

# THE LEGACY OF LIBERALISM, COMMUNITY AND CULTURE

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## ABSTRACT

### The Legacy of Liberalism, Community and Culture

This article introduces the thematic section of *Two Homelands* celebrating the 25<sup>th</sup> anniversary of the publication of Will Kymlicka's *Liberalism, Community and Culture*, one of the seminal books on multiculturalism and contemporary political theory in general. It contextualizes this symposium [thematic section] by identifying some of the assumptions that the then-existing liberal conceptions of justice were based upon when addressing issues related to cultural diversity. At the same time, it summarizes the argument for cultural rights advanced by Kymlicka in *Liberalism, Community and Culture*. It then presents the papers that are part of this symposium [thematic section] and their contribution to the understanding the liberal conception of multiculturalism has had on all subsequent theorizing over cultural diversity and civic equality.

KEYWORDS: liberalism, multiculturalism, civic equality, cultural rights, Will Kymlicka

## IZVLEČEK

### Dedičina knjige *Liberalism, Community, and Culture*

Prispevek predstavlja tematski sklop revije *Dve domovini*, ki obeležuje 25-letnico izida knjige Willa Kymlicke *Liberalism, Community and Culture*, ene od utemeljitvenih del multikulturalizma in sodobne politične teorije nasploh. Prispevek simpozij [tematski sklop] kontekstualizira skozi identifikacijo nekaterih predpostavk, na katerih so temeljila liberalna pojmovanja pravičnosti pri reševanju vprašanj, povezanih s kulturno raznolikostjo. Hkrati povzema argument Willa Kymlicke za kulturne pravice, predstavljen v knjigi *Liberalism, Community and Culture*. Sledi predstavitev člankov, ki so del simpozija [tematskega sklopa] ter njegovega prispevka k razumevanju vloge liberalnega pojmovanja multikulturalizma pri vseh poznejših teoretičiranjih kulturne raznolikosti in državljanske enakosti.

KLJUČNE BESEDE: liberalizem, multikulturalizem, državljanska enakost, kulturne pravice, Will Kymlicka

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Up until the end of the 1980s, discussions over the demands of ethnocultural groups for the recognition and accommodation of cultural differences were either altogether absent from mainstream theorizing about justice (e.g. Rawls 1971) or – at best – premised on a set of assumptions arguing [i] that (national) cultures are largely homogeneous; [ii] that culture is irrelevant in considerations over justice; and [iii] that civic equality and equal treatment are coextensive. At the turn of that decade that was all about to change, however. Over a period of just a few years, the dominance of the standard liberal conception of civic equality and its uniform treatment approach towards cultural diversity was challenged by a handful of scholars (e.g. Spinner-Halev, 1993; Taylor 1992; Young 1990) arguing that this conception of civic equality failed to recognize the legitimate interest of ethnocultural groups in a stable cultural context and lacked the means to compensate adequately for individuals' unequal circumstances. They also argued that the standard liberal conception of equality did not sufficiently protect the interests of culturally disadvantaged groups, including national minorities, immigrants and indigenous peoples.

Among the different alternatives articulated, a distinctively liberal conception of recognition and accommodation of cultural diversity was advanced by Will Kymlicka in his book *Liberalism, Community and Culture* [originally published in 1989]. In contrast to the mainstream liberalism of its day, he succinctly argued that ethnocultural groups have a legitimate interest in a secure and stable cultural context and that accommodation of cultural diversity is a requirement of justice. As Brian Barry pointed out in a review of Kymlicka's book *Multicultural Citizenship*, the central and original argument of *Liberalism, Community and Culture*

was that [members of cultural minorities] have a claim of justice against the larger society to special measures such as subsidization or self-governing institutions in order to have the same chance to preserve their culture as the members of the larger society are able to take for granted. (1996: 153)

At the same time, Kymlicka also maintained – largely in contrast to conceptions of critical multiculturalism – that group rights are the most viable means to assist ethnocultural groups in their claims for the recognition and accommodation of diversity and that group rights and other difference-sensitive policies are basically consistent with a liberal conception of civic equality. In fact, as Chandran Kukathas argues, Kymlicka 'had defended his version of multiculturalism as a liberal theory of equality' (Kukathas 2013: 508).

At the time of its publication, *Liberalism, Community and Culture* was endorsed by some of the most prominent contemporary political theorists.<sup>1</sup> In her book review, Susan Moller Okin praised it as 'essential reading for political and legal theorists and philosophers who are interested in real, urgent political issues' (Moller Okin 1991: 128). And there was no shortage of 'urgent political issues' back in 1989. In fact, some of them turned out to have a decisive influence on subsequent discussions over multiculturalism and related issues. In November of that year, following mass demonstrations in East Germany, the Berlin Wall fell, leading to the collapse of communism throughout Eastern Europe. This was accompanied by the rise of both xenophobic nationalism and religious fundamentalism. Preceding the fall of the Berlin Wall by just a few weeks, three Muslim girls were suspended in a French public school for wearing the *hijab*. This was a prelude to the headscarf controversy [*l'affaire du foulard*]<sup>2</sup> that still reverberates in contemporary debates on citizenship education and related areas. As Kymlicka emphasizes, the debates

1 Ever since *Liberalism, Community and Culture* was published, Kymlicka's work has been extensively reviewed. Besides the customary book reviews, survey articles and review essays, his body of work soon found its place also in tertiary literature addressing minorities, migration, nationalism, citizenship, indigenous populations as well as multiculturalism and political philosophy in general, including handbooks (Spinner-Halev 2006), companions (Kukathas 2013) and encyclopedias (Sardoć 2014). Moreover, several of his subsequent books were subjects of journal symposia, e.g. a symposium on Multicultural Citizenship was published in *Constellations* (1997) and two symposia on Multicultural Odysseys were published in *Ethnicities* (2008) and the *Jerusalem Review of Legal Studies* (2010).

2 For a comprehensive presentation of some of the most pressing conceptual problems associated with *l'affaire du foulard*, see Laborde (2008).

over minority rights fall into a 'pre-1989' debate and an 'after-1989' debate (2007), making 1989 a kind of 'Year One' on the calendar of discussions on ethnocultural diversity.<sup>3</sup>

In another book review following the publication of *Liberalism, Community and Culture*, James P. Sterba argued that Kymlicka advances a defence of 'contemporary liberalism against a variety of communitarian critiques' (Sterba 1992: 152). His distinctive response to the theoretical controversies and practical challenges associated with cultural pluralism that is based on the articulation of cultural membership as a primary good [in the Rawlsian sense of the term] changed the course of contemporary discussions on ethnocultural diversity as well as the very identity of liberal political philosophy itself. As Chandran Kukathas points out, Kymlicka's theory is 'the most influential in the literature of multiculturalism and is generally credited with initiating the debate that has ensued' (Kukathas 2013: 506).

At the same time, from very early on, *Liberalism, Community and Culture* has been subject to criticism from both the advocates of liberalism – most notably by Brian Barry (2001) and Chandran Kukathas (1992) – as well as its critics (e.g. Parekh 1997; Young 1997). In his article 'Are there any cultural rights', Chandran Kukathas challenged Kymlicka's assertion that special rights for ethnocultural groups are consistent with both the liberal conception of equality and with its commitment to individual autonomy. A number of other objections to the liberal conception of minority rights initiated in *Liberalism, Community and Culture* have been articulated over the years criticizing various of its foundational elements.

Twenty-five years on, Kymlicka's *Liberalism, Community and Culture* and its main argument for 'the primary good of cultural membership' (Kymlicka 1989: 166) remains deeply entrenched in both conceptual and normative theorizing about cultural diversity and multiculturalism in general. The conceptual framework of liberal culturalism he developed functions as the 'starting point for philosophical discussions of multiculturalism' (Kukathas 2013: 508) and has precipitated a major sea change in theorizing about minorities, migration, nationalism, secession, citizenship, indigenous populations etc. As Jacob T. Levy emphasizes, it was *Liberalism, Community and Culture* that 'brought multiculturalism and ethnicity to the forefront of academic liberal political theory' (Levy 2004: 318).

This thematic section of *Two Homelands*, entitled 'The Legacy of Liberalism, Community and Culture', brings together four contributions that address the impact of *Liberalism, Community and Culture* and its continuing influence over more than a quarter of a century since its original publication. As the articles assembled here bear witness, there are a number of different ways that this evaluation can be approached. Jeff Spinner-Halev carefully reconstructs Kymlicka's main arguments for group differentiated rights advanced in *Liberalism, Community and Culture* and evaluates the transition towards *Multicultural Citizenship*, where his liberal theory of minority rights is fully articulated. Avigail Eisenberg identifies two separate problems associated with the influence of the arguments advanced in *Liberalism, Community and Culture* on normative theorizing about cultural pluralism as well as its contemporary relevance for recognition and accommodation of cultural diversity, i.e. the cultural assessment problem and the misidentification problem. Eamonn Callan's article sheds light on Kymlicka's subsequent theorizing on the ethical foundations of minority rights and links it with an example of contemporary theorizing of cultural diversity advanced by Alan Patten in his book *Equal Recognition*. In his article, Helder de Schutter raises a set of questions associated with the main argument advanced in *Liberalism, Community and Culture*, i.e. that individual freedom requires a cultural context of choice. This symposium [thematic section] ends with a rejoinder by Will Kymlicka where he addresses some of the most important issues advanced in the articles published here. As is evident from the contributions that celebrate the 25<sup>th</sup> anniversary of the publication of *Liberalism, Community and Culture*, neither the papers from the contributors nor Kymlicka's reply confine themselves to the 'test of time argument'. Given the fact that the majority of issues associated with ethnocultural diversity remain far from settled, that would be too shortsighted a route to undertake.

<sup>3</sup> The 'Year One' analogy is based on the French Republican Calendar created in 1792 during the French Revolution after the abolition of the monarchy in France.

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## POVZETEK

### DEDIŠČINA KNJIGE LIBERALISM, COMMUNITY AND CULTURE

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V zadnjih dveh desetletjih so zagovorniki multikulturalizma uspešno relativizirali tri temeljne predpostavke liberalnega pojmovanja kulturne različnosti, in sicer [i], da so [nacionalne] kulture praviloma homogene; [ii] da je v okviru razprav o pravičnosti problematika kulturne različnosti irrelevantna; ter [iii] da sta državljanska enakost in enako obravnavanje koekstenzivna. Med avtorje, ki so pomembno prispevali k tej razpravi, nedvomno sodi Will Kymlicka, katerega knjiga *Liberalism, Community and Culture* velja za eno od utemeljitvenih del multikulturalizma in sodobne politične teorije nasploh. V njej opozori na vlogo in pomen kulturne različnosti v okviru liberalnega pojmovanja državljanske enakosti. V nasprotju s takratnim liberalnim mainstreamom je namreč trdil, da sta sprejemanje in spoštovanje kulturne različnosti etničnih skupin del širših zahtev po pravičnosti. Prispevek predstavlja simpozij [tematski sklop] revije *Dve domovini*, ki obeležuje 25-letnico izida knjige Willa Kymlicke. V uvodnem delu simpozij [tematski sklop] kontekstualizira skozi identifikacijo nekaterih med predpostavkami, na katerih so temeljila liberalna pojmovanja pravičnosti pri reševanju vprašanj, povezanih s kulturno raznolikostjo. Prispevek hkrati povzema argument Willa Kymlicke za kulturne pravice, predstavljene v omenjeni knjigi. Sledi predstavitev člankov, ki so del simpozija [tematskega sklopa] ter njegovega prispevka k razumevanju vloge liberalnega pojmovanja multikulturalizma pri vseh poznejših teoretiziranjih kulturne raznolikosti in državljanske enakosti.