

# Applied Political Philosophy at the Rubicon. A Discussion of Will Kymlicka's *Multicultural Citizenship*

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<sup>1</sup> Paper prepared for the workshop *Exigences et limites du droit à la différence dans une société multiculturelle / Toleration and its Limits in a Multicultural society* (Louvain-la-Neuve, 22 mars 1996)

## Introduction

It is now over 25 years since John Rawls's *A Theory of Justice* and the launching of the journal *Philosophy and Public Affairs* created a new arena within political theory for principled reflection on the foundations of applied ethical and political thought. The general appeal of the 'Rawlsian' approach is rooted in the normative dimension it has provided to the study of familiar contemporary liberal political and social institutions. Its hallmark is the belief that a disengaged formal reflection on social arrangements – a theory of justice – can reveal the basic requirements of individuals conjoined together in liberal society, and hence spell out the foundations of liberal democracy in terms of basic rights, freedoms, and entitlements. There has indeed been an enormous proliferation in substantive applied ethics and philosophy and public affairs founded on justice-based considerations, an applied direction mirrored in the trajectory of Rawls's own work into non-ideal derivations and the specification of the political and contextual application of his work in the recent *Political Liberalism*<sup>2</sup>.

Of the many people pursuing these concerns in different applied fields, Will Kymlicka is fast becoming the leading exponent of applied philosophy and public affairs about multiculturalism in pluralist liberal societies. His work has now extended from the foundational exploration of the problem of culture and community in contemporary liberal political thought in *Liberalism, Community and Culture* (1989), into the fully worked out theory of minority rights, derived from his own justice-based foundational position, in the new work *Multicultural Citizenship* (1995)<sup>3</sup>. In this ambitious work, Kymlicka offers a defence and justification of the range of special group-based allowances and protections – and their limitations – that national or ethnic minority groups may justly claim within a host liberal society. It is an extraordinary work, both because of the confidence with which a justice-based philosopher's approach is used to derive very concrete political positions and recommendations, and the insistence with which it argues that applied political philosophy must indeed go this far in order to make sense of the idea of applying ideal theory to real political questions. In this respect it is a breakthrough text, a work which promises to bring applied philosophy and public affairs to the attention of a far wider range of political, social and legal scientists interested in this applied field – and one which merits a discussion in the light of these broader inter-disciplinary concerns.

Such a cross-over of disciplinary boundaries is long overdue. From the perspective of mainstream political science and the explanatory forms of theory it is now founded on (predominantly either rational choice or neo-institutional theories), the normative concerns of

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<sup>2</sup> John Rawls. 1971. *A Theory of Justice*. Oxford : Oxford University Press ; John Rawls. 1993. *Political Liberalism*. Princeton, N.J. : Princeton University Press.

<sup>3</sup> Will Kymlicka. 1989. *Liberalism, Community and Culture*. Oxford : Clarendon ; Will Kymlicka. 1995. *Multicultural Citizenship*. Oxford : Oxford University Press. See also the collection of essays he edits, Will Kymlicka (ed). 1995. *Minority Rights*. Oxford : Oxford University Press.

philosophy and public affairs have long appeared arcane and remote from its study of liberal pluralist politics. From a perspective based on a disaffected account of self-interested power relations, bargaining and collective actions problems, it is tempting to see contemporary political philosophy as little more than the edification of some of liberal pluralism's most self-deluding ideas about itself. Indeed, it is often hard to believe that the two kinds of political theorist could possibly be writing and reflecting about the same liberal polities. Political scientists are exhorted to pursue value-free, positive goals in their writings about liberal democratic politics. Philosophers, meanwhile, have withdrawn into what is now a comfortable and self-sustaining disciplinary niche, oriented around the Rawlsian starting point. When challenged, their fall-back position is often that they do normative, justice-based 'ideal theory', that is clearly distinct from the explanatory and empirical concerns of political scientists. Yet at the same time, the applications derived from philosophical reflections – and the growing number of ethical consultancy centres – claim a privileged normative perspective on political decision-making and policy proposals in the real political world. There has to be some rationale for this critical privilege. Very few philosophers have shown how normative political philosophy can be systematically put to work in the targeted, politically orientated way that Will Kymlicka develops. His work, therefore, may offer a key litmus test of how far justice-based normative thinking can be taken generally into applied political questions that refer to empirical case study material, and whether this is the right way to combine philosophical and empirical concerns. In short, Kymlicka offers an answer for a general readership to the question: what use is political philosophy?

Within the framework Kymlicka establishes in *Multicultural Citizenship*, minority rights are thus not only 'well-founded' abstract propositions that persons could agree to on due reflection from within an ideally-constructed thought experiment (a Rawlsian check list of primary goods, for example). They are also meant to be an encompassing interpretative frame for what are very real political institutions and mechanisms found in situations involving national or ethnic minorities. They are thus defended as the bottom line in adjudging what to do in empirical 'hard cases'. Minority rights will thereby be shown to both 'mean' and 'do' something in the empirical world of everyday liberal democratic politics. Kymlicka has in mind a whole range of different style political or legal measures that may be considered as minority rights justified by his basic framework: constitutional liberties, representational mechanisms, specially targeted social policies, cultural concessions, supplementary government funding. He defends the idea of minority rights as the elemental political cornerstones for any just plural society, and pictures them as threatened by other political positions and theories that would reject their importance. They are also ideals that have certain qualifications and limitations according to the same foundational justification that sustains them as necessary. With these lines established, he goes on to make what is an unprecedented claim in such applied philosophical work: that a principled

theory of minority rights is exactly the kind of thing needed to sustain faltering democracy and degenerating inter-ethnic situations across the globe.

In this paper, by raising queries about the organisation of Kymlicka's distinctive claims, and his methods of approach to the applied subject matter, I hope to develop a critical perspective on the general approach and pretensions of Rawlsian-style philosophy and public affairs. I do however wish to uphold the integral importance of the normative dimension to the applied empirical study of liberal pluralist politics, something which a critique of such an important example of current overtly normative thinking may offer a path into. I begin by taking a closer look at the architecture of *Multicultural Citizenship* – its aims, structure, claims and method – before raising a series of doubts as to whether Kymlicka's framework and stance on minority rights in fact illuminates specific national debates which he refers to, and which raise the kind of normative questions he hopes to clarify. Adopting Kymlicka's interpretative frame of minority rights in fact may – in certain cases – either obscure the issue, denature what is really at stake, or risk aggravating the situation if put into action. These doubts should be enough to suggest that a different normative vantage point and theoretical method should not be ruled out as more appropriate in many of the national cases Kymlicka discusses, and that his general theory cannot possibly be as general as he hopes it to be. I then go on to suggest that the limitations of Kymlicka's approach are in fact typical limitations of applied justice-based thinking within the general Rawlsian paradigm dominant among political philosophers : problems that can also be traced in the abstract 'master-theory' of Rawls's work, and through his followers. Overcoming these limitations may entail a break with the way 'philosophy and public affairs' has been practised to date, but it will have the consequence of bringing the normative and empirical study of liberal institutions closer. Such a movement taps into a new and growing concern with normative considerations in the empirical account of liberal politics and democracy in mainstream political and social science. Contemporary political philosophers have to date remained deaf to many of these developments in the wider discipline they are part of. It is my hope that philosophers might, in acknowledging some of the applied limitations of the framework inherited from justice-based formulations of normative theory, begin to rethink how ideal theory can be bettered and turned into a more thoroughly contextualised, institutionally-based and politically relevant normative theory<sup>4</sup>.

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<sup>4</sup> Although I do not present my own approach here, I have written a full length treatment of the subject based on a comparison of France and Britain. This is an EUI PhD thesis, *Philosophies of Integration : the Theory and Practice of Ethnic Minority Policies in France and Britain* which is forthcoming as a book from Macmillan publishers (1996).

## The architecture of *Multicultural Citizenship*

### a) Aims

*Multicultural Citizenship* can in essence be said to have three central aims. The first is a straightforward one : a systematic advocacy and justification for minority rights in both theory and practice. Minority rights are thus argued for as the main foundational cornerstone protecting and enhancing the position of minorities in a liberal pluralist society, and the most effective way for liberal society to deal with the problems and dangers that the presence of these minorities pose. Kymlicka indeed has one eye clearly on the recent resurgence in ethnic or intercultural conflict and the threat to democracy and peace this has created, particularly in the newly liberal East European nations and the developing countries of the Third world. Kymlicka asserts that what is missing precisely from the piecemeal upholding and application of minority rights in international and national liberal political institutions is a systematic and founded defence of the place of minority rights in any pluralist society.

Secondly, Kymlicka clearly wishes to re-organise and go beyond the many theoretical confusions and controversies found in recent liberal thinking about the place of culture, ethnicity and nationality in claims concerning groups within liberal societies. One reference point is the schism found between so-called 'liberals and communitarians' over the relative weight of individuals versus community ; a second is the apparent clash in jurisprudential thinking between individual and collective rights. Taking his distance from certain versions of communitarian thought, Kymlicka offers a defence of the value of culture and nationality to individuals in terms that are compatible with an equality-based theory of justice. This also provides him, he claims, with the wherewithal to distinguish group-differentiated rights from the cruder category of collective rights, group rights which can and are compatible both with the requirements of equality between distinct groups in society (or a minority population and the majority) and basic liberal constitutional guarantees about individual rights and freedoms.

The third aim, not explicitly made, but implicit in the commitment, attitude and accessibility of the work, is that it is a paradigmatic example of what applied philosophy and public affairs ought to look like for a general audience : how a justice-based foundational reflection can be connected with real political issues and debates and generate a normatively justified position on a politically and policy relevant area of study. Indeed, one may note how in all his accompanying current work, Kymlicka is pushing ever further the application of his philosophical interests into activities that include public policy consultancy and interventions into current debates over multiculturalism in his native Canada.

## **b) Structure**

The organisation of *Multicultural Citizenship* differs from what might be expected of a philosophical work – and which was characteristic of Liberalism, Community and Culture – moving from abstract foundational discussion and the formulation of principles to their application and working through in contextual cases. The work begins rather with an extensive interpretative conceptualisation of the subject, which orientates the essential terms of the debate before digging to their foundational roots. With these in place, the applied derivations of the general position that can then be used to shed light on a series of common problems associated with the application of minority rights in political practice.

After a brief introduction for the general reader, then, Kymlicka uses chapters 2 and 3 to lay out some of the key categories and the conceptualisations of the terms and problems he sees at stake in the question of multiculturalism. Essential to his aims is first to establish a distinction between national minorities, who are indigenous or constitutive of a multi-national state, and ethnic minorities, who are culturally based groups – usually immigrants – who group together within a pluralist liberal society primarily for political reasons. A second essential distinction is then established by distinguishing the difference between the state's external protection of a group's rights from the majority or other groups, and the state's prerogative to not extend this to allowing internal restrictions imposed by the group itself on the freedom its own members. Both of these distinctions are essential to the liberal line Kymlicka seeks to take through the competing claims of individual rights and community values, or the justified and unjustified upholding of minority group practices inimical to liberal values.

Chapter 4 goes into ground familiar from Kymlicka's previous work : the history of the rise and fall of minority rights in the 20th century, through the failure of the League of Nations into the more undifferentiated conception of individual human rights upheld within the institutions of the United Nations. It allows him to raise, in a historical perspective, the apparent need to broach once again the question of minority rights in order to face the new challenges of the post-cold war era and the resurgence of ethnic and nationalist politics.

Having conceptualised the subject and established its background, it is not until chapters 5 and 6 that Kymlicka explores the philosophical roots of the position he wishes to uphold. The first explores what he sees as the essential relationship between freedom in a liberal society and a secure, rooted upbringing in a national societal culture. Kymlicka here spells out the argument for a rich, national cultural form of life as the origin of the liberal value of individual freedom, and hence the rationale for the justice-based arrangements protecting certain differentiated groups within a liberal society. A second set of philosophical reflections then, in the following chapter, leads on to arguing for equality as the bottom line in sustaining minority rights in a just fashion, although certain collateral consideration can be given to arguments for minority rights

based on the value of diversity or the need for social peace. Kymlicka's substantive philosophical position – despite its sympathy for multiculturalism and the protection of certain communal forms of life – is thus still substantially compatible with the mainstream of liberal political philosophers defending liberal rights-based theories of justice as the foundation of liberal normative positions on political questions.

Chapters 7, 8 and 9, then delve into the various substantive problems that are associated with this difficult balancing of individual rights on the one hand and group or community values on the other. Kymlicka respectively discusses three of the 'classic' applied issues which follow from putting this abstract problematic at the heart of liberal ethnic dilemmas: the political representation of minority groups; the limits of tolerance that a liberal society can show for non-liberal groups; and then finally the strains of commitment – the civic 'ties that bind' – imposed by the need for some degree of social unity and an encompassing conception of citizenship to guarantee a just and stable liberal society. Kymlicka then goes on in his conclusion to make a stirring call for the need for such a theory to cut a path through the difficulties that liberals habitually have on this subject, and to find a response to ethnic dilemmas across the globe.

### *c) Claims*

The three most controversial claims Kymlicka defends are those most important to the overall structure of the book. They concern both the interpretative categories he sets up to establish the conceptualisation of his subject matter, and the justifications he uses to sustain these categories at a fundamental philosophical level.

The first is the apparent hierarchy of precedence in claims for minority rights Kymlicka sets up in distinguishing between national minorities and ethnic minorities. While the former are described in terms of indigenous linguistic and territorial rootedness and encompassing national and cultural forms of life, the latter are conceived as primarily immigrants to western society by choice, and thus reads their collective bonds more in terms of political expediency and lifestyle choices. Their claim to minority rights is thereby weaker because they cannot claim a rooted territorial origin as the source of their identity, but rather must seek concessions in terms of what is needed in order for them to integrate fully into the dominant host national political culture.

The second claim is the essential connection between freedom and the strength of one's national societal culture, conceived primarily as a sort of linguistic community – most likely territorially defined – within a larger multi-lingual or multicultural state. Again, the controversy of the claim lies in the hierarchy of precedence it sets up in conceiving membership in a society, giving a much stronger claim to national belonging over membership rooted in smaller cultural units or a pan-national 'internationalist' community. In the main, this is sustained in order to

argue against the habitually ‘naive’ cosmopolitan tendencies of liberal philosophers who suggest that national–cultural membership is irrelevant to the ideal of freedom, and hence the claims of rights and equality, etc.

Kymlicka’s third claim is that the high ideal of equality is the primary justification for group differentiated rights, given that it also provides the pivot for distinguishing weaker claims and drawing limits of toleration against certain internal cultural practices that cannot be accepted even within the guarantee of minority rights. Here he builds on the foundational position defended in *Liberalism, Culture and Community*, in which a Dworkinian style ‘egalitarian plateau’ is argued to provide a better basis for grounding justifiable group rights than the habitual communitarian talk of cultural recognition, collective identity or anti–individualist communal values as the appropriate stakes for defending minority groups and cultures.

Despite his strong individualist liberal tendencies, however, Kymlicka’s main target throughout are those critics of multicultural or group–differentiated rights who use doubts over the concessions a liberal society makes when tolerating minority cultures to claim that multiculturalism is in fact destroying the bases of citizenship and civility, and hence the possibility of successful integration. Working hard to show that multiculturalism – when defended in the right liberal terms – is nothing to be feared, Kymlicka argues that his position is a more coherent liberal position in the face of ethnic dilemmas than the kind of strongly assimilatory ‘universalist’ programmes that such critics would tend to uphold.

#### **d) Method**

The sort of method found in *Multicultural Citizenship* is perhaps the most characteristic mark of it being an archetypal work of ‘philosophy and public affairs’ style thinking. The accent throughout is on offering a conceptualisation, followed by substantive philosophical argument and illustrations, that clarify and confirm a reader’s intuitive grasp of the issue. That is, the problems and applied material it uses are introduced in order to establish a framework that readers themselves would be able to come to were they to formulate one on ‘due reflection’. The power of the argument is in the enlightenment it brings by articulating in some sense what the reader already ‘knows’; the approach is not established by counterposing its merits with the very different approaches a redescriptive utilitarian or social theoretical account (which rejected common sense perceptions of the problem) might make.

The argument is thus never counter–intuitive, and is carried along by the ‘reasonableness’ of its propositions and the readings it makes of the case material. Approaching a wide variety of possible illustrative material taken from the current politics of different liberal political states and their problems, the examples of well–known specific dilemmas and typical ‘hard cases’ are introduced in a piecemeal and straightforwardly descriptive way, in order to exemplify and

uphold the very categories and abstract problematic that the framework itself introduces. It is therefore a characteristically circular ‘reflective equilibrium’ kind of argument, moving back and forth between the categories and abstract positions it sets up and the cases that appear to illustrate the effectiveness of this kind of conceptualisation, to finally uphold this conceptualisation as the best general way of framing the subject. An example of this is the argument for the national vrs ethnic minority distinction. Although rooted in a specific national case where it is most powerful and explicitly present in political debate (the Canadian case), its clarity is offered as reasonable enough to be generalised to a whole range of other cases with a very different political or historical background. An ordinary language use is thus stretched into a general analytical conception. ‘Difficult’ examples – such as blacks in the US – are then acknowledged but defused by the battery of examples that do appear to fit. This in itself is taken to be enough to establish the minority rights frame, and its explicit hierarchy of claims, as the right one for all cases involving ethnic or national minorities.

While it is clear from its popularity that Kymlicka’s interpretative frame offers an accessible and attractive frame for the general discussion of issues connected with multiculturalism and citizenship in pluralist liberal societies, it is characteristic that very little rationale is provided for the elusively common sense method of constructing the original conceptualisation itself. It is worth noting, then, how the three applied areas – the political representation of minorities, the limits of toleration, and the mystery of the ties that bind – again work in a circular way to uphold the validity of the original abstract conceptualisation and arguments. Posing the philosophical problematic in the way he does may in fact substantially define the kinds of problems that can be found and discussed in these terms from contemporary empirical case studies. For all the diversity of the many examples and case materials that are introduced, the main drive of the text is, as always with philosophers, to provide a generally valid and encompassing framework, and to smooth out the rough differences between nationally or historically specific examples into a single philosophical language.

### **Some doubts**

As mentioned in the introduction, one of the qualities that sets Kymlicka’s work apart from more explicitly ‘ideal–theoretical’ works of political philosophy is its insistence that the justice–derived positions it sets out can also be shown to both ‘mean’ and ‘do’ something in the liberal societies it takes as its empirical reference point. As such, the argument throughout is interspersed with illustrations of his points taken from a range of pluralist liberal societies said to face the problems that *Multicultural Citizenship* identifies. Kymlicka’s raw material stretches beyond his native Canada, to the US, to other ‘new world’ immigration societies such as Australia, to old world

problems faced in Europe by France, Britain, Belgium, or Germany, and even situations involving minority 'national' cultures such as the Basque region or parts of Eastern Europe.

Such a general ambition, however, raises a series of doubts once a closer look at the national sources Kymlicka refers to is made. When Kymlicka speaks of different devices or mechanisms – such as specific constitutional rights, special forms of political representation, cultural concessions, targeted social policies or supplementary arts funding – from different national political origins as all examples of minority rights granted or claimed, there is a danger that identifying these manifold examples in these terms in fact misdescribes what they in fact mean or do in their original national context. It is as if he is suggesting there is something essential beyond the descriptive facts about the examples in virtue of which they are all 'minority rights'. And, to take this Wittgensteinian doubt further, we might ask why there should be anything more than very uneven family resemblance across these different examples and cases, whether we identify them as minority rights or by some other label. Indeed, it may turn out that a great deal is lost or denatured by imposing this particular framework on all these different examples of liberal polities dealing with their ethnic dilemmas. In this section, then, I will explore how a greater attention to the contextual setting of such devices or mechanisms needs to be paid before any such general framework or conceptualisation can be sought. This entails a contextualisation that works on three different dimensions : the linguistic, the institutional, and the political.

These doubts will in fact suggest that a good deal more attention has to be paid to the methodological problem of comparative interpretation and conceptualisation before illustrative case material can be used to uphold a general framework, let alone derive substantive normative positions. Without this, there is a danger the work will break some fairly basic rules of comparative research, that could allow a researcher to go in to case study material armed with general 'analytical' categories (perhaps derived from a single 'home' case study) and be able to find any amount of material that fits the original concepts as long as they can be sufficiently 'stretched'<sup>5</sup>. More problematic still are the tacit 'causal' explanatory inferences that might be drawn from identifying the existence of 'well-founded' minority rights (or their counter-factual potential existence) in the different contemporary political situations mentioned : that it is their 'foundational' groundedness (established in the rationale Kymlicka makes for them in terms of freedom or equality, etc) that has (or would) enable the institutional device to work, and thus function to protect the minorities involved or improve the situation of cultural pluralism. In explanatory terms, there is nothing to suggest that it is necessarily in virtue of their philosophically grounded properties that minority rights actually achieve what they set out to do. Since this at best would seem to be an untestable proposition, it may well be that we need to look

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<sup>5</sup> This issue is reminiscent of Giovanni Sartori's infamous 'cat-dog' problem in comparative method, discussed in 1991. « Comparing and miscomparing », *Journal of Theoretical Politics*. Vol.3, No.3 ; and David Collier and Steven Levitsky's recent discussion of 'conceptual stretching' in comparative studies of democracy, in 1994. « Democracy "with adjectives" : Finding conceptual order in recent comparative research », Paper presented at APSA, New York.

at how other explanatory sociological or political factors might also be required as a condition for the ‘success’ of the liberal ideal values, if and when they can be identified as having been ‘institutionally translated’ into empirical examples from actual liberal societies.

### *a) Linguistic contexts*

What if in one of the national cases Kymlicka cites frequently neither the term ‘minority’ (whether ethnic or national) or ‘minority rights’ (as political provisions for a distinct, identified minority groups within the majority population) were accepted as admissible terms for identifying the issues within the ongoing liberal debate in the country about problems of immigration, citizenship and integration? This is, of course, (crudely speaking) the current situation in France where, since the mid–1980s a strongly individualist Republican idiom and model for dealing with the country’s ethnic dilemmas has been affirmed across the political spectrum. Officially at least, France has no minorities and does not grant political rights to groups but individuals: what institutions that exist to protect or encourage cultural pluralism (which *is* recognised and valued) do not operate in terms reducible to Kymlicka’s<sup>6</sup>. One can of course argue that minority rights do in fact exist in France in practice, but they are not called that (that French ‘self understandings’ are somehow wrong or self–deluding); or, as Kymlicka also sometimes suggests, that the spurning or ignorance of minority rights in France indicates that despite being a traditional birthplace of liberalism, contemporary Republican France is quite simply failing Kymlicka’s ideal–theoretical standards on the question (despite having numerous reasons for needing minority rights provisions on his terms).

There is a danger that such a conclusion would show little attention or understanding of what has in fact seen the progress of cultural pluralism in France over the past two centuries, and the very interesting alternative case study of contemporary liberal politics the new politics of *intégration* and *citoyenneté* provides for the practice of pluralist liberal democracy generally. French political institutions at very worst must at least be enlightened enough to be allowed into the club of liberal democracies said to embody distinct versions of ideal–type ‘political liberalism’; indeed, the current generation of republican intellectuals never tire of saying how contemporary France is in fact the highest embodiment of enlightenment political philosophy’s ideals and values<sup>7</sup>. It in fact matters very much how the dominant consensus within a liberal polity names and identifies the objects and problems of pro–active, interventory political action.

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<sup>6</sup> See the Haut Conseil à l’Intégration’s well known formulation, adapted from Jacqueline Costa–Lascoux. 1989. *De l’immigré au citoyen*. Paris : LDMF, that French institutions do not follow “la logique de minorités” but “la logique d’égalité”.

<sup>7</sup> For example, Luc Ferry et Alain Renaut. 1985. *Des droits de l’homme à l’idée républicaine*. Paris : Presses Universitaires de France ; or Dominique Schnapper. 1991. *La communauté des citoyens : essai sur la Nation*. Paris : Gallimard.

The fact the French choose to conceptualise the problems of cultural pluralism without reference to 'minority rights' does simply mean the comparative researcher must look first to spell out the normative logic of these institutions in other terms closer to those used. After all, a national public conceptualisation of the problems faced has been arrived at by a much more democratic process than the largely a priori formulation of the philosopher. It underlines how a general 'minority rights' framework is but one possible systematic formulation of the problems of 'cultural pluralism' and so on, and one which already imposes a slanted perspective. Better perhaps to begin by staying close to the rough ground, and describing the ordinary language meanings of actual political terms and concepts within the full institutional and political context in which they are used, before looking for a way of comparative generalisation.

An example which Kymlicka mentions, such as the infamous 'affaire du foulard' – in which three muslim schoolgirls were banned from class for wearing religious and 'oppressive' symbols in a secular French school – should not be reconstructed as a one paragraph 'hard case' that can be reduced to a quick external judgement : such as deeming this either an example of a justifiable claim for a minority right concession on clothing being unfairly denied by an over assimilatory state, or conversely an example of the state justifiably drawing a line on the 'limits of toleration' in the name of equality. These arguments were indeed present in the public debates – in the shape of 'droit à la différence' type rhetoric on the one hand and the philosophical republican hard-line on 'laïcité' in the public sphere on the other – but there was a great deal more at stake than abstract philosophical principles. It was firstly a case which at its most substantive raised questions about who in a centralised state such as France should have the institutional power to decide and which rationale it should use (should it be the supreme Conseil d'état fixing the principles in advance, or devolved to a local case by case pragmatism) ? Secondly, it questioned who the girls in fact were for the purposes of political decision making and the wider goals of intégration (were they culturally embedded muslims, défavorisés immigrants, oppressed women, or potentially autonomous future citoyens, etc). And thirdly, with intellectuals playing such an important role in the public debate, it asked which type of theories were most important in answering the questions it raised (should philosophical, political, sociological or anthropological arguments count most in deciding) ?

It is thus highly significant as a normative question to ask how and why a particular French public self-understanding came together to face this crisis. From this perspective, it makes little sense to characterise the complex institutional and political struggle to form a democratically acceptable conceptualisation and response to the dilemma as one about the establishment or not of a minority right for an ethnic minority. Clearly, outside of these terms, there are still important normative lessons to be learnt about how this particular liberal political system faced up to an ethnic dilemma of this kind, but it is difficult to see how it could be made sense of

within the framework put forward as generally applicable in *Multicultural Citizenship*<sup>8</sup>. Indeed, it is hard to see how Kymlicka's title itself could be translated into anything seen through French eyes – given that both 'citoyenneté' and 'multiculturel' have connotations in their own context that would be totally incompatible with the ones that Kymlicka defines and defends.

### **b) Institutional contexts**

Perhaps getting so worried about language and the translation of the normatively laden concepts that carry liberal politics in different settings appears to be unnecessarily pedantic, but it is symptomatic of deeper factual concerns about the nature of interpretation in a philosophical work such as *Multicultural Citizenship*. Similar 'linguistic' concerns could be raised in connection to the citations Kymlicka makes about certain cultural concessions found in Britain towards her ethnic minorities (who are indeed publicly identified as such). He mentions the concessions that have been gained through Britain's race relations mechanisms to allow Sikhs the 'right' to wear specific headwear in school or when riding a motorcycle, Asian women the 'right' to wear trousers at work or Jews the 'right' to have Saturday worship as further archetypal examples of the granting of minority rights to ethnic groups within a polyethnic society.

These are certainly examples which would appear to have a stronger prima facie case for inclusion in Kymlicka's framework. Yet again, it surely matters in some sense that these concessions would not be spoken of in Britain – for or against – as 'rights' as such. If the sense of a right generally speaking contains an idea of something that is fixed as inviolable or hors jeu politically speaking, then it is difficult to translate the kinds of concessions made to Britain's ethnic minorities as 'ethnic minority rights' in the sense Kymlicka gives them. This is significant in a way that goes beyond mere linguistic differences : because both symbolically and constitutionally, these concessions function as institutions in very different way to the way rights are meant to function in Kymlicka's framework. There is, in other words, a need to reconstruct the institutional context that makes sense of these specific examples from Britain.

An account of this framework would involve a rather complicated reconstruction of the various counter-balancing elements that are characteristic of Britain's complex and peculiar institutional resolution of its own ethnic dilemmas<sup>9</sup>. Any concessions to specially recognised

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<sup>8</sup> I offer my own reading of these developments in 1996, op.cit. Among French authors, see particularly Patrick Weil. 1991. *La France et ses étrangers : l'aventure d'une politique de l'immigration*. Paris : Calmann-Lévy ; and Françoise Lorcérie. 1994. « Les sciences sociales au service de l'identité nationale. Le débat sur l'intégration en France au début des années 1990 » in Denis Constant-Martin (ed). *Cartes d'identité : Comment on dit 'nous' en politique*. Paris : Presses nationales de la Fondation de science politique.

<sup>9</sup> As well as my own work, I would also endorse the kind of readings of the British institutional framework put forward by Bhikhu Parekh. Parekh. 1990. « The social logic of pluralism » in Bhikhu Parekh et al. *Britain : A Plural Society*. London : CRE ; John Rex. 1991. *Ethnic Identity and Ethnic Mobilisation*. Warwick : CRER Monographs in Ethnic Relations No.5 ; Tariq Modood. 1992. *Not Easy Being British : Colour, Culture and Citizenship*. London : Runnymede Trust/Trentham ; Shamit Sagar. 1991. *Race and Public Policy : A Study of Local*

ethnic or racial groups that have been made within this framework have made on an explicitly piecemeal, incremental way, that steer clear of establishing any constitutional guarantees or civil rights as such – and hence any kind of formal political recognition – but has enabled what amounts to an incremental symbolic representation of such groups in the developing social idea of ‘multicultural’ Britain. The special status such recognised groups enjoy is inscribed within a strict immigration regime that excludes any new groups from the same benefits; those recognised as part of the race relations framework have been taken in virtue of a special ‘commonwealth’ responsibility, not in virtue of any claims about the inherent value of cultural or ethnic belonging. Any connection with the issue of national devolution to the other parts of the ‘union’, or indeed the situation of immigrants or refugees elsewhere in the world, is strictly kept out of the picture. The issues that are raised are explicitly devolved by government to local levels and kept out of the mainstream of national party politics. The idea of citizenship this encourages is a curiously voluntary, associative one, conceived in civil society terms and shorn of its more overtly constitutional or political participatory overtones. The rationale behind this indeed has nothing to do with protecting any fundamental justice-based principles but assuring and maintaining a harmonious public order, with one eye in particular on the wider problems an indigenous population reaction against ethnic groups would cause. The framework that exists is kept deliberately flexible and revisable in order to permit further ad-hoc adaptations as political circumstances require.

Given this kind of institutional background, it would be very difficult to describe the mechanisms that have evolved within to Britain to deal with the problems of immigration, citizenship and integration as embodying the kind of rationale Kymlicka sets up in *Multicultural Citizenship*. For example, he mentions the Rushdie case as one that raises the problematic of needing to draw a line against the internal restriction of individuals within a minority group. However this would be a rather restrictive way of characterising the normative issues at stake here. The question of free speech versus the protection of community values was part of the picture, but this was mainly a preoccupation of intellectual debate that only partially captured the political and institutional issues at stake. Rather, the case revealed faultlines in the existing institutional structure for dealing with ethnic dilemmas concerning the non-recognition of specific provisions for muslims within a framework designed to recognise generic ‘racial’ groups (the fictional ‘asian’ sub-category), and the lack of legal mechanisms for dealing with the case, particularly an institutionalised distinction between public and private spheres in a case raising an issue of public morality. As in France, the most important normative enjeu of the case was as a struggle about how and in what terms the conflict was to be publicly conceptualised for political

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*Politics and Government*. Aldershot : Avebury ; and John Crowley. 1992. « Consensus et conflits dans la politique de l’immigration et des relations raciales du Royaume Uni » in Jacqueline Costa-Lascoux and Patrick Weil (eds). 1992. *Logiques d’états et immigration*. Paris : Editions Kimé.

responses. The case thus became a focus for various challenges by certain groups to the existing institutional compromise.

One might argue that this only goes to prove that Britain thereby needs a formal minority rights structure to deal with this sort of problem ; but this is an external perspective that would overlook all that is positive in the existing path of institutional evolution in Britain, and – practically speaking – would entail scrapping the complex arrangements that currently exist. Political actors involved on all sides – politicians, religious and cultural representatives, the race relations lobby – were in fact at pains, after the Rushdie case, to re-establish the merits of the existing mechanisms for managing ethnic diversity. These are mechanisms that do embody a distinct normative rationale – albeit a combination of paternalist utilitarianism and conservative social philosophy – that has proven over the last 25 years to be a distinct version of philosophical liberalism translated into applied circumstances. Once again, it is a question of an institutional structure – which appears to have a validly liberal logic and internal language of its own – that would seem to fit very uncomfortably with the general interpretative frame on offer.

### ***c) Political contexts***

The suggestion that the minority rights perspective might be a valid vantage point for a critique of national institutions that have not opted for this normative rationale does suggest a line of defence to my criticisms so far. The ideal-theoretical philosopher can thus still stand back and defend the theory of minority rights as exempt from criticisms based on the successes or failing of other types of institutional solutions in different empirical cases, because his is a theory that constructs the most just solution of a ‘view from nowhere’. This kind of response would not exclude the learning experience from looking at the failure of France and Britain as proof that they should reform in favour of a comprehensive, institutionalised minority rights framework, as the right solution for their developing ethnic dilemmas. The French are misguided and the British are unprincipled, and sooner or later they are going to have to snap into line with political philosophers and the rest of the liberal world (and all the more so if the minority rights solution can be read as expressed in institutional structures established by the United Nations, UNESCO, the Conseil d’Europe, etc).

It is, however, as yet unclear if Kymlicka would wish to endorse a ‘view from nowhere’ ideal-theoretical stance. He is certainly less than enthusiastic about the internationalist option ; and part of the central applied appeal of *Multicultural Citizenship* is based on the idea it gives foundations and coherency to embryonic minority rights structures that can be found in actual existing liberal nation-states. We might turn, of course, to Canada for instruction, or the other ‘new world’ countries of immigration, such as Australia. Or perhaps the United States. For the applied framework to attain the kind of generality it aims for, this case surely must be a key

litmus test. France and Britain may have great historical credentials as liberal states, but they are also famed for their peculiarly insular, and nationally self-obsessed, preoccupations. They might just be exceptions : other constitutional European states – East and West – look more hopeful candidates for a minority rights framework. But what of the US ? If this case cannot be made sense of with the frame Kymlicka offers, then the heuristic power of the general framework is going to be severely diminished.

It is here perhaps that we get a clue as to why Kymlicka spends so much time worrying about the US's apparent recalcitrance to his framework, and why he makes such a strong rejection of American writers' own self-understandings of American priorities and issues in their country's treatment of ethnic minorities. One of the most significant and important liberal gains of the post-war period – the American opting for colour-blind civil rights in the 1960s – is read by him as something that dealt a negative blow to the contemporary standing of minority rights in liberal politics. Kymlicka thus rejects the usual interpretation that these civil rights are legitimate examples of minority rights, which allows him to contest claims by recent neo-conservative commentators on multiculturalism in the US (such as Nathan Glazer or Arthur Schlesinger) that it is the civil rights creation of minority privileges and protections that has led to the emergence of 'beyond the melting pot' ethnic politics in the US and the 'balkanisation' of multiculturalism<sup>10</sup>. These are typical arguments which, according to Kymlicka, have unfairly damaged the cause and reputation of the idea of minority rights that he wishes to uphold. Further, he contests more liberal defences of the classic integratory idea of American 'multicultural citizenship' (such as Michael Walzer) who argue that the voluntary immigrant ethnic melting pot model is still alive and vibrant<sup>11</sup>. This position, Kymlicka argues, rubs out the vital distinction he wishes to make between immigrants and indigenous national minorities, who have been ignored and systematically smothered by the dominant conception. He thus argues that is wrong to rule out national minority rights for indigenous populations in the US by association with the degenerating situation of civil rights (that were never true minority rights anyway) for other minorities in the US.

Kymlicka's reading of current ethnic and racial politics in the US is a curious one, which appears to both diverge from most American self-perceptions, and put a central emphasis on an issue – the rights of indigenous populations – that is a relatively minor one in the US. It is a position whose hand is pushed by the overriding need to preserve the structure of the arguments sustaining the general framework. Following his interpretation through within a framework whose cardinal distinction is the one between national and ethnic minorities, it ends up that only indigenous populations in the US have a strong claim for minority rights protection (if they can be somehow defended as a 'national' culture, which is itself dubious), and that other ethnic and

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<sup>10</sup> See Nathan Glazer. 1983. *Ethnic Dilemmas 1964–1982*. Cambridge, MA : Harvard University Press ; Arthur D. Schlesinger. 1992. *The Disuniting of America : Reflections on a Multicultural Society*. New York : Norton.

<sup>11</sup> Michael Walzer. 1992. *What it means to be an 'American'*. New York : Marsilio.

racial groups, with only the overall national civic culture – the ‘American creed’ – to find themselves them in, should probably not be given minority rights at all. That is, as voluntary immigrants to the American system, their ethnic, cultural or religious claims in the end lack foundation because their encompassing ‘national’ culture is in fact the assimilating mainstream American national culture, and the claims therefore little more than instrumental lifestyle choices. Kymlicka, the multiculturalist, thus ends up taking a bizarrely neo-conservative position on the American multicultural debate. His multiculturalism is founded on a view that cultural claims are grounded in virtue of the relation between individuals and their encompassing national societal cultures, and it is therefore no surprise to find it incompatible with American multiculturalist argument, which is based above all on challenging the idea that the US still has an encompassing national civic culture. These writers picture America, ‘beyond the melting pot’ as multicultural in a much more radical sense : a decentred, ‘post-modern’, post-national, multi-ethnic and multi-racial political space, where the fast waning national civic creed is no more than the last gasp of the dominant anglo-saxon political elite whose power is being overturned by sweeping ethnic and demographic changes<sup>12</sup>.

Leaving aside whether or not America is a poly-ethnic nation state or a post-national multicultural one, it would be better to avoid Kymlicka’s conclusions about the claims of American ethnic, racial and religious groups by accepting that, in this context, his national vrs ethnic minority distinction does not really work. Rather, it is better to read America as an example where far-reaching minority rights were instituted in the 1960s, that these are ethnically, racially and culturally grounded rights that are not justified in terms of an encompassing national culture, and that these have indeed been the main structuring factor in the progress and problems of multiculturalism and ethnic and racial politics since then. It seems wrong to rule out a case such as the US where the Madisonian creed of protecting minority rights – is one of the foundational elements of the constitution. What is then interesting is that the effect of 60s civil rights in this tradition – together with the affirmative action targeted social policies of the Great Society reforms – has indeed been to fuel an explosion in ethnic and racial politics, that has (for good or bad) undermined the classic assimilatory model and civic creed. In short, the US should be read as a case where the effects and consequences of institutionalising a minority rights framework can be read over time and studied as a lesson for better or worse of what might happen if minority rights are chosen as the right way of dealing with ethnic dilemmas ; not as a case that is somehow a perversion of a true minority rights framework.

On this basis, an alternate reading of the American can be made. The civil rights and Great Society reforms were indeed justified on the kind of egalitarian justice-based rationale that Kymlicka and other Rawlsian liberal political philosophers would endorse<sup>13</sup>. Creating rights–

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<sup>12</sup> Arguments spelt out by Iris Marion Young. 1991. *Justice and the Politics of Difference*. Princeton, NJ : University of Princeton Press.

<sup>13</sup> See the case made by Bernard Boxill. 1992 (1984). *Blacks and Social Justice*. Totowa, NJ : Rowman and Littlefield.

based structures to fight discrimination and encourage the integration of disadvantaged ethnic groups, over a period of years this framework has had both successes and shortcomings. Middle class ethnic groups have been able to join the mainstream through better access to schools, universities and professions. The multi-racial and multi-cultural 'rainbow' composition of the US has become an everpresent accepted reality. With the accompanying opening up of immigration laws, new immigrant groups from Asia, South America and elsewhere have been able to come to the US and thrive. Yet the encouragement the frame has given to ethnic politics has also sped up the fragmentation of the traditional idea of American citizenship. The rights-based framework exaggerates the role of law and due process, formal quota based entitlements, and the power of supreme court political decision making. And the framework has encouraged the translation of all ethnic dilemmas into dilemmas of cultural conflict and diversity, creating an obsession with the problems of multiculturalism that may not reflect all the range of ethnic and racial problems needing to be articulated..

The lesson from this is that any minority rights conceptualisation – whether Kymlicka's or the particular institutional framework found in post 1960s America – will both enable and restrict the kind of identification and diagnosis of the political problems that can be made from within its framework. The American minority rights conceptualisation and the kind of political developments it has shaped, have indeed created the perception that conflicts of culture and the fragmentation of national political culture – the 'balkanisation' concerns found at the heart of the 'multicultural citizenship' problematic – are the core issues at the centre of American racial and ethnic politics. This is a perception that has worked to obscure many of the true stakes in what is still the most important ethnic problem in the US : the ongoing classic 'American dilemma' of the black population in the US, still around 15% of the total, and still the disproportionate victims of discrimination, socio-economic failure and inner city deprivation. The culturally focused stress of Kymlicka's framework also suffers from this oversight : of all the cases Kymlicka mentions, the impossibility of fitting the non-indigenous but non-immigrant American blacks in his distinction between national and ethnic minorities is the most obvious. After some troubling with it, he leaves it aside as an extraordinary exception.

What ought instead to be noted is how this oversight only proves the significance of any powerful political conceptualisations that impose a certain delimited framework on the discussion and treatment of public problems. It is simply highly significant that the architects of the traditional American model of integration and citizenship – conceived as an inevitable process of distinct ethnic groups voluntarily associating economically and politically in order to assimilate in the mainstream – created a model that problematised the status and nature of the black population who were not an 'ethnic group' in this sense. But nor they can be seen as a 'national' group. Yet surely they have some claim to minority rights protection in some sense ? This again ought to give reason to doubt that Kymlicka's framework can adequately provide the resources for justifying these kind of minority rights from within the terms he sets up. The

evidence from the best American liberal thinking of the 1980s addressing the black question is that the issues involved need to be disassociated entirely from the problematic of multicultural citizenship, which wrongly raises the question in cultural terms when the significance of racial and cultural factors are in decline<sup>14</sup>. If it in fact proves to be socio-economic structural and class factors that are most significant in the integration failure of American blacks, it may well be harmful to their cause that the question has so often been merged in the great multiculturalism debate in the US, with inappropriate 'citizenship' issues raised more often by immigration or middle class campus politics.

It is impossible to discount the political context of public problems : historical specificities such as those which shape the place of the blacks in the US, or the kinds of consequences the institutionalisation of a particularly conceptualisation – such as a minority rights-based approach – may have in delimiting the ongoing perception of the problems. In various ways, the French, British and American cases raise enough awkward blindspots and misfits to suggest Kymlicka's general framework might not always illuminate the right questions, at least in these three cases. It therefore becomes very important to know from where he mounts his perspective on these cases. Is it as the 'view from nowhere' philosopher or as the Canadian comparativist? The philosopher is inclined to dismiss the 'shared self-understandings' found in the public debates in the three difficult cases as wrong and misguided from the fully worked out 'ideal' minority rights position, viewed from the privileged philosophical standpoint of justice. Yet if the importance of a prior and sensitive contextual understanding and interpretation of other cases is granted, there is surely something paradoxical about claiming a nation's public political self-understanding is wrong. How can a nation's self-understanding be wrong? What is there empirically except the self-understanding (and liberal institutions) a nation happens to have?

One may certainly compare and evaluate another case in relation to a closer case which better lives up to the framework on offer, but this then becomes a comparative exercise, not an absolute one. The rules of comparative research ought to apply here. The distinctions and interpretations that work in the ideal-typical 'home' case, and which revealed when their full institutional and political context is spelt out, ought to then be taken to another case in an open investigative manner, which looks to see where they do and do not fit. Other cases will thus be located at a distance from the ideal-typical one, and the comparative question will become one of spelling out the significant convergence and divergence involved. Part of this will entail pointing out the contextual salience of the problematic that is central in the ideal-typical case. It is clear for factual reasons (differences in history/type and composition of populations involved) that in Canada, for example, issues of national minorities have a greater urgency and precedence over ethnic minority claims (who are relatively recent and highly voluntary in nature). But this

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<sup>14</sup> A case put most persuasively by William Julius Wilson in 1980. *The Declining Significance of Race*. Chicago : University of Chicago Press ; and William Julius Wilson. 1987. *The Truly Disadvantaged : The Inner City, the Underclass and Public Policy*. Chicago : University of Chicago Press.

cannot authorise judgements about the US which overlook the fact that national minority issues are much less important in the US than the critical state of ethnic fragmentation or the black American dilemma. Kymlicka gets into difficulties here because his approach is caught between the comparativist's and the philosopher's; between its applied interpretative sensibility, and its drive to formulate generally valid foundational propositions.

The critique of another nation's liberal credentials in the sphere of ethnic and racial politics is a notoriously tortuous exercise. Comparative studies of this kind rapidly become an exercise in flag-waving for one's home country's institutions and stereotyping of the failings of others<sup>15</sup>. Given this it is surely better to admit there are a certain number of comparable contemporary liberal states facing connected but different ethnic dilemmas: a G7 as it were of liberal pluralist states. We may grant then that the particular institutional solutions that each has constructed – facing rather different factual and historical circumstances – can be taken as roughly equally 'enlightened' and 'valid'. From this perspective, there really is no need to create an absolute general framework against which all national solutions can be evaluated. The framework Kymlicka sets up is thus better read as primarily a powerful and effective rationale for clarifying the goals and ideal scenario possibilities of a properly grounded Canadian minority rights solution; and, secondarily, in a comparative sense, as a framework which may prove to offer a great deal of enlightenment in a whole range of other national cases facing constitutional dilemmas with national minorities. It is no weakness, however, if the same framework proves to be less useful for analysing countries with different problems at stake, such as France, Britain or the US.

Of course, there is a second way in which a minority rights rationale can be seen to have an effect on countries such as France and Britain. In recent years, ethnic groups frustrated with the delimited scope of the opportunities offered by the existing national institutional framework, have indeed started to pursue their claims in justice-based minority rights style argument in fora such as the European Court of Justice or the European Court of Human Rights. That is, there is a new normative dimension entering into the domestic political process at the international level. Unfortunately, it is a curious characteristic of Kymlicka's work that it does not locate the institutional heart of his case for minority rights in what is becoming the most obvious place – supra-national institutions such as the UN or European institutions. This move is debarred to him as an option because of the arguments he makes about the essential national-societal founding of individual freedom and hence the possibility of successful liberal integration. This indeed leads him into several pages argument in which the potential of internationalisation and globalisation for grounding a liberal minority rights position is rejected.

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<sup>15</sup> As seen in some of the more stridently republican French writers of recent years. See, for a graphic example, Emmanuel Todd. 1994. *Le destin des immigrés : assimilation et ségrégation dans les démocraties occidentales*. Paris : Seuil.

One consequence of this is that Kymlicka thereby misses an opportunity to show how and why a strong idiom of minority rights within an emerging pan-national institutional structure is indeed having a deep destabilising effect on recalcitrant systems such as the French or British that refuse reasoning along these terms. Heated political difficulties on this very faultline have in fact been one of the most characteristic symptoms of the crisis in nationally bounded ways of dealing with ethnic dilemmas, in the face of problems that are increasingly international in their dimensions. Unfortunately, the effect of Kymlicka's thesis about the national-societal roots of liberal values may be to reinforce the mystificatory power of the idea of separate national political cultures, and hence ironically sustain the current French and British claims that their national prerogative for dealing with what they still conceptualise as 'internal' affairs – what is often claimed in the name of 'sovereignty' – has priority over more general or universal normative arguments. This would certainly be a paradoxical conclusion to draw from generalising the Canadian 'multi-national' experience<sup>16</sup>. But for Kymlicka to start debating the issue of transnational citizenship, as he certainly should in connection with his thesis on minority rights, he would have to begin with a rather different foundational theory of individual, culture and community<sup>17</sup>.

### **Controversial assumptions and empirical baggage : the shortcomings of ideal theory**

The portrait I have made so far of *Multicultural Citizenship* pictures it as caught between two impulses in tension with each other : the need to locate its applied arguments in the political context of examples from contemporary liberal societies, and the drive to go on from this conceptualising interpretative work to derive foundational and generally valid propositions. The problems that arise from this enterprise do so because the method for the first half of this process remains largely rooted in the intuitive 'reflective equilibrium' method characteristic of thinking within the Rawlsian paradigm : that a common sense reflection on unproblematically accepted facts and knowledge about 'the world' as we find it (whether people's beliefs or institutionalised forms of behaviour) can be translated into a general, abstract philosophical model that can then produce foundational propositions to ground the whole heuristic enterprise. Insofar as this is a method at all, it is one which puts all the emphasis on the results – the

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<sup>16</sup> However, not so surprising given the similarities between Kymlicka's position and the very British socialist nationalism defended by David Miller. 1995. *On Nationality*. Oxford : Oxford University Press ; or the numerous left-wing defenders of British race relations in the face of a European harmonization of anti-discrimination laws.

<sup>17</sup> Compare his position with Rainer Bauböck. 1994. *Transnational Citizenship : Membership and Rights in International Migration*. Aldershot : Edward Elgar.

usefulness of the output and enlightenment it provides – rather than on how the epistemological assumptions were derived – the input, which in Kymlicka’s case is very concrete and contextually specific. I have suggested throughout that a great deal more attention needs to be paid to the input side of the equation if the work can be said to be truly applied. Here, I will look at ways in which the problems found in Kymlicka’s work are not specific faults of this piece of work, but rather generic weaknesses of the Rawlsian ‘ideal–theory’ approach to philosophy and public affairs.

At the heart of any justice–based philosophy and public affairs there is invariably an ideal theoretical device set up to generate a ‘generally valid’ perspective that cuts across the differences and diversity of individuals in modern society. In Rawls, it is a rather complicated construction – held up by an architecture of ‘veils of ignorance’, ‘Kantian constructivism’, ‘reflective equilibrium’ and ‘overlapping consensus’ – whereas in Kymlicka, we find a much simpler idea – the Dworkinian ‘egalitarian plateau’ defended in *Liberalism, Community and Culture*. These are thought experiment type devices which work to identify certain essentials (perhaps basic rights or primary goods derived from an equality or freedom based argument) that are implicitly required in any liberal pluralist societies under ideal conditions. These are then defended as the principles which, under the conditions specified by the ideal–theoretical device, all persons would ‘reasonably’ agree to as a valid self–description of the grounding foundations of the institutions they need to deal with the political problems that face them.

In Rawls, working at a far higher degree of abstraction than Kymlicka, what this presupposes is a conception of the moral person – with basic needs and moral capacities – who is able to both hold the kind of informed beliefs Rawls believes persons in a liberal society would hold on ‘due reflection’, and give the kind of autonomous assent required to legitimately found the just social arrangements of a truly liberal society. What this core individual becomes in Kymlicka is his own conception of the moral person : an individual whose freedom (and the liberal capacities this endows) is made possible by a rich, national–societal upbringing. This is the one thing all people, whatever their ethnics, culture or racial background must require equally – a bottom line requirement for everybody – that enables conclusions to be drawn about which social and political arrangements should be chosen : i.e., those which best enable and protect this core requirement. With the conception of the person in place, it establishes a source for justifying substantive multicultural positions, and the working out of the kind of limitations that have to be drawn between the external protection of encompassing ‘national’ cultures and the freedom of individuals within those cultures. It also, more controversially, the source of the hierarchy of claims to minority rights which gives greater claims to national minorities ahead of ethnic immigrant minorities.

Justice–based theories invariably rely on some kind of assumptions about the individuals that populate the liberal societies they seek to model. This in itself is an inevitable element of any theory building, but it is characteristically problematic in philosophical theories that these core

assumptions are not recognised as such. The conception of the person that is put forward is, at best 'reasonable', at worst a kind of 'black-boxed' mystery in empirical terms. When Kymlicka makes the claim that freedom is somehow dependent on an upbringing within a secure national–societal culture – mentioning language, common territory, shared practices etc. – and goes on to endorse Yael Tamir's assertion that such 'national communities' are somehow 'beyond the normative sphere' (again a kind of background given to the liberal argument), these are claims that remain largely unsubstantiated and untestable<sup>18</sup>. They are assumptions, and highly controversial ones.

Philosophers have occasionally tried to go further and offer an historical or socio–psychological theory of how individuals are morally socialised and attain autonomy – Taylor's *Sources of the Self*, Rawls's part 3 of *A Theory of Justice* – but these have been taken to be rather tangential and indeterminate additions to the main thrust of contemporary political philosophy. The more usual strategy at this point is to seek some authority outside of philosophy to establish the conception of the person. Kymlicka himself turns very briefly to several of the leading authorities in the study of nationalism, to justify the link between modernity, community, self–consciousness and freedom as it is conceived by liberals. Yet it is far from clear that authors such as Ernest Gellner, Benedict Anderson or Anthony Smith would have compatible positions on this matter. Moreover, the reference to external authority is made less convincing by the fact that in his discussion of the globalisation and internationalisation of liberal questions, Kymlicka criticises the arguments of another philosopher (Jeremy Waldron) rather than discussing some of the social theorists who have attempted to discuss the modern self – as it must be – against this background, such as Anthony Giddens<sup>19</sup>.

The problematic empirical status of Kymlicka's claims about autonomy and nationality leave an uneasy doubt about the status of his conception of the moral person. It is clear that the resources cannot be found within philosophical reflection alone to substantiate the kind of theory of the self Kymlicka would need to hold his conception, and the positions it justifies, such as the national vrs ethnic minority distinction. Indeed, it ought to be admitted that social theory itself has no convincingly established idea of the sources of liberal autonomy, and certainly not any specific proof about the relation of national political cultures and freedom. Not only autonomy, but a great deal of human capacities remain a mystery even within the social sciences. But political philosophy would appear to be particularly badly placed to offer the kind of groundings needed for normative position of political questions. This point can be made all the more stark by asking what there is to refute genetics–based arguments about the sources of the self, indeed arguments which suggest the ideal of equality itself is an illusion because of the inherent genetic differences of individuals. In a case where such a debate has become a live one

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<sup>18</sup> Yael Tamir. 1993. *Liberal Nationalism*. Princeton, NJ : Princeton University Press.

<sup>19</sup> Anthony Giddens. 1991. *Modernity and Self–Identity*. Cambridge : Polity.

— on US social policy on poverty and inequality for example — there has been a move away from grounding normative positions on purely principles philosophical stances (which are often indistinguishable from ideological positions) to grounding them on the relative merits of different social scientific ‘research programmes’. Hence the attack on genetic explanations by restating sociological ones, and the debate beyond this on the relative weight of cultural factors versus class or structural ones in explaining underachievement or integration failures<sup>20</sup>.

The direction of this debate suggests that normative questions that in the past could be asked only within the scope of a speculative philosophical reflection, will increasingly become the kind of questions that can be posed in more social scientific terms. There is certainly no reason to assume that political philosophy is the only way to ask normative questions about liberal political institutions. Indeed, as political philosophers try to get more applied, they will increasingly find themselves both having to address questions of conceptual method and questions about the explanatory status of their claims. I have indicated many of the interpretative problems encountered by Kymlicka’s attempt to construct a general framework. But there is equally a need to ask whether the attempt to establish and justify the general liberal principles that should underlie liberal pluralist institutions, in fact identifies what we most need to know about how liberal institutions are in fact able to work to solve the problems they face.

This shows up most tellingly in Kymlicka’s curiously tentative final chapter about citizenship. It is certainly no surprise that a survey of recent philosophical thinking on citizenship will reveal that nobody really knows why just liberal institutions in a pluralist society might work : this is ‘the mystery of the ties that bind’, as he puts it. As anyone with the smallest sense of Tocquevillian concerns would accept, it takes a lot more than just the right philosophical ideal principles to get liberal political and social institutions to work. But is this ‘mystery’ not a belated admission that at the heart of the philosophical reflection of trying to square liberal principles with the value of culture and community, there is actually a basic explanatory social theory problem that is more fundamental ? And why is this question the last unanswered question in the book, rather than its starting point ? As a theoretical problem it is clear we could pose this question as something like a fundamental Hobbesian kind of problem : how is a moral social order possible ? Rawls’s theory of overlapping consensus, of course, was an attempt to address this question from within the terms of a philosophical theory, by framing the issue entirely in terms of the implicit consent his moral persons would be able to give within a just institutional arrangement. But again, such a theory requires empirically speculative assumptions and causal claims. Surely at this point, it would be better to think of restating the question as a fundamental problem of social theory (to rational choice and neo-institutional based theorists it is indeed perhaps the fundamental question) that is open to be investigated empirically.

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<sup>20</sup> Cf. William Julius Wilson. 1991. *op.cit.* ; Christopher Jencks. 1991. *Rethinking Social Policy*.

Recent work by social scientists indeed suggests that it is they rather than political philosophers who are likely to provide answers to the impasse at the end of *Multicultural Citizenship*. Across a variety of disciplines, new theoretical tools and methodological approaches are being developed to attack these question, in a way which promises to combine rather than oppose normative and explanatory concerns. New institutionalist sociologists have emphasised the role of normative rules and ideas in the cognitive framing and organisation of policy processes responding to public political dilemmas<sup>21</sup>. Communitarian writers have investigated the sociological basis of liberal individualism, rights and community<sup>22</sup>. And political scientists have begun to operationalise the idea of ‘social capital’ and ‘institutional performance’ in order to uncover the mechanisms by which democracy succeeds or fails<sup>23</sup>. It is surely time that political philosophers recognised that they can no longer claim exclusive proprietorial rights over the terms by which normative questions about pluralist liberal politics are discussed and advanced.

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<sup>21</sup> James March and Johan Olsen. 1989. *Rediscovering Institutions : The Organizational Basis of Politics*. New York : Free Press ; Walter Powell and Paul DiMaggio (eds). 1991. *The New Institutionalism in Organizational Analysis*. Chicago : University of Chicago Press.

<sup>22</sup> Robert Bellah, with Richard Madsen, William Sullivan, Ann Swidler and Steven Tipton. 1985. *Habits of the Heart : Individualism and Commitment in American Life*. Berkeley and Los Angeles : University of California Press ; Philip Selznick. 1992. *The Moral Commonwealth*. Berkeley, CA : University of California Press.

<sup>23</sup> Douglass North. 1990. *Institutions, Institutional Change and Economic Performance*. Cambridge : Cambridge University Press ; Robert Putnam. 1993. *Making Democracy Work : Civic Traditions in Modern Italy*. Princeton, NJ : Princeton University Press.

## Conclusion : Applied Political Philosophy at the Rubicon

Looking beyond the kind of debates that *Multicultural Citizenship* will engender on its own terms – the powerful conceptualisation and framework it establishes for general philosophical discussion of the problems of minority rights, and the integration of national and ethnic minorities in liberal society – I have suggested that the book may also be significant as a watershed for applied works of political philosophy. Kymlicka goes further than most political philosophers are prepared to do in combining the philosophical ambitions of a general foundational theory with an informed interpretative attempt to stay close to contemporary cases and policy dilemmas. Yet, the further philosophical work goes in this direction, the more it will have to recognise it is no longer possible to simply read in illustrative ad-hoc examples and hard cases to the general framework of philosophical argument, in ways that pay little attention to the linguistic, institutional and political contexts from which the examples are taken.

Once philosophers face up to the problems this raises, however, they will encounter a range of new considerations about comparative method, and the kind of theory building involved in the explanatory study of institutions. Their reading of empirical case material will have to be substantiated by something rather more than common sense descriptions and reasoned argument: they will in some sense have to become political and social scientists again. Moreover, if this point is arrived at, they may well find that the kind of paradigm for applied philosophical reflection that the Rawlsian approach has long provided is no longer adequate. A through re-thinking will need to be done of how to connect normative philosophical reflection with empirical case studies. This may well then be a case of a discipline faced with crossing the Rubicon: forward into an empirical and theoretical closeness to case material that makes the general ambitions of a work such as *Multicultural Citizenship* impossible; or back to ideal theory and the crystalline charms of theories of justice. It will be an interesting decision for its practitioners to make.