fairness demands that we bequeath our common culture and the environment in an acceptable condition to all future generations. We should replace all the cultural resources we exhaust with equally valuable

cultural resources. The question of what constitutes "equally valuable," however, must be left open here.

In matters of public support, the criterion should be set according to the percentage of the population represented by each group and not according to the social and economic influence a group has on the society at large. The German system of church taxes, for example, would appear doubly inappropriate in the light of such a criterion. On the one hand, it privileges established religions while discriminating against less recognized religions as well as other cultural groups (Pogge 1997). On the other hand, the state does not give the churches the same amount of support for each individual, but a sum based on the taxes each individual actually pays. The financial support the church receives is thus dictated by the income of its members. As opposed to the current church-tax model, a principle of distributive justice should be introduced for matters concerning the public support of culture.

A *fourth* level does not exist in the liberal legal community. Rather, it has its place in society in the broadest sense and rests on the citizens' free initiative. The liberal state cannot and should not want to change the fact that some groups have more members than others, or cohere better than others, or are culturally better equipped or socially and economically more successful than others. These considerations fall outside the sphere of law.

2. Kymlicka's View of Culture as a Basic Good

The second strategy, which I ascribe to Kymlicka (Kymlicka 1995), shares a common feature with the first. What I have described as the first point is also present in Kymlicka's account. But his strategy differs from the first in two other respects. It is well known that Kymlicka does not proceed from a principle or criterion, but rather adopts a typology for his starting point. Iris Marion Young (1997, 48–53) has already perceptively criticized Kymlicka's typology for its omissions of intermediary steps and its lack of nuanced analyses, and I will not reiterate her objections here. Instead, I will try to show that, as a consequence of his typological approach, Kymlicka overlooks certain cultural groups. On the one hand, his categories consist in immigrant or "ethnic minorities" and, on the other hand, in aboriginals or "national minorities." Kymlicka's model of the liberal state integrates the immigrant groups while according special rights to aboriginal people. His justification for this distinction rests partly on reasons of motivation. Immigrants are prepared to integrate themselves as long as the liberal state makes the necessary adjustments on the second level, such as exemptions from mandatory business closing times, regulations concerning uniforms and the like. Aboriginal people, according to Kymlicka, do not want to be integrated, but rather desire affirmation of their special status as original inhabitants. Interestingly, Kymlicka has precious little to say about minority rights for immigrants or

for citizens who are not immigrants. In the case of immigrants, he only considers what I have identified as second-level concerns (exemption from laws regulating holidays, uniforms, military service, etc.), and not the further level of free cooperation. On this level, subsidies for cultural organizations and projects planned by immigrant minorities indeed constitute a minority right. They also play an important role in integrating minority groups into the liberal state without running the risk of compulsory uniformity.

I will return to a discussion of this level. But first, Kymlicka's two normative arguments need to be examined. His starting point is Rawls' theory, which he transforms in two ways. First, he transposes the cultural realm from the sphere where conceptions of the good arise to the sphere of resources, that is, to the sphere of social primary goods and, therefore, of cooperation. Thus culture *per se*, conceptions of the good, must be supported by the state. Second, Kymlicka (1989, 166) makes membership in *one* culture, or more precisely, in *one's own* cultural community, a social primary good. Our own cultural community provides the background for our decisions (a "context of choice"). To this extent, such membership is to be supported. But this second alteration of Rawls' theory explicitly shows the one-sidedness which the first alteration concealed.

To have a culture means to be educated as well as socialized. Education requires both diachronic cooperation with a historical community's tradition, and synchronic, highly differentiated cooperation with contemporaries. But a distinction must be made between the cognitive aspect of culture (transmission of practical and theoretical knowledge from one generation to the next) and the voluntary aspect of culture (the determination of actions and values by principles). By means of these two aspects, culture becomes individuated. We share the same cultural horizon in a cognitive sense with others. The voluntary side of individuation consists in how we determine our lives on the basis of decisions, which may or may not coincide with the decisions others make. Kymlicka also seems aware of the distinction between the cognitive and voluntary dimensions when he distinguishes the voluntary character from the cognitive structure of cultural communities (see Kymlicka 1989, 166–67).

One can, of course, indiscriminately declare all of culture to be a mere resource, as Kymlicka does. And it is entirely true that the cognitive element influences the voluntary; but unless one assumes a monocausal model, the reverse is also true. Even such monocausality does not *per se* contradict liberalism; for a monocausal determination of voluntary actions does not in any way imply fatalism, so long as we as individuals do not understand how this form of determinism works. Nevertheless, liberalism should avoid monocausal explanations. For liberalism, individual freedom is not a cognitive assumption, but rather a basic working hypothesis. This is precisely why the cognitive and voluntary dimensions must be carefully held apart.

Only in the first dimension can culture be understood as a social primary good; in the second dimension, culture consists in conceptions of the good. Culture in general, and not a particular culture, is a social primary good. At the very latest, since Kant wrote his *Idea for a Universal History* (1784), we have been aware that our humanity cannot be realized to its full extent without culture which is always social. And a particular culture is certainly a social good, but not a *primary* social good.

In addition, Kymlicka deals implicitly only with those comprehensive minorities actively present in all the different spheres. He does not distinguish among the spheres of individual, particular social goods. Thus immigrants are only viewed from the perspective of their religion. For example, Kymlicka portrays the Inuit people as belonging to a comprehensive community which equally encompasses economic, political, social, linguistic and educational concerns. So much for Kymlicka's first step.

The fact that we are fundamentally cultural animals certainly plays a part in how we arrive at our various conceptions about what the good is. But these conceptions can only be realized in a particular, concrete way. Thus, if we are to follow Kymlicka's second step, we must also consider that particular cultural communities are *social* goods which, for particular conceptions of the good, are nevertheless *primary* goods, i.e., goods which are unconditionally valid for all possible conceptions of the good and are, therefore, the *conditions* for the *good* as such. It thus follows that particular cultural communities warrant unconditional protection. If, however, only culture in general is held to be a social primary good then it alone warrants protection against all forms of inhumanity. Any demand for cultural integration, therefore, is a human right.

At least two important consequences follow from the claim that every particular cultural group represents a social primary good for its members. First of all, affiliations with a cultural minority will remain a good for the entire life of all the members of a given minority. Taylor rejects viewing the language of a historical cultural community "as a collective resource which individuals might want to make use of" and which "is available for those who might choose it" (Taylor 1992, 58). For his part, however, Kymlicka recognizes the right of all individuals to leave their communities, but typically he neglects to pursue the point further. I will return to this issue after first laying out the second, more fundamental consequence. For Rawls, social primary goods are valid for the entire society; on the level of the political community taken as a whole, they are distributed according to a principle of justice. In this case, if every particular group, and that means every cultural minority, is viewed as a social primary good, then 1) every cultural group is simultaneously defined as a political group, and therefore 2) different cultural groups should be considered as different political societies, that is, as states. This leads to a different notion of minority rights which I will now proceed to develop.

3. Integration or Tolerance in the Meaning of International Law?

On Kymlicka's account, immigrants are integrated. In contrast, the second minority category, the aboriginal community, is entitled to more than a right; they are entitled to *recognition*. It seems to me that the concept of recognition can be understood in terms of international law.

At first, this may seem paradoxical given that Kymlicka explicitly discusses minorities, that is, internal groups. He works primarily with the examples given by the Inuits and other native Americans living in Canada. He justifies aboriginal rights, which "entail special costs for other people, by restricting the rights and resources of non-aboriginal people" (Kymlicka, 1989, 186), by arguing for equal opportunity. Aboriginal rights are "a response (. . .) to unequal circumstances" (1989, 187). Kymlicka compares the prospects of a young Inuit girl with those of an Anglo-Canadian boy; the girl is socially and economically disadvantaged because she belongs to those who are "forced to try to execute their chosen life-styles in an alien culture, e.g., in their work, and, when the state superstructure is built, in the courts, schools, legislatures, etc." (1989, 188). Thus, for the aboriginal people "it is necessary to outbid non-aboriginal people just to ensure that their cultural structure survives, leaving them few resources to pursue the particular goals they've chosen from within that structure" (1989, 189). To this end, as is well known, different measures have been taken which are valid only for reservations: It is forbidden for aboriginals to sell land to non-aboriginals, and non-aboriginals are not allowed to settle on reservations. Non-aboriginals can participate in local elections only after ten years have elapsed; they are denied the right to hunt and trap. The widows of aboriginals are not allowed to continue living on the reservation if they themselves are not aboriginals. And the rights of seasonal workers are restricted in still other ways. According to Kymlicka, the justification for these special rights is the same as the justification for *affirmative action* (1989, 190f.). Leaving the controversial aspects of affirmative action aside, we may note that it aims at integrating members of minorities into common institutions. It is not the goal of any form of affirmative action to condemn minorities to live at the margins of society.

Before embarking on a critical examination of Kymlicka's arguments, I would like briefly to show that there is an alternative solution. The solution is classical but nevertheless effective. It consists in social measures as well as in a school system oriented toward integration, and it insures real, equal opportunities for aboriginals in the "courts, schools, and legislature" (Tomasi 1995, 560–603). An appropriate system would also avoid the sad episode related by Kymlicka (1989, 170): imitating a television series, a group of Indonesian children jumped from a cliff to their death.

A possible objection from Taylor's point of view (1992, 39f.) would be that social and educational measures, and all redistribution models, overlook

the special character of demands made within a politics of difference. But Kymlicka justifies the special status of the aboriginal population by appealing to the *socio-economic* inequality originating in the culture. In addition, social and educational measures also have an effect on cultural conditions. As Joseph Raz has argued, educational institutions could convey liberal culture in English and the local culture in the local language. In contrast, a school system with Inuit as its only language will severely limit the cultural context—the social good in the above example of the young Inuit girl. By the same token, a liberal state could also subsidize cultural and artistic associations which would help strengthen a sense of self among the aboriginal people. And not least, local enterprises would be supported as well. All these approaches could help safeguard cultural interests and thereby perhaps even augment aboriginal culture. Donald Kraybill and Steven Nolt (1995) show that other minorities, for example, the Amish, even without such support, have been quite successful not only in maintaining their cultural tradition but also in increasing their economic productivity.

The alternative I have been suggesting ensures that the Inuit people will not suffer from disadvantages connected with their special status. The special status, however, involves disregarding the basic demand for cooperation, i.e., the principle of *reciprocity* (Höffe 1995), and thereby infringes upon the majority's rights and interests. Also, Kymlicka admits that "the special status of the aboriginal people" is an "imperfect" solution which is nonetheless "acceptable" because compared to any other solution, it requires fewer "sacrifices" from the majority. I am of the opinion, however, that his solution would, in fact, impose greater sacrifices than the alternative I am proposing.

First, although the infringement or restriction of the rights of the Canadian majority in the Northwest Territories is obvious to Kymlicka, he overlooks the fact that in the rest of Canada the aboriginals are not in any way disadvantaged. Indeed, they profit from affirmative-action programs. And if they stay within the boundaries of their territory, they will also receive all the usual social services Canada has to offer.

This doubly one-sided support illustrates the tension described by David Miller (1995, 139): the tension between the demand for a politics of difference and the demands for comprehensive equality put forward by affirmative action. It certainly mirrors Canadian society's bad conscience stemming from the past injustices it perpetrated on its own original inhabitants. Kymlicka (1995, 219, note 5) admits that the special status cannot be founded on corrective justice (for, in this case, the solution would be, at best, only material, i.e., financial and social, and not institutional), though he emphasizes that only the least productive land was left to the aboriginal people. In Canada, the same is also true with regard to the demands put forward by Quebec's independence movement; for example, the petition for representation in Parliament regardless of plans for future secession, or the demand for a Canadian passport for all Quebecers after secession without conceding the

same privilege in Quebec, i.e., Quebecer passports for all Canadians after secession. *Second*, a similar tension can be found within the aboriginal population. Aboriginals are not allowed to sell property to non-aboriginals; this considerably infringes on their right to resettle elsewhere. Also, in some cases, they are prevented from appealing to the Canadian supreme court. Non-aboriginal people are not allowed to remain in the territory after the death of their aboriginal spouses. Children are only allowed to attend schools which teach in the local language, etc. These and many other similar restrictions are directed against those members of the aboriginal population who wish to leave their communities, even though this is one of their basic rights. Perhaps one way to ameliorate this situation would be, for example, to offer options to buy land, which give priority to aboriginals. This would certainly be more liberal than a ban on non-aboriginal purchasing.

Tomasi (1995, 596) has detected in the aboriginals' attitude toward their identity a contradiction between the desire to preserve their own culture and the desire to leave it for good. One reason for this is that the culture of many aboriginals is neither purely traditional nor that of the majority culture: It is a transitional culture. As I observed at the beginning, liberal minority rights no longer suffice for the preservation of cultural communities when their own members cease to cooperate actively. However painful this schism may be for those involved, the liberal state is not to "blame" for this process of modernization, and it is not in any way obliged to introduce corrective measures.

A possible objection might be that the majority culture is just too tempting. But liberal society is not allowed to change this fact; for its task is to concentrate on treating citizens, and not cultures, as equals. A classic example would be, as Max Weber discovered, how certain religions and the corresponding patterns of behavior they encourage strongly influence financial success. Nevertheless, no one has ever seriously recommended granting Catholics special rights denied to Protestants. For this reason I have my doubts about Rawls' new method (as presented in Rawls 1993a, 1993b).

My position does not contradict multiculturalism, for while liberal multiculturalism is not fundamentally against integration, it is certainly against compulsory integration (Raz 1994, 182). Liberal multiculturalism is a defense of liberal minority rights.

If the demand for minority recognition is explained in terms of a special status based upon the model provided by international law, the demand will appear more coherent. Tully (1995) documents the international legal contracts which forced the native American population to cede large portions of their territory and their sovereignty to the British colonial power. He explains how in the 19th century the white population, which had swelled to a majority, forgot the international status of these contracts. Only recently have they been taken seriously by Canadians. For Tully, this is reason enough to demand a fundamental right for the aboriginal people, a right which does not need to

be justified by the standards of the liberal majority in Canada. It is remarkable that Kymlicka sometimes also argues in terms of international law, for example, when he stresses that the special status of minorities is based upon a complete separation of two legal systems (1995, chapter 6.2, esp. 117), or when he sees the ban on immigration to aboriginal territories being tied to the liberal state's sovereignty in matters of immigration (1995, 125).

All the same, Kymlicka and Tully do not argue for reinstating the sovereignty of individual aboriginal groups. The status accorded these groups by both authors resembles more closely an enclave *on the margins of and not within* liberal society. This status is not even commensurate with a federal state which at least really does possess political authority and the responsibilities that go along with it. Neither side is even interested in attaining official status *within* a federal state. But this status invalidates Tully's pragmatic argument, according to which the presence of too many cultural groups makes the independence of each untenable and the special status for each necessary (1995, 8f.). If the aboriginal population were to be granted federal state status, it would have to come to terms with the rights of present minorities and with the individual rights within its own minority community. Moreover, it would have to secure the internal cooperation of its members, their social and economic development, as well as cooperation with the outside world. The organization of such foreign relations requires that members must be willing to cooperate on the home front so that the community would be compelled to face the problems surrounding individual rights—the right of free association, right to emigrate, and others as well. Last but not least, this new state would be responsible for, and have to answer to international law, international organizations, and the community of nations. In grappling with these problems aboriginals would prove whether they really possessed, and really wanted to possess, the identity some have claimed on their behalf. Instead of this, Kymlicka has only "pluralism in the strong sense" to offer. As Walzer correctly remarked, this is "possible only under tyrannical regimes" (Walzer 1980, 782), as was the case in the Turkish Millet system.

Conclusion

Identity is not immutable, and it cannot be tied to a plot of land. It changes and requires continually renewed forces of subjective identification. Rigorous preservation of an inherited "original" identity is possible, but seldom achieved. One success story in this respect is the Amish community in liberal America. It has survived unchanged for hundreds of years, and it has only done so thanks to the extraordinary sense of belonging that the community has been able to instill in its members. It is interesting to note that the Amish seldom make demands for special rights. They expand their property by purchasing land on the free market. They insist, however, on a completely

separate educational system which considerably impairs the ability to adapt to non-Amish culture, especially among adults who want to leave the community. Because children are, in fact, different persons from their parents, the liberal state should not allow parents to have unlimited authority over them. Some more recent minorities arising out of world-wide immigration enjoy strong solidarity as testified by the various Chinatowns and Little Italies scattered across the globe. As long as they do not exercise violence up on their members, their existence—even as territorially settled groups—is completely compatible with liberal society. But such groups do not hold as much fascination for us as those which draw upon the mythological, “original” authenticity we so often seek in native populations. While there is nothing wrong with a little Rousseauian nostalgia, we must not translate such longing into law. Nor should we partition off the liberal society of a disenchanted world from regions basking in the aura of supposed authenticity and very real special rights. As Walzer has written (1992, 168), no right “to cultural security” exists. “Minority” means literally minority *within* society. On the one hand, Kymlicka really only takes account of “national minorities” which are equipped with a special status partially based on considerations arising from international law. On the other hand, Kymlicka looks to immigrants who have no wish to rely completely on the spectrum of minority rights. The field of minority rights and multiculturalism is indeed much broader than Kymlicka can account for.

Perhaps the *identities* of our liberal societies and their minorities change more rapidly and are more complex now than in previous times. This may be a cause for regret in that it undermines minority cohesion and thus multiculturalism itself. For my part, I see in all this a welcome departure from the myth of the primacy of strong and rigid national identities (Walzer 1983, 28), and the possibility of revitalizing minority cultures. It is unnecessary for the neutral liberal state either to strive for *multiculturalism as a collective and individual identity* or to fear it. But it makes such a plurality of identities possible like no other form of legal community.

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