



Will Kymlicka, Filimon Peonidis

Multiculturalism and liberal democracy

Four questions to Will Kymlicka

Liberal values can be twisted to justify limiting civil rights, warns Will Kymlicka in interview. Nevertheless, religious law may not replace the civil code. "The same forces that support ethnic politics within liberal democracy also operate over time to channel it in peaceful and democratic ways."

Filimon Peonidis: You were the first person who showed to us the significance of minority protection, cultural membership, and multiculturalism for mainstream Anglo–Saxon political philosophy. In the past all these were regarded as political, sociological or legal issues. A long period separates the publication of your first book on this topic, *Liberalism, Community and Culture* (1989), and your latest one, *Multicultural Odysseys* (2007). Have your views on liberal multiculturalism undergone any significant change during all these years?

Will Kymlicka: I'm still very interested in the general question of how the claims of ethno–cultural minorities relate to the basic principles of liberal–democratic theory, but my motivation for addressing this question has evolved over the years. Originally, I chose this topic as a test case for exploring the "liberal–communitarian debate" that dominated Anglo–American political philosophy in the 1980s. In the 1970s, liberals like John Rawls and Ronald Dworkin had developed new theories of liberal egalitarian justice that I personally found very attractive. In the 1980s, however, communitarians like Charles Taylor criticized these theories for being too individualistic and "atomistic", and his main proof for this critique was the example of ethnic minorities. According to Taylor, a Rawlsian or Dworkinian theory of liberal justice could not defend the sorts of group–specific rights that minorities need to protect themselves from assimilation. And he concluded that this made liberalism particularly inappropriate for my own country — Canada — where a range of minority rights for the indigenous Aboriginal peoples, for the Quebecois, and for immigrant groups are well–established, widely–accepted, and indeed are vital to the survival of the country.

This argument really worried me, because I wasn't willing to abandon support for Canada's minority rights, but nor was I willing to shift from liberalism to communitarianism to defend them, since I think that communitarianism has a dangerous tendency to limit the freedom of individuals to question and revise traditional ways of life. So my original motivation was to show that a Rawlsian theory has the resources to defend minority rights. More specifically, I wanted to show that (a) liberalism has its own reasons, related to its core values of individual freedom, for recognizing that people have legitimate interests in

their culture and community; (b) that these values deserve protection through various group-specific rights, such as language rights or self-government rights; and (c) that these group-specific rights can be implemented without jeopardizing the basic civil and political rights of individuals.

More recently, my motivations have shifted. I'm still interested in defending minority rights, but not so much in the context of communitarian critiques of liberal individualism. Rather, I'm interested in how minority rights fit into broader issues in liberal-democratic theory. Many people worry that even if minority rights can be shown to be consistent with liberal ideas of individual autonomy, they threaten other basic liberal-democratic values, such as values of solidarity, or democratic participation, or simply peace and stability. We could phrase these as issues about the nature of "multicultural citizenship". Once a country embraces multiculturalism, what are the bonds of citizenship that unite people from different ethnic groups, what is the source of solidarity, how do people engage in democratic deliberation, and so on? That has been the main focus of my work for the past ten to fifteen years. One reason why I have shifted in this direction is that, in many newly democratizing countries, the worries about multiculturalism are less to do with individual autonomy and more to do with how to create sustainable democratic forms of citizenship.

FP: In your writings you insist that there are certain limits to the various concessions a liberal democratic state can make to distinct cultural groups. As you say, "it is clear that multiculturalism in Canada is firmly embedded within the framework of liberal democratic constitutionalism and human rights jurisprudence". Minorities are obligated to abide by this framework. However, a critic may object that sometimes minority groups are prohibited in the name of liberalism from engaging in the very activities that constitute their cultural identity. For instance, in some Western democracies Muslim populations are denied access to their own religious tribunals and female Muslim students are not allowed to wear headscarves in school. Should we consider the possibility that liberal multiculturalism just pays lip service to the idea of respecting non-Western and non-Christian collective identities?

WK: There is undoubtedly a trend in recent years towards what Christian Joppke calls "repressive liberalism", particularly in relation to immigrants in Europe. According to Joppke, when western European states seek to justify anti-immigrant policies, they no longer invoke nationally-distinctive myths, identities or narratives, but rather invoke universal liberal values, and argue that immigrants are a threat to these universal values. This is the basis on which France forbids Muslim girls from the wearing the *hijab* in school, and the basis on which Denmark limits the freedom of immigrants to marry spouses from foreign countries.

I agree this is a worrying trend. But we need to distinguish different cases. In some cases, liberal values are being twisted to justify limiting people's fundamental civil rights — as in the *hijab* and foreign marriage cases. In my view, this is simply illegitimate. If we are worried that some girls are being coerced by family members to wear the *hijab* or to marry foreign husbands, we need to find ways to stop the coercion, rather than limiting the rights of all people to wear religious dress or to marry non-citizens. These blanket bans really are repressive.

But in other cases, minorities are seeking not simply to exercise their civil liberties, but also to exercise state power — for example, asking the state to legally enforce the decisions of religious family law tribunals. People have a

basic civil right to consult with their own religious authorities on issues of marriage and divorce, but those religious authorities do not have an inherent right to have their judgements be given legal effect and be enforced by state officials. In my view, it is perfectly appropriate for a liberal state to say that religious tribunals will only be legally recognized if they meet certain standards — such as informed consent, due process, professional training, non-discrimination, the best interests of the child, and so on. These standards may conflict with the historic traditions of certain minority groups, but of course they conflicted with the historic traditions of the majority as well. To insist that these standards be respected is not evidence of hypocrisy or insincerity in the application of liberal values. It simply re-affirms core liberal beliefs about the legitimate bases and goals of state power, beliefs that have been invoked to challenge both majority and minority traditions.

FP: You are in favour of ascribing group rights to minorities that would protect them from dangers coming from the larger society ("external protections" as you call them). Some liberals do not seem to agree with this suggestion. They claim that human rights are meant to protect *only* individuals from certain enduring threats to their life, liberty and property and that it is better to speak of *group privileges* that will be taken back when the cultural group in question ceases to be regarded as disadvantaged. What would you reply to this objection?

WK: Moral philosophy typically works with a much narrower notion of "rights" than political or legal theory. For many moral philosophers, a claim only qualifies as a "right" if it can be deduced solely from premises about the inherent interests of individuals abstracted from any historical or sociological contingencies. Defined this way, it is indeed difficult to say that minority claims are "rights", since we can certainly imagine circumstances that would make the claims unnecessary. For example, if borders were redrawn around the world, so that some current minorities became numerical majorities within these new boundaries, some of the rights they currently claim — such as affirmative action or guaranteed political representation — might be entirely unnecessary, and even illegitimate. A moral philosopher might conclude that such claims can therefore only be contingent "privileges" not inherent "rights".

But for the purposes of legal and political philosophy, I don't think this strict and narrow definition of rights is helpful. These forms of philosophy inevitably need to take certain institutional contexts for granted. We cannot theorize about citizenship rights, for example, without presupposing certain facts about how the world is divided into territorially-defined political communities. That is a contingent fact, and it may someday change — if we lived in a world with a single global state, there would no longer be a distinction between "citizens" and "non-citizens", and hence no need for a theory of "citizenship rights". But in our world, we do very much need such a theory. And we cannot theorize about citizenship rights without first specifying the institutional context. For contemporary Anglo-American political philosophy, that institutional context is the nation-state. So our political theories of citizenship rights are theories about the sorts of rights that are appropriate in the context of Westphalian nation-states. And in that context, I would argue that minority rights are just as deserving of being viewed as "rights" as many other social, civil, and political rights. Just as nation-states raise certain enduring threats to the life, liberty, and property of all individuals, regardless of cultural membership, so too they raise enduring threats to those individuals who belong to minority groups. So long as we live in a world of nation-states, we will need minority rights to protect against those enduring threats.

FP: It is obvious that the highly successful Canadian model of multiculturalism and minority protection cannot be applied as it is to Balkan states for a variety of historical and geopolitical reasons. However, do you believe that there are any ideas or assumptions underlying this model that would help democratic governments in this region deal in a principled way with minority issues?

WK: I don't think that specific models of multiculturalism can be transported directly from one country to another, particularly not the Canadian model, which is a product of a very unique history. So I would hesitate to offer any advice about immediate policy debates. But I do think there are longer-term lessons from the various Western experiences with multiculturalism and minority rights. The first is simply that ethnic politics must be seen as an enduring feature of a free and democratic society. Too many countries still cling to the hope that once societies democratize, modernize, and develop economically, then ethnic politics will disappear. So far as I can tell, there is no evidence for believing this, and much evidence to the contrary. Some of the deepest values of liberal democracy — including foundational commitments to individual freedom, political equality and human rights — operate to support and sustain ethnic politics. We need to acknowledge this and to prepare for it when thinking about the sort of democratic society we wish to build.

On the other hand, the Western experience also shows that ethnic politics can be peacefully managed within a larger, stable liberal-democratic order. The same forces that support ethnic politics within liberal democracy also operate over time to channel it in peaceful and democratic ways, and thereby pacify and domesticate ethnic politics. So if ethnic politics are an enduring part of democratic life, it can nonetheless become a normal part of day-to-day democratic politics, not a uniquely explosive or destabilizing issue. The long-term goal, therefore, shouldn't be to extinguish or to solve ethnic politics once and for all, but rather to "normalize" it.

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