LIBERALISM, DIFFERENTIAL RIGHTS AND THE VALUE
OF COMMUNITY

by

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Abstract

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A major preoccupation of late twentieth century political theory is the challenge, posed by the politics of difference, that liberal justice fails to respond to problems faced by minority groups in contemporary liberal societies. This dissertation looks at how liberal justice can respond to this challenge. It is possible to isolate three main considerations which motivate the difference theorists’ concern for minority groups: autonomy, identity, and equality. Part One focuses on considerations of identity and autonomy; Part Two addresses issues that arise in relation to equality.

Considerations of autonomy and identity lead us in different directions. In Part One, I argue that the autonomy approach privileges the personal component of identity — how we define ourselves both in opposition and in relation to others. The identity approach privileges the social aspect of identity — what it means to belong to a group
and to share its goals and values. I argue that these two aspects of identity are in fact inextricably linked. It is only by attending to both components of identity that we can appreciate the value of group membership with respect to individual identity.

If we agree that group membership is essential to identity, it remains to be seen what claims are justified by this interest. Part Two develops an account of which groups matter to individual development. I identify community as the primary locus of individual development. I argue that community maps on to national minorities, ethnic groups, and many other non-ethnic communities. I discuss what claims might be generated by membership in these groups and consider what it means to ensure that people are treated equally with respect to the good of community membership. Addressing these claims requires differential rights, such as self-government and accommodation rights. These rights are motivated by demands for external protections and internal restrictions, which are interrogated in light of the identity approach developed in Part One. My approach allows us to reconcile some internal restrictions with the individual’s freedom to develop her identity and disarms the objection to the identity approach that it subsumes the individual’s identity within the group identity.
# LIBERALISM, DIFFERENTIAL RIGHTS AND THE VALUE OF COMMUNITY

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Introduction: Universality and the Challenge of Diversity

Twentieth century liberalism is associated with a particular view of justice, one which holds that every citizen has a right to full and equal participation in the political, economic and cultural life of their country without regard to race, sex, religion, disability, or any other arbitrary factor which may have been used in the past to exclude certain people from full participation. In practical terms, the political morality of liberalism has been widely interpreted as requiring a ‘color-blind’ constitution, that is, the removal of all legislation that differentiates people according to their race, ethnicity, sex, religion, or disability. This interpretation of liberal justice calls for a ‘universal’ mode of incorporation, which allows individuals to pursue their distinctive way of life without interference. All individuals — standing in the same relationship to the state — are to enjoy the same civil, legal, and political rights.

The liberal view of universal rights is grounded in the suggestion that, despite our obvious differences, all people share a certain moral sameness at some fundamental level.¹ This view is in part a reaction to feudal societies, which

¹ Sandel 1982: 1: “The liberalism with which I am concerned is a version of liberalism prominent in the moral and legal and political philosophies of the day: a liberalism in which the notions of justice, fairness, and individual rights play a central role, and which is indebted to Kant for much of its philosophical foundation.” Immanuel Kant (1785) expressed the idea of a common human identity in the claim that people share a
assigned to the individual a social position, and determined the individual's access to the benefits of communal living, according to such characteristics as class, kinship, religion, ethnicity, occupation, and sex (Kymlicka 1995; Held 1987; Esberey and Johnston 1987). Liberals reject this practice of differentiation as grounded in a false conception of 'natural' authority based on difference; that is to say, individuals should not be differentiated on the basis of their natural or social differences because these differences are arbitrary from the standpoint of justice. People do not choose their natural talents, skills, or disabilities, any more than they choose the family, class, culture, race, or society into which they are born. Thus, it seems unfair, liberals claim, to hold them responsible for inequities that arise as a consequence of their circumstances.

Although liberals disagree on the source and character of this common identity, they share the view that our moral sameness confers on all persons the right to be treated with the same respect and consideration.2 As Dworkin puts it, liberal political theories operate from an "abstract egalitarian plateau" which holds dignity by virtue of their being moral agents, capable of using their reason to formulate and follow moral laws. This claim grounds Kant's celebrated maxim that people should be treated as ends in themselves and never as means only.

2 The liberal view of equality does allow that some differences do command the attention of justice. Where people are disadvantaged with respect to their ability to exercise their rights — for example, people affected by physical and mental disabilities — liberal equality allows for differential treatment.
that “the interests of members of the community matter, and matter equally” (Dworkin 1983: 24; cf. Dworkin 1978: 127). This idea that all persons have equal moral value has led liberals to discourage state policies which differentiate between people. A just state, on the liberal framework, is one which acknowledges our fundamental moral equality at both the foundational level, in its principles of justice, and at the practical level, in its policies and institutions.

In determining the principles of justice that will dictate our terms of association, contemporary liberals attach great significance to the observation that people tend naturally to disagree about their conceptions of the good. What distinguishes contemporary liberals from their predecessors is not only a commitment to an egalitarian ideal (as opposed to a commitment to mutual advantage) but also a belief that individuals must have the freedom to choose their own conception of the good. While liberals may disagree about what it means to show equal concern for people’s interests, they all believe that we best promote people’s interests by letting them choose for themselves what sort of life they want to lead. It is the recognition of the inevitability of reasonable disagreement about the good which motivates the view that the state must not discriminate between different conceptions of the good. If we acknowledge that people reasonably disagree about the nature of the good, then state endorsement of one or other conception of the good would require coercion of those who did not adhere to this conception.

Coercion not only violates the liberal commitment to freedom, but it also conflicts with the liberal idea of what it means to live the good life. While liberals
recognize that we may sometimes be mistaken in our beliefs about value, it doesn’t follow from human fallibility that someone else who thinks she has the right idea should dictate how we are to live our lives properly in accordance with her account of value (whatever that might be). We may be able to force someone to live a good life according to our standards. Unless that person sees value in this way of life, however, she will not be made any better for living it — no life goes better if it is led from the outside according to beliefs about value that the individual herself does not endorse. Thus, even if we (wrongly) choose a way of life that is not ultimately of any value to us (or anyone else), this is still better than if someone else were to choose what was best for us. Even if people choose to live by principles or pursue beliefs known to be false, liberals believe that the state should respect their right to chart their own course. Liberals may disagree about what package of rights and resources best enables people to pursue their chosen way of life, but they share the view that to deny people this right to self-determination amounts to a failure to treat them as equals.

Given that people have diverse and often incompatible views about the nature of the good, honoring a commitment to respect individual autonomy means that liberals must find a way to accommodate these diverse ways of life. Until fairly recently, liberals were agreed that this called for the adoption of a ‘policy of neutral concern’ so as to ensure that the state, in its institutions and policies, does not discriminate against any particular way of life but treats all the same (see Rawls 1971; Ackerman 1980; Larmore 1987). “Since the citizens of a society differ greatly
in their conceptions,” Ronald Dworkin contends, “the government does not treat them as equals if it prefers one conception to another, either because the officials believe that one is intrinsically superior, or because one is held by the more numerous or more powerful group” (Dworkin 1985: 191). Neutral concern, then, refers not to the outcome of liberal principles and policies which liberals admit may well lead to unequal outcomes, but to the requirement that the liberal state not engage in ranking the value of different ways of life (Kymlicka 1990: 233).

Given that each individual must lead her life from the inside according to values that she herself endorses, it follows that liberals must ensure that all individuals have equal access to the resources and liberties needed to live their lives in accordance with their beliefs about value without fear of being imprisoned or penalized for unorthodox views. In so far as the policy of neutral concern forbids the state from publicly supporting any particular way of life or conception of the good, it is opposed to minority rights geared towards the promotion of communal goals. These individual rights take precedence over collective rights on the grounds that the community, unlike the individual, is not a ‘self-originating source of valid claims.’ Group rights geared towards the promotion of the goals of minority cultural communities seem to treat the community as if it had moral status. Against this, liberals argue that once individuals have been treated as equals, with the respect and concern owed them as moral beings, there is no further obligation to treat the communities to which they belong as equals. In so far as minority rights create different classes of people with correspondingly different rights and
privileges, they are thought to be inherently discriminatory. This is not to say that community membership is not important to the liberal, but simply that it is important only for what it contributes to the lives of individuals, and so claims made on behalf of communities cannot ultimately conflict with the claims of individuals. Individual and collective rights cannot compete for the same moral space in traditional liberal theory, since the value of the collective derives from its contribution to the value of individual lives.

These liberals contend that people's interest in cultural membership is adequately protected by the common rights of citizenship, and that any further measures to protect this interest are illegitimate. They argue that a system of universal individual rights already accommodates cultural differences, by allowing each person the freedom to associate with others in the pursuit of shared cultural practices (Rawls 1971, 1985; Dworkin 1977, 1978, Ackerman 1980). What is implicit in this belief is the view that individual rights always come first and, along with nondiscrimination provisions, must always take precedence over claims for group rights. On this account, every way of life is free to attract adherents. If some ways of life are unable to maintain or gain the voluntary adherence of people, this

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3 Rawls insists that "there seems to be no reason offhand why the ends of people in a well-ordered society should be predominantly individualistic" (1975: 544). "The basic liberties," he claims, "are not intended to keep persons in isolation from one another, or to persuade them to live private lives ..." (1975: 550). Rawls elaborates his view of community in his 1975, Section 79.
may be unfortunate but it is not unfair.\footnote{In his recent work, Rawls concedes that a society constructed in accordance with justice as fairness may ask certain individuals and groups to give up their chosen ways of life in order to secure the liberal conception of the good, even if these ways of life do not violate principles of justice; for instance, liberal society could not support ways of life (such as certain forms of religion) that require control of the state in order to survive. By the same token, however, Rawls refuses to take these facts as evidence that liberalism treats some ways of life unfairly. Instead, he insists that the fact that some just ways of life perish, while others survive, is merely a social phenomenon which we are powerless to prevent. It is an unavoidable fact of any view of justice. “No society can include within itself all forms of life,” he argues, “[w]e may indeed lament the limited space, as it were, of social worlds, and of ours in particular, and we may regret some of the inevitable effects of our culture and social structure” (Rawls 1988: 265). But, he argues, “these social necessities are not to be mistaken for arbitrary bias or for injustice” (Rawls 1988: 266).}

Though some liberals are willing to countenance group differentiated rights as part of an affirmative action strategy to extend equal rights to disadvantaged individuals in society, by and large these same liberals are unwilling to grant differential rights to minority cultural communities. They see minority rights for cultural communities as being dramatically different from the idea of affirmative action; that is, they see minority rights as giving special treatment to groups in themselves (and not just to disadvantaged individuals who happen to form groups) and, therefore, as violating the liberal commitment to neutral concern. Where affirmative action extends differential treatment as a temporary measure, special rights
for minority cultural communities are understood as permanent measures. Liberals cannot conceive permanent differential rights as extending the liberal franchise to all.

This liberal ideal of equality has had revolutionary implications for those persons who were formerly excluded from the community of equal citizens. As Iris Young explains:

the ideal of universal humanity that denies natural differences has been a crucial historical development in the struggle against exclusion and status differentiation. It has made possible the assertion of the equal worth of all persons, and thus the right of all to participate and to be included in all institutions and positions of privilege. (Young 1990: 159)

5 A striking example is the Pregnancy Discrimination Act (PDA), which was passed by the American Congress in 1978 as an amendment to Title VII. The PDA mandates that employment discrimination on the grounds of pregnancy, childbirth, and related medical conditions is sex discrimination. It extends the Civil Rights Act to cover discrimination on the basis of pregnancy, specifically stating that pregnant workers are to be treated the same as other workers who are comparably able or unable to work. If able to work, a physically fit pregnant worker cannot be fired or laid off when other fit workers are not. If unable to work, the physically disabled pregnant worker must be treated the same as other workers who are similar in their inability to work. For instance, if an employer permits workers who are temporarily disabled to return to work, the employer must provide the same option to workers temporarily disabled by pregnancy.
Recently, however, this liberal ideal of equality has come under attack. Critics charge that it fails to properly attend to the ways in which people are different and how these differences may disadvantage them with respect to their ability to partake of the benefits of communal life; that is to say, a universalistic conception of citizenship disadvantages cultural groups in so far as it fails to consider the fact that members of these groups are disadvantaged in their ability to sustain a secure cultural structure.

The politics of difference is an approach to justice that has developed in response to the problems faced by disadvantaged groups in contemporary liberal societies. It is possible to isolate three main considerations which motivate the difference theorists’ concern for community membership: autonomy, identity, and equality. Part One of this dissertation will focus on considerations relating to identity and autonomy. Part Two will address issues that arise in relation to equality.

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It is important to note that the PDA does not determine the content of the pregnant workers rights and benefits. What it does is ensure that these benefits and rights are the same as other workers can expect to receive who are disabled in their ability to work. An unwelcome consequence of the PDA is that it conflicted with state-sponsored laws that were designed to provide substantive benefits to women. Indeed, employers attempted to use the PDA to sidestep state laws that made provision for differential benefits on the basis of pregnancy.
In Part One, I will first trace the autonomy and Identity streams of thought as expressed in the work of difference theorists. This examination will require a discussion of the liberal-communitarian debate, with particular attention to the way in which the relationship between the individual and the community is theorized by liberals and communitarian theorists. I will then proceed to discuss how some of the major figures in contemporary difference theory attempt to move beyond this debate by reconceiving the relation between the individual and the group. First, I will look at Will Kymlicka’s effort to ground a concern for minority cultures in the role they play in promoting autonomy. Next I will turn to Iris Young’s and Charles Taylor’s accounts of the value of community membership in terms of the role community plays in shaping identity. These efforts are not entirely successful, I will argue, because they remain wedded to an incomplete account of identity and personal development. On the view which I will elaborate, determining the appropriate liberal response to the disadvantages incurred by cultural minorities stands or falls on where we place considerations of identity and autonomy.

In Part Two of this dissertation, I will explore some of the implications of these different interpretations of the value of community and identify the sort of claims that are justified by this interest. In order to address this issue, we must first

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7 I capitalize ‘identity’ here in order to distinguish between an approach to community membership which purports to be focused on identity considerations (but is in fact focused on that component of identity which I refer to as the social component), and the concept of identity which I divide into two parts; the social and the personal.
determine which groups, in particular, are important to individual development. Second, we must consider what the state’s obligations are with respect to these groups — does the state have an obligation to secure access to the good of community membership beyond universal individual rights? And, finally, if we determine that there are grounds for supporting groups beyond the protection afforded them by universal rights, we must ascertain the appropriate limits and extent of group-differentiated rights.

I believe that a general discussion of these issues will display the virtues of the account of individual identity and the value of community that I elaborate in this dissertation, while strengthening my claim that this account constitutes a genuine alternative to the Identity and autonomy approaches. It is not my intention to mount a comprehensive account of group-differentiated rights, which is well beyond the scope of this dissertation, but merely to show that my approach provides a new framework for looking at some issues that are already on the table.
1.1 Introduction

The politics of difference is an approach to justice that has developed in response to the problems faced by minorities in contemporary liberal societies. Difference theorists are motivated by a concern to redress inequities that arise as a consequence of membership in disadvantaged groups. The disadvantages recognized by difference theorists are as diverse as the remedies they propose. Nevertheless, in this rich body of literature, it is possible to isolate three main considerations which motivate the difference theorists' concern for community membership: autonomy, identity, and equality. Difference theorists rely on one or all of these considerations to develop diverse and sometimes conflicting arguments in favor of group-differentiated rights. In Part One, I will focus on considerations relating to identity and autonomy. Part Two will address issues that arise in relation to equality.

One of the main sources of disagreement, with which I will be concerned in Part One, arises from the fact that considerations of autonomy and identity seem to lead us in different directions, giving us conflicting accounts of the value of community membership and the role it plays in individual development and self identity. I will identify the source of the tension between the autonomy and Identity
approaches and propose a possible resolution. On my view, the autonomy and identity approaches are at loggerheads because both focus on only one aspect of our identity. Those who privilege autonomy focus on the personal component of identity. They are concerned with those features of our identity that are engaged in individuation — in differentiating ourselves from the group(s) of which we are a member. In contrast, those who privilege identity focus on the social aspect of identity, that is, what it means to belong to a group and to share the goals and values of the group. But, as I will argue, these two aspects of identity are in fact inextricably linked. Personal development is a matter of how we define our selves both in relation to the group and in opposition to the group.\footnote{It is not my goal here to give a detailed and exhaustive account of identity which would require the focus of an entire thesis. My objective is only to point in the direction of what I take to be a more complete account of identity and the nature of personal development with respect to group membership. To this end, I pass over the copious body of philosophical literature which addresses the issue as to how an individual maintains a sense of self over a period of time (sometimes described as the “time-slices” account of identity). Rather, I problematize identity as a matter of characterization, concerning how the individual identifies herself both in relation to groups and in opposition to groups.}

To make this point, I will first trace the origins of the autonomy and identity streams of thought as expressed in the work of difference theorists. This examination will require a brief overview of the liberal-communitarian debate with particular emphasis on how liberals and communitarians theorize the relationship between
the individual and the community. I will then proceed to discuss how some of the major figures in contemporary difference theory attempt to move beyond this debate by reconceiving the relation between the individual and the group. I will look first at Will Kymlicka’s effort to ground a concern for minority cultures in the role they play in promoting autonomy. I will then turn to Iris Young’s and Charles Taylor’s accounts of the value of community membership in terms of the role community plays in shaping identity.

I will argue that these efforts are not entirely successful because they remain wedded to an incomplete account of identity and personal development. On the view which I will elaborate, determining the appropriate liberal response to the disadvantages incurred by cultural minorities stands or falls on where we place considerations of identity and autonomy. To this end, I will conclude by showing how we can reconcile these two apparently opposing accounts of the value of community membership, autonomy and identity, by adopting a more nuanced account of identity.

1.2 Autonomous Selves, Constitutive Selves and the Value of Community

The portrait of the liberal political self has been variously described as abstract, individualistic, atomistic. This characterization has been nurtured by a long

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9 See Taylor 1985: 188: “The term ‘atomism’ is used loosely to characterize the doctrines of social contract theory which arose in the seventeenth century and also successor doctrines which may not have made use of the notion of social contract but
tradition stretching from Hobbes and Locke to Rawls and Ronald Dworkin. It is grounded in a conception of the political subject that is coupled with an account of how this subject must deliberate in order to determine principles of justice. The atomistic quality attributed to the liberal subject derives from state-of-nature theories, such as those advanced by Hobbes and Locke, which "affirms the self-sufficiency of man alone ..." (Taylor 1985: 189). This notion of self-sufficiency is related to and nurtured by the liberal mission to free the individual from social constraints, such as the prescribed statuses associated with feudal society. The self-sufficiency of the individual, in the words of Eisenberg, reinforces the "individual's ability to challenge and resist the claims her society or community might otherwise make on her" (Eisenberg 1995: 13).

The disembodied and individualistic characterization of the liberal self gains sustenance in contemporary political debates from Rawls' conception of the original position in which rational choosers — stripped of their personal and cultural attachments — deliberate principles of justice behind a veil of ignorance (Rawls 1971). Admittedly, Rawls' express purpose in The Theory of Justice was not to

which inherited a vision of society as in some sense constituted by individuals for the fulfillment of ends which were primarily individual .... These writers, and others who presented social contract views, have left us a legacy of political thinking in which the notion of rights plays a central part in the justification of political structures and action. The central doctrine of this tradition is an affirmation of what we could call the primacy of rights."
articulate a theory of personal identity but to suggest a test of fairness: "[t]he idea here is simply to make vivid to ourselves the restrictions that it seems reasonable to impose on the arguments for principles of justice ..." (Rawls 1971: 18). We are invited to cast aside our aims and attachments in the process of deliberating principles of justice to ensure both that these principles are not structured to favor a particular bargaining position in society and that we are not disadvantaged by morally arbitrary factors about our social circumstances. As Rawls states this objective: "no one should be advantaged or disadvantaged by natural fortune or social circumstances in the choice of principles [thus] ... it should be impossible to tailor principles to the circumstances of one's own case" (Rawls 1971: 18-19). The outcome of this line of argument is a view of the self that regards a kind of distancing from one's projects as not only possible but necessary.

The liberal notion of the self as in some sense independent of its attachments rests on a particular conception of freedom and self-determination. What counts most of all are not the ends that we choose but our capacity to choose them. Only if our identity is never tied to the aims and interests that we have at any moment can we think of ourselves as free and independent agents. We can choose to be involved in the projects of others — we are capable of community in what Sandel (1984: 87) calls "the cooperative sense" — but we are to distance ourselves from any commitments bound by ties antecedent to choice. An involuntary attachment, Rawls intimates, involves its members in a way which places autonomy at issue.

The idea that we can examine all of our ends — in one way or another,
reflect on our values and practices — is essential to the liberal conception of the good life. The good life on this view is an ‘examined’ life, that is, it is a life lived from the ‘inside’ in accordance with values that one holds and the principles that one endorses (Kymlicka 1995: 80-2). Liberals recognize that we can sometimes be mistaken in assessment of what Rawls calls “a human life lived according to a plan” (Rawls 1971: 408). However, the reality of human fallibility does not warrant state intervention since coercing someone to live what we believe is the truly good life will not improve the life of the individual that we coerce. Nevertheless, knowledge of human fallibility motivates the liberal concern for mechanisms, such as liberal education, that will assist our ability to make meaningful choices.

In response to critics who see the liberal self as devoid of moral character, liberal defenders have insisted that it is not necessary to imagine the self as wholly unencumbered to participate in examination: “[w]hat is central to the liberal view,” Kymlicka reminds us, “is not that we can perceive a self prior to its ends, but that we understand our selves to be prior to our ends, in the sense that no end or goal is exempt from possible re-examination” (Kymlicka 1991: 52). Thus, liberals acknowledge that self-examination is impossible without some sense of who the individual is; that is, some aims and attachments must be given with the individual. It does not follow, however, that any particular aims and attachments cannot ever be called into question. Liberals resist the suggestion that cultural circumstances can structure our lives so completely that we cannot imagine ourselves without these constraints. As Kymlicka puts this qualification:
I can always envisage my self without its present ends.... but this doesn’t require that I can ever conceive a self totally unencumbered by any ends — the process of ethical reasoning is always one of comparing one ‘encumbered’ potential self with another ‘encumbered’ potential self. There must always be some ends given with the self when we engage in such reasoning, but it doesn’t follow that any particular ends must always be taken as given with the self.... No matter how deeply implicated we find ourselves in a social practice or tradition, we feel capable of questioning whether the practice is a valuable one .... (Kymlicka 1991: 52-54).

This portrayal of the self-determining subject is called into question by those who endorse a communitarian approach, such as Michael Sandel (1982), Alasdair MacIntyre (1984), and (as interpreted by others) Charles Taylor (1985). ¹⁰ On the communitarian view, individuals are (to a greater or lesser extent) dependent on their community in order to formulate and execute their plans of life (Gutmann 1983; Kymlicka 1988b; Taylor 1989; Walzer 1990; Caney 1992). Traditional liberal conceptions of justice are flawed, on this account, in so far as they fail to take seriously the relations between people and the way that our sense of self depends

¹⁰ This is not to diminish important differences between these thinkers. It is in consequence of their shared critique of liberalism — not their positive social and political philosophy — that these thinkers are called communitarians. For my present purposes, Taylor is to be grouped with the communitarians, though he does not classify himself in this way (see Taylor 1989; Benhabib 1992).
upon these social relations and, in particular, our cultural attachments. For the communitarian, we do not shape our identity through the choices we make, as liberals suggest.\(^{11}\) Our relationship to our community amounts to more than just "fraternal sentiments" or "fellow feelings" expressed in our aims and attachments, as Rawls might suggest. It is rather the case that we discover our identity through learning about the roles we inhabit and the traditions we inherit. We are "embedded selves" — our identities "constituted" by the cultures we live in. On Sandel’s account:

> to say that members of a society are bound by a sense of community is ... to say that they conceive their identity — the subject and not just the object of their feelings and aspirations — as defined to some extent by the community of which they are a part. For them, community describes not just a feeling they have as fellow citizens but also what they are, not a relationship they

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\(^{11}\) For the communitarian, the uses of "dependent" and "shape" mark two different claims. I will restrict my attention to the dependence claim about what is required for people to execute their life plans. Kymlicka (1988b) has replied to the causal claim about where our identities come from, arguing that these sorts of causal claims are irrelevant both to the content of the resulting identities (interpreted in this debate as the values people do in fact hold) and to the question of whether or how individual rights should be protected. "... the liberal view ..." he argues, "desires a society that is transparently intelligible — where nothing works behind the back of its members — Where all causes are turned into reasons" (Kymlicka 1988b: 196-97).
discover, not merely as attribute but a constituent of their identity. In contrast to the instrumental and sentimental conceptions of community, we might describe this as the constitutive conception. (Sandel 1982: 150)

On this communitarian view, then, the idea that individuals are self-sufficient and can be imagined as separate from their attachments is not only unrealistic but violates our self-conceptions as well. To communitarians, this position suggests that the liberal self is consigned to only voluntary associations and is denied “the possibility of membership in any community bound by moral ties antecedent to choice; he cannot belong to any community where the self itself could be at stake” (Sandel 1984: 87). In striking contrast, the communitarian conception of the self, as constituted by its community, means that individuals are very much dependent on their community to give their lives meaning and help structure their plans of life. Pursuing the good life, on this communitarian view, involves a process of self-discovery whereby the individual becomes aware of and acknowledges the aims and attachments she shares with other members of the community. In order to fully realize their identity, it follows for communitarians that people need a social

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12 Sandel charges that to imagine a person without “enduring attachments and commitments” is to “imagine a person wholly without character, without moral depth” (1984: 90), but it will be clear from the argument that I advance in this chapter that, in inviting us to imagine an ideally free and rational agent as the subject of justice, Rawls’ unencumbered self privileges psychological or personal identity at the expense of social identity.
structure that recognizes and supports their cultural history and traditions. In so far as communitarians see the individual as essentially connected to her community, they regard the good of the individual and of the community as one and the same.

The failure of the liberal state to recognize our dependence on social relations represents an injustice in the sense that it makes it difficult for people to express their individual identity. To rectify this injustice, communitarians call for the abandonment of the liberal conception of neutral concern for state neutrality with respect to ways of life. On this view, individuals have a right to have their particular identities recognized by the state; that is to say, the failure of liberal justice to grant public recognition to particular cultural identities breeds injustice. In so far as our identities are shaped by the recognition or misrecognition of others, a person or group of people can suffer real damage if the people or the society around them mirror back to them a demeaning or contemptible picture of themselves (Taylor 1994a: 25). It is only by promoting a conception of the

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Galston claims that every contemporary liberal theory is committed, either explicitly or tacitly, to a triadic conception of the good “which asserts the worth of human existence, the value of the fulfillment of human purposes, and the commitment to rationality as the chief guide to both individual purposes and collective undertakings” (1989: 714). From this, it follows, on his view, that liberalism is implicitly biased in favor of some ways of life over others — neutral concern masks a commitment to a distinct political culture, the protection and promotion of which may force some individuals to forfeit their moral identity.
‘common good’ that communitarians believe that individuals will be able to formulate and execute their plans of life.

Several concerns have been raised about the communitarian approach to justice. Most prominently, by granting rights to groups, critics worry that group interests will take precedence over individual interests: individual projects may be judged according to whether or not they promote the goals of the group and, therefore, individuals may not be protected against the tyranny of the group. A variation on this theme elaborated by feminists is that groups will enshrine gender stereotypes and patriarchal structures. In support of this concern, they point out that, in the case of women and other oppressed groups, the community has not been a haven but a prison which has confined them to predetermined roles (Phillips 1993: 135-36).14

Given these worries, many liberals continue to resist the communitarian contention that state promotion of collective goals is the answer to the demand for recognition by diverse groups. Nevertheless, these same liberals acknowledge that communitarians are right to highlight the important role that our cultural attachments play in defining our identity. For this reason, these liberals have attempted to incorporate a sensitivity to cultural identity within the liberal framework. In so doing, they reject the thesis, championed by difference theorists,

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14 These critics presume that communitarians are advocates of small, undifferentiated social groups that are held to be predisposed to sexism, racism, and xenophobia (see Young 1986: 2-25).
that liberals are committed to the notion of a free society that "seeks to abolish the public and political significance of group difference, while retaining and promoting both individual and group diversity in private, nonpolitical, social contexts" (Young 1990: 168). These liberals argue that a concern for cultural membership can be accommodated within a revised and expanded account of liberal justice by characterizing cultural membership as essential to the individual’s ability to form and revise her conception of the good. And, where people are disadvantaged in this ability through membership in a minority cultural group, cultural rights may be justified to ensure their access to the good of cultural membership.

1.3 Community as a Context of Choice

The disagreements between liberals and communitarians on the proper conception of the political subject and its relation to the community are deep and seemingly intractable. Nevertheless, several recent theorists have attempted to supersede this debate by combining a respect for individual autonomy with an appreciation of the important role that community plays in the lives of individuals. Will Kymlicka’s project is the best known and most comprehensive attempt to link these two considerations, and so I will focus my attention in the coming pages exclusively on his arguments.

Kymlicka’s revisionary liberal project is grounded in a commitment to freedom of choice and a particular conception of individual autonomy (Kymlicka 1995: 7). Where he breaks ranks with traditional liberalism is in holding that his
revisionary liberalism is not only consistent with, but even requires, a concern for community membership, specifically membership in a cultural community (Kymlicka 1995: 8). Kymlicka abandons the traditional liberal policy of neutral concern or ‘benign neglect’ towards cultural communities on two grounds: (1) neutrality is a fiction which cannot be sustained; and (2) the good of community membership requires that the state take an interest in ensuring that people have access to this good. As Kymlicka explains,

> the idea of responding to cultural difference with ‘benign neglect’ makes no sense. Government decisions on languages, internal boundaries, public holidays, and state symbols unavoidably promote certain cultural identities, and thereby disadvantages others. Once we recognize this, we need to rethink the justice of minority rights claims ... some minority rights eliminate, rather than create, inequalities. Some groups are unfairly disadvantaged in the cultural market-place, and political recognition and support rectify this disadvantage. (Kymlicka 1995: 108-9)

On Kymlicka’s view, minority rights can address the inequities that arise when people’s access to the good of community membership is constrained. Community membership is valuable, on his view, because “individual freedom is tied in some important way to membership in one’s national group” and this conception of freedom is essential to the liberal conception of the good life (Kymlicka 1995: 52). As Kymlicka puts it,
the defining feature of the good life is that it ascribes certain fundamental freedoms to each individual. In particular, it grants people a very wide freedom of choice in terms of how to lead their lives. It allows people to choose a conception of the good life, and then allows them to reconsider that decision, and adopt a new and hopefully better plan of life. (Kymlicka 1995: 80)

On this view, the good life is a life that is self-actualized. That is to say, it is a life led by the individual’s inner convictions, according to values held and endorsed by the individual. People need to be able to choose their own conception of the good life, even if they are wrong about what that life consists in, because “lives do not go better by being led from the outside, in accordance with values the person does not endorse” (Kymlicka 1995: 81). This is what Dworkin calls the “endorsement constraint” or the idea that “no component contributes to the value of a life without endorsement ... it is implausible to think that someone could lead a better life against the grain of his profound ethical convictions than at peace with them” (Dworkin 1989: 486; Kymlicka 1991: 204). People cannot benefit from pursuing values, projects, or conceptions of the good unless they themselves believe that these pursuits have meaning. It is this constraint that draws a line between what Dworkin calls the “constitutive” and the “additive” view on how values and projects contribute to one’s life. As he explains,

the additive view holds that components and endorsements are separate
elements of value. If someone's life has the components of a good life, then it has critical value. If he endorses these components then their value increases .... But if he does not, the value of these components remains the same. The constitutive view, on the other hand, argues that no component contributes the value of a life without endorsement: If a misanthrope is much loved, but disdains the love as worthless, his life is not much more valuable for the affection of others. The additive view cannot explain why a good life is distinctively valuable for or to the person whose life it is. And it is implausible to think that someone can lead a better life against the grain of his most profound ethical convictions than at peace with them. (Dworkin 1989: 486)

In accepting this constitutive view of how value contributes to the good life, Kymlicka is thereby committed to ensuring that individuals have access to the kind of social environment that allows people to form and pursue their own conceptions of the good. Since people can be mistaken in their assessment of value, they also need an environment that allows them to revise and abandon (if necessary) their conceptions of the good should they come to believe that their values and projects are misguided. These considerations generate two preconditions for leading a good life, and suggest a reason why liberals should take an interest in cultural membership:

The first is that we lead our lives from the inside, in accordance with our
beliefs about value. Individuals must therefore have the resources and liberties needed to lead their lives ... without fear of discrimination and punishment. Hence the traditional liberal concern with individual privacy and opposition to 'the enforcement of morals.' The second precondition is that we be free to question those beliefs, to examine them in light of whatever information, examples, and arguments our culture can provide. Individuals must therefore have the conditions necessary to acquire an awareness of different views about the good life, and an ability to examine these views intelligently. Hence the equally traditional concern for education, and freedom of expression and association. (Kymlicka 1995: 81)

According to Kymlicka, however, this conception of individual freedom is incomplete without acknowledging the fact that individuals depend on a particular resource when formulating and revising their plans of life, namely cultural community. Membership in a cultural community provides the appropriate social environment by furnishing the individual with what Kymlicka calls a "context of choice" which "aid[s] our ability to judge for ourselves the value of our life-plans" (Kymlicka 1991: 166). A context of choice is crucial to selecting a plan of life because we do not start the process de novo but select what options we believe to be the most valuable from those available to us (see Kymlicka 1991: 164-5). On Kymlicka's view, liberals have an interest in protecting cultural structures, then, "not just because they have some moral status of their own, but because it's only through having a rich and secure cultural structure that people can become aware
of the options available to them, and intelligently examine their value" (Kymlicka 1991: 165). It is not enough simply to remove the impediments to freedom, such as coercion, in order to plan and execute a plan of life. We must also supply the raw materials from which individuals generate these plans. "Freedom involves making choices amongst various options," Kymlicka contends, "and our societal culture not only provides these options, but also makes them meaningful to us" (1995: 83).

According to Kymlicka, the individual's need for a context of choice is satisfied only by a specific cultural form, namely, a societal culture — "that is, a culture which provides its members with meaningful ways of life across the entire range of human activities, including social, educational, religious, recreational, and economic life, encompassing both public and private spheres" (Kymlicka 1995: 76). Such cultures, as Kymlicka notes, "happen to be territorially concentrated, and based on a shared language" (Kymlicka 1995: 76; 1996). They are "societal" in the sense that they involve, not just shared values, but also "common institutions and practices" (Kymlicka 1995: 76).

For Kymlicka, there is an important sense in which societal cultures differ in kind, and not just degree, from other cultural forms (see Young 1997: 51; Carens 1997). There are also practical reasons for emphasizing the sharp distinction between societal cultures and ethnocultural groups. One persistent objection to minority rights for any group is that, if we give in to the demands of one group, more and more groups will demand more and more rights, leading to the Balkanization of society. On the view that all cultural groups fall on a continuum,
and so differ only in degree, proponents of this argument claim that the best way to avoid this fragmentation is to reject self-government demands and push all groups to act like immigrants who seem willing to accept integration into society. Accordingly, in order to disarm this objection we need to show that ethnocultural groups do not form a fluid continuum, in which each group has infinitely flexible needs and aspirations, but rather that there are deep and relatively stable differences between various kinds of ethnocultural groups. Contrary to Young, I think it is important to insist that ethnocultural groups differ in kind, not just in degree. (Kymlicka 1997a: 80)

Although all societies have cultures, Kymlicka contends that a societal culture is a modern phenomenon, one that is directly tied to the process of modernization. In Canada, Kymlicka recognizes three societal cultures: the dominant Anglophone culture, Aboriginal cultural communities, and the Francophone culture in Quebec.

1.4 The Context of Choice and Cultural Ties

It is difficult to dispute Kymlicka’s claim that people need access to a cultural community in order to formulate their life plans. However, what is less clear (from the argument presented thus far) is how this need for a cultural community is transformed into a need for a particular culture, namely the culture in which one is currently a member. Kymlicka’s project aims not only to illuminate the value of
cultural membership but also to make a positive case for group-differentiated rights for minority cultural communities. However, critics have charged that Kymlicka's arguments for the value of community membership fail to make the case for cultural rights. To make this case, they argue, Kymlicka would have to show that there was something about the good of community membership which is non-transferable in the sense that only certain cultural communities have meaning and can provide a context of choice only for certain individuals. If the good of cultural membership is transferable, then it shouldn't matter to liberals which cultural communities provide individuals with a range of options. Liberals could then satisfy the individual's need for a context of choice simply by ensuring the prosperity of the dominant culture. This would mean that liberals would have no obligation to assist cultures in danger of disintegration.

Waldron takes up this challenge in "Minority Cultures and the Cosmopolitan Alternative" (1992). Adopting the "cosmopolitan" approach (which he credits to Salmon Rushdie's Satanic Verses), Waldron questions "first, the assumption that the social world divides up neatly into particular distinct cultures, one to every community, and, secondly, the assumption that what everyone needs is just one of these entities — a single, coherent culture — to give shape and meaning to his life" (Waldron 1992: 781). He believes that Kymlicka is committed to both of these

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15 It should be noted that Waldron's critique is directed at the version of Kymlicka's argument that was formulated in his first book Liberalism, Community and Culture (1989a). Kymlicka responds to Waldron's critique in his Multicultural Citizenship (1995).
questionable assumptions. Highlighting a cosmopolitan lifestyle, Waldron suggests that if people can move fluidly from culture to culture, taking what they need from each, then "one argument for the protection of minority cultures is undercut" (Waldron 1992: 762). As Waldron explains, if

a freewheeling cosmopolitan life, lived in a kaleidoscope of cultures, is both possible and fulfilling ... [i]t can no longer be said that all people need their rootedness in the particular culture in which their ancestors were reared in the way that they need food and clothing. ... Such immersion may be something that people like and enjoy. But they no longer can claim that it is something that they need ... [this] seriously undercuts any claim that minority cultures might have to special support or assistance or to extraordinary provision or forbearance. At best, it leaves the right to culture roughly on the same footing as the right to religious freedom. (Waldron 1992: 762)

Waldron's point is not to deny the importance of culture in the lives of individuals. Rather, he wants to say that individuals do not need their own societal culture to enjoy the good that community membership has to offer. They can and do utilize more than one culture to fulfill their interests. If, as Kymlicka argues, culture is a resource to be used to facilitate individual free choice, it must be the case, Waldron asserts, that any culture can perform this function equally well. In making the leap from concern for culture to concern for a particular cultural structure, Waldron accuses Kymlicka of committing a fallacy of composition:
“[f]rom the fact that each option must have a cultural meaning, it does not follow that there must be one cultural framework in which each available option is assigned a meaning” (Waldron 1992: 783). He holds, contrary to Kymlicka, that we may find meaningful options in “items or fragments from a variety of cultural sources” (Waldron 1992: 783).

Kymlicka defends himself against Waldron’s charge that “[w]e need cultural meanings, but we do not need homogenous cultural frameworks” (Waldron 1992: 786) by arguing that behind Waldron’s cosmopolitan, who supposedly thrives on fragments from various cultures, is actually a large and diverse culture that has integrated many different forms of cultural life. Waldron’s Irish American who eats Chinese food and reads Grimms fairy tales is not thereby moving through different cultures, but “is enjoying the opportunities provided by the diverse societal culture which characterizes the Anglophone society of the United States” (Kymlicka 1995: 85). Kymlicka admits that

as a culture is liberalized — and so allows members to question and reject traditional ways of life — the resulting cultural identity becomes both ‘thinner’ and less distinctive. That is, as a culture becomes more liberal, the members are less and less likely to share the same substantive conception of the good life, and more and more likely to share basic values with people in other liberal cultures. (Kymlicka 1995: 87)

Nevertheless, Kymlicka holds that the varied and seemingly unstructured
character of Western-style liberal cultures, as evidenced by Canada and the USA, does not make them any less distinct cultural forms. Moreover, there is no reason to believe that Kymlicka’s account of the value of cultural membership is inhospitable to the cosmopolitan. There is nothing in Kymlicka’s argument to indicate that he is committed to the idea that individuals require a homogeneous cultural structure, or a culture that offers a closed set of meanings, or even a small scale community in which one’s identity can be immersed. On the contrary, Kymlicka focuses his attention on societal cultures because he believes that the individual’s interest in access to a context of choice is best served by a culture that extends over a wider range of cultural forms (Kymlicka 1995: 76-80).16

Even if Kymlicka is right to claim that the cosmopolitan lifestyle is symptomatic of a certain kind of cultural structure — namely a liberalized culture — it doesn’t follow that individuals need access to their own particular liberal culture to lead this lifestyle. To make the case that people need access to their own culture, Kymlicka must move beyond the argument that culture is valuable because it provides a context of choice, and affirm the presence of an enduring tie to one’s own societal culture.

Kymlicka affirms this bond when he endorses Margalit’s and Raz’s characterization of culture as figuring so prominently in the formation of identity that any threat to the culture’s way of life is a threat to the individual’s identity.

16 This questionable assertion that societal cultures matter most to individuals will be taken up later in this chapter.
Quoting Margalit and Raz, he states that membership in a societal culture is crucial to people’s well-being for two reasons. The first reason is ... that cultural membership provides meaningful options, in the sense that ‘familiarity with a culture determines the boundaries of the imaginable.’ Hence if a culture is decaying or discriminated against, ‘the options and opportunities open to its members will shrink, become less attractive and their pursuit less likely to be successful’ .... [the second reason] is because of the role of cultural membership in people’s self-identity. Cultural identity has a ‘high social profile,’ in the sense that it affects how others perceive and respond to us, which in turn shapes our self-identity .... ‘at the most fundamental level our sense of our own identity depends on criteria of belonging rather than on those of accomplishment’ .... Hence cultural identity provides an ‘anchor for [people’s] self-esteem and the safety of effortless belonging.’ (Margalit and Raz 1995: 89)

Kymlicka admits that people can move from one culture to another, but he insists that this is a rare and difficult process which involves people in hardships that we cannot reasonably expect them to endure, unless they do so voluntarily. In any case, the fact that people do sometimes move between cultures is no argument for saying they don’t need their own culture. Some people voluntarily take on harsh burdens, like taking a vow of poverty, but it doesn’t follow that we should view this
action as evidence that people don’t need anything more than a subsistence level of material resources. Kymlicka concludes that

we should treat access to one’s culture as something that people can be reasonably expected to want, whatever their more particular conception of the good. Leaving one’s culture, while possible, is best seen as renouncing something to which one is reasonably entitled. This is a claim, not about the limits of human possibility, but about reasonable expectation. (Kymlicka 1995: 86)

Though Kymlicka acknowledges that people feel a deep bond to their own culture, he insists that this identity consideration is secondary — it is displaced by our first-order interest in culture as a facilitator of choice. As he puts it, “what matters, from a liberal point of view is ... the sort of cultural context of choice that supports individual autonomy” (Kymlicka 1995: 101). Thus, the fact that our identity is tied in important ways to our own cultural community is a matter for consideration only as a means for determining which culture will better serve the goal of providing a context of choice. As Kymlicka explains,

considerations of identity provide a way of concretizing our autonomy-based interest in culture. In principle, either the minority’s own culture or the dominant culture could satisfy people’s autonomy-based interest in culture, but considerations of identity provide powerful reasons for tying people’s autonomy-interest to their own culture. Identity does not displace autonomy
as a defense of cultural rights, but rather provides a basis for specifying which culture will provide the context for autonomy. (Kymlicka 1997a: 87, fn. 6)

But, if Kymlicka is right and the choice-facilitating feature of culture is its primary source of value, the implication would seem to be that cultures which provide more options are more valuable than those that provide fewer options (Forst 1997: 66). Not only does this outcome run counter to Kymlicka’s account of why the choices provided by our culture are valuable, it also conflicts with the way individuals understand the value of community. For Kymlicka, as well as for individual community members, the value of community is in its ability to provide a “meaningful” context of choice — not just options but options that are generated in a particular cultural milieu conditioned by the values and understandings presented by a particular cultural structure. For instance, a culture may offer an individual the choice to become a monk, a serf, or a soldier. But if the individual finds none of those roles help her to make sense of the world, then for all intents and purposes her culture has failed to offer her a meaningful choice.

Conversely, a culture may provide only one way of life for its members, but if it is a way of life that they find valuable and compelling, they will see value in their culture and not feel constrained by the lack of alternatives. Even if a culture was disintegrating under pressure from a dominant group and struggling to present its options as meaningful while the dominant culture devalued and undermined these same options, this likely would not diminish the value of the culture to its
members. The culture’s disadvantaged position would restrict its ability to provide a range of meaningful options, but its members would be more likely to prefer membership in their withering culture than integration into an alien culture which lays out a rich and diverse range of options, none of which have any meaning for them.

These considerations indicate that it is not the number of choices that matters to the individual but the quality or character of these choices. It is only “meaningful” choices that count: those choices that do not speak to the individual’s sense of what is of value and worthy of pursuit have no meaning to the individual. Thus, the fact that a culture provides a diverse range of choices is not by itself what makes it valuable to its members. It is valuable if the choices it provides have meaning. The implication would seem to be that it is considerations of identity that condition choice, and not the reverse.\(^\text{17}\)

Kymlicka might accept this qualification in the sense that he might be prepared to grant that the cultural structure determines the given. However, his argument for the priority of an autonomy-based interest in culture commits him to the strong thesis that the individual can question even the framework of meanings;

\(^\text{17}\) As the individual develops her identity, she also develops strategies to differentiate herself from significant others. As a result of this process, her identity undergoes revision. So, there is a sense in which choice conditions identity, but identity is still prior to choice in the sense that it provides a framework of meanings in relation to which (and in opposition to which) the individual defines her identity.
that is, even the bond we have with our own culture is treated by Kymlicka as something which *in principle* is a matter of choice. In so far as Kymlicka understands the good life to be one that is self-determined — no end or attachment is ever beyond revision; we are who we choose to be — the bond to one's culture must ultimately be a matter of personal preference, namely, something that we can choose to accept or abandon we see fit. Kymlicka certainly cannot allow the bond of culture to be much thicker than this without jeopardizing this account of self-determination. To conceptualize the bond to our culture as more than a matter of preference — more than merely an emotional tie, if you will — Kymlicka would be faced with the possibility that individuals are bound to their community in the thick communitarian sense that they cannot think of themselves outside of this attachment. But the way that Kymlicka understands individual freedom makes it impossible for him to countenance such a deep sense of attachment, not without fear of compromising individual freedom. Consequently, for Kymlicka, communal ties can only have a tenuous existence, as just one of the many contingent features of our social environment.

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18 This qualification is important. Kymlicka could agree that some people may be socialized to have inflexible preferences, but still prescribe that political arrangements be structured to allow for choice since people at least have the potential to exercise it.

19 Kymlicka makes an exception for Hasidic Jews and the Amish in the United States — "groups [that] are ritually invoked in philosophical discussions of multiculturalism, even though they are tiny, and have no significant impact on real-world politics of
It is not clear that his insistence on the priority of autonomy generates an argument that can respect both how individuals regard their bond to their culture, especially their culture of origin, and the nature and source of this bond. His contention that all attachments are subject to choice is the most worrisome. There are many aspects about belonging to a cultural community that affect the individuals' identity in ways that cannot be captured by the language of choice. Our identity is shaped, for better or worse, by how others perceive us both within our community and outside our community. Our status within our culture, and the status of our culture with respect to others is shaped by history, linguistic traditions, and even the character of the land — all features well beyond the purview of choice. We may be able to choose how we respond to these facts about our social condition but we can't change the facts themselves. Kymlicka can make no sense of these nonvoluntary or unchosen features of belonging. Indeed, his account is specifically geared towards minimizing or even eliminating the impact these facts

multiculturalism ..." (1997a: 82). "Some people," he continues, "try to type-cast Muslim immigrants as the modern-day equivalent to the turn-of-the-century Hasidic Jews — i.e., as a group which rejects the norms of liberal democracy, and so retreats into a self contained world where these norms are rejected. But this is a fantasy. The overwhelming majority of Muslims in Western democracies want to participate in the larger societal culture, and accept its constitutional principles" (1997a: 82). "For better or worse," Kymlicka claims, "the heart of multiculturalism in the West is about how to interpret liberal democratic principles, not about whether those principles are legitimate" (1997a: 82).
have on our ability to pursue our own conception of the good. Kymlicka insists that no matter how embedded we find ourselves in our attachments and traditions, it is still possible to examine, revise, or cast off these commitments. But this claim demands qualification: it is one thing to say we can shed our cultural attachments but quite another to say that these attachments cease to play a continuing role in our identity.

Kymlicka is vulnerable to Waldron’s charge that he has not established the need for a cultural structure because he is unwilling to acknowledge the full significance of what it means to say that people belong to a culture, and that their identity is tied in an important sense to the culture of which they are a member. His positive references to Margalit and Raz (1995) testify that he is not insensitive to the special ties that we have to our own culture. What Kymlicka selectively omits from his references to Margalit and Raz, however, is their account of the nature of belonging. Kymlicka allows that membership in a cultural community “affects how others perceive and respond to us, which in turn shapes our self-identity” but he fails to draw the conclusion that there is a fundamental sense in which our identity is not always within our control (Kymlicka 1995: 89). As Margalit and Raz put the point: “qualification for membership is usually determined by nonvoluntary criteria. One cannot choose to belong. One belongs because of who one is” (Margalit and Raz 1995: 84).20

20 Margalit and Raz acknowledge that it is possible for community membership to arise through a voluntary process, but they are skeptical of the success of such a maneuver.
What is missing from Kymlicka’s argument for the value of community membership, then, is an account of belonging: “[p]ersons belong to their cultural community — this is the identity argument Kymlicka needs to stress but does not adequately capture in his notion of autonomous choice; but they are not owned by it — this is the moral autonomy argument that suffices to rule out internal restrictions as illegitimate on moral, not specifically ‘liberal,’ grounds” (Forst 1997: 66). To appreciate this point, we need first consider a deeper conception of identity and the role that community plays in its formation. I take on this task in the next section.

1.5 The Personal and the Social Aspects of Identity

Kymlicka’s account of the value of cultural membership rests critically on a thin conception of identity, both in the sense that he has given scant attention to this notion in his writings and in the sense that his interest in identity is restricted to its autonomy-fostering functions. For Kymlicka, identity is seen solely in terms of self-determination — that is to say, in terms of the choices individuals make about the facts of their cultural environment — and so he stresses the ways that we distance ourselves from other members of our particular community. The unwelcome consequence of his treatment of identity, as we have seen, is that he is unable to tell us why community is important to the individual. On Kymlicka’s account,

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1 scrutinize their position in greater detail in Part Two, Section 2.4 below.

21 I will say more about ‘internal restrictions’ in Part Two, Section 2.8 below.
membership in a particular cultural community is a matter of individual preferences in so far as the community fosters no end or attachment that in principle is not subject to revision. Ordinarily, however, we do not see the expression of belonging as something that requires choice. Rather, we describe belonging and identifying with a particular community's way of life as "tacitly accepting" the community's authority. For the most part, we regard the exercise of choice as the means by which people define themselves in opposition to their community. Thus, the fact that Kymlicka emphasizes the way in which community facilitates choice suggests that his view is focused on how people define themselves in opposition to the community and not as members of the community.

What Kymlicka overlooks is that aspect of our identity that is unchosen — namely, the given or ascriptive facts about our cultural environment, such as the culture into which we were born, our parents, what our culture of origin stands for, its history, the culture's status with respect to other cultures, as well as our status within the culture. These are some of the things that we discover about ourselves through the course of our lives. In keeping with the liberal tradition, Kymlicka would like to constrain and potentially eradicate the impact of these unchosen facts on our identity. On this account, ensuring that the individual has some control over the given of her social environment is what distinguishes liberal from feudal societies. His interest in community is limited solely to those aspects of community membership that encourage self-determination and the ability to break free of culturally-inscribed roles. To this end, he allows consideration of community
membership only so far as community is necessary to provide the individual with the necessary means to live her life according to her inner convictions.

In taking this line on identity, Kymlicka privileges what I will call the ‘personal’ — as opposed to the ‘social’ — aspect of identity. Though the notion of identity is a staple in sociology and in contemporary political theory, it has been undertheorized. Given that my stated purpose here is to critically evaluate the autonomy and identity approaches as a preamble to my own positive account of the value of community, what I will say about identity will be confined to my desire to make good on this promise.

As I understand the term, ‘identity’ refers to the set of characteristics that make an individual what she is. At the most elementary level, we can say that identity has both a personal and a social element. Identity is personal in the sense that it is located with a person.\(^{22}\) It is manifested in the sense of boundaries between the self and others — in our individuality, the sense of our distinctness as persons, the strategies that we develop to differentiate ourselves from other members of our culture, and in our sense that, while the world is a crowded place, we are nevertheless to some extent authors of our own actions. It is constituted oppositionally in the sense that it speaks to how we differ from society, that is, to the special things about us that make us different from the community of which we

\(^{22}\) An enormous body of philosophical literature exists on what it means to be a person, but in this dissertation I will restrict my attention to the manifestation of identity in ways that are directly relevant to the political issue of difference.
Philosophers have traditionally grounded their understanding of identity in terms of our capacity to make choices. Choice is, on my view, an important aspect of personal identity but it is only one of the ways that we express and experience the boundaries between ourselves and others. Liberals who privilege our capacity to make choices among all other capacities focus on one aspect of our personal identity, what can be called self-determined identity or the capacity of individuals to choose their plans of life (who they are, what they are doing, and where they are going). But there is an aspect to our identity that has to do with how we conceive of the world in which we formulate our life plans. There is a social given which shapes and colors our world. This social given lays out a framework of meanings which help us to make sense of the world around us and how we are currently situated in it. Our personal identity is a function of how we respond to this social given.

Thus, there is a sense in which our identity is social inasmuch as the processes of identity formation are constituted by relations with others and the normative influences by means of which the community constrains the conduct of its members. It is manifested in a sense of belonging, ranging from familial feelings of kinship and sharing to the sense that we share the same natures as others. Identity in its social aspect involves seeing ourselves as connected with others and as sharing the values and beliefs of the group of which we are members. But what is most important about social identity is the fact that we have comparatively little
control over its construction and definition.

The fact that Kymlicka sees culture as a resource from which we can choose a way of life, shows that he does not appreciate or perhaps attempts to minimize the impact of the comparatively inflexible social aspect of our identity. Indeed, choice has little to do with the social features of our identity. Blacks can no more cast off what Appiah (1996: 76) calls the "badge of colour" than Jews can abandon their history of cultural oppression. Similarly, gays and lesbians may find that norms and values of the community are just as intractable. These are the sorts of facts about our identity that our culture provides for us, but which have nothing to do with laying out meaningful options. And, furthermore, there is no sense in which we can talk about these features of our identity as chosen. There is no sense in which we can reject, revise or abandon such characteristics. Maclntyre's picture of the self aptly captures the sense in which some aspects of identity are unchosen:

we all approach our own circumstances as bearers of a particular social identity. I am someone's son or daughter, someone else's cousin or uncle; I am a citizen of this or that city, a member of this or that guild or profession; I belong to this clan, that tribe, this nation. Hence what is good for me has to be the good for one who inhabits these roles. As such, I inherit from the past of my family, my city, my tribe, my nation, a variety of debts, inheritances, rightful expectations and obligations. These constitute the given of my life, my moral starting point. This is in part what gives my life its own particularity. This thought is likely to appear alien ... from the standpoint of
modern individualism. From the standpoint of individualism I am what I myself choose to be. I can always, if I wish to, put in question what are taken to be merely contingent features of my existence. (MacIntyre 1984: 220)

To draw the threads of my argument together, culture informs both the personal and social aspects of our identity. Turning once again to social identity, I've argued that it is constituted relationally. At this point in my argument, it will be useful to make a further distinction that will play a prominent role in the coming pages: our social identity is constituted by two different kinds of social processes or relations which raise different sorts of problems for the politics of difference — intragroup and intergroup relations. Our social identity is both the product of how members of other groups see us and our position within our own group. In other words, our social identity has both an ascribed status (how other groups see our group) and an inscribed status (how we are seen in our own group).23 Intergroup relations determine the sort of status our group has. Intragroup relations refer to how others regard our personal status within the group of which we are a member. Our social identity is affected both by our status within our group, and by our group's status with respect to other groups in society.

Recognizing the way in which our social environment impacts on one facet

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23 This characterization of social identity is developed in greater detail in Part Two, Section 2.4 below.
of our identity does not thereby require us to accept the thesis that we are limited by these social facts. We retain the ability to respond to this social given, to align ourselves with the values and norms of the group or to oppose its practices. By responding to these social facts, we cultivate our own way of being in the world — we differentiate ourselves from the given and create a sense of our own uniqueness, our personal identity. While MacIntyre highlights the unchosen characteristics of an individual’s social identity, he is not thereby committed to the view (as some liberals have suggested) that the individual is defined by her roles. On the contrary, he states that

the fact that the self has to find its moral identity in and through its membership in communities such as those of the family, the neighborhood, the city, and the tribe does not entail that the self has to accept the moral limitations of the particularity of those forms of community. Without these moral particularities to begin from there would never be anywhere to begin; but it is in moving forward from such particularity that the search for the good, the universal, consists. Yet particularity can never be simply left behind or obliterated. The notion of escaping from it into a realm of purely universal maxims ... is an illusion. (MacIntyre 1984: 221)

Kymlicka is not unaware of these facts about our social identity; in fact, his project is geared towards minimizing if not eliminating their impact. True to his liberal heritage, Kymlicka sees such characteristics as deeply illiberal in the sense
that they conjure up the phantom of assigned statuses and prescribed roles reminiscent of feudal societies. It is this notion of predetermined roles and lack of control over one’s destiny that motivated the liberal project in the first place. In an effort to avoid the evils of cultural subjugation, he tries to empower the individual to cast these roles aside. This is why he insists on treating culture as a resource, something that individuals use but not something that defines them. This is a noble objective; no one would deny that it is important to give the individual the freedom to question and revise the roles she finds herself defined by through her cultural attachments. To do so would be to fail to appreciate the many ways in which we know culture has constrained individuals by trying to force them to accept rigidly defined roles and oppressive practices. But in an effort to avoid the ways in which culture can constrain us, he has effectively ignored the impact of our social identity.

Though we can mentally disentangle these two elements — the personal and the social — they are inseparable from the point of view of our development as persons. To have an identity is to have qualities that make one different from others, but it is also to be like them. Identity involves participation in social life but it also involves being able to maintain one’s integrity as an individual. To have an identity is to have a sense of how we are connected with others, but also how we are separate from these others in the sense that people talk about being true to oneself. The personal and the social — the psychological and social processes that operate in their formation — form a complete person who knows her place in
society and knows how she is independent of society.\textsuperscript{24}

Identity matters because it is only in knowing who you are in relation to others that you come to have a sense of what you want and don’t want. It is through cultivating this sense of their needs and interests that makes it possible for people to become choosers in the liberal sense. Choosing, then, is a capacity that is dependent for its expression on a well-developed sense of identity — in particular, our social identity and how our social given impacts on the choices before us. But choosing is also a capacity which is derivative of identity in the sense that in making choices we are thereby expressing our identity — that is, our personal identity. And, it is through community membership that we discover our social identity — the framework of meanings — and develop our personal identity — the ways in which we differentiate ourselves from all others.\textsuperscript{25}

\subsection{1.6 The Context of Identity}

One stream of thought in difference theory directs its attention explicitly to identity, as an organizing principle, and uses the concept of identity to argue for the

\textsuperscript{24} We might also include continuity in time and wholeness as elements, but I pass over these considerations here.

\textsuperscript{25} This presupposes, of course, that the particular community of which one is a member teaches that choosing for oneself is a good thing. Some cultures do not believe that it is important for the individual to choose and cultivate instead in their members a sense of taking on responsibilities and a carrying on of traditions.
inclusion of considerations of community in liberal justice. This line of argument has been familiarized by the works of Iris Young and Charles Taylor. Both Taylor and Young argue for the recognition of groups on the grounds that individuals are tied in important ways to their communities and thus treating them fairly requires acknowledging their social identity. In so far as this “politics of recognition” or “politics of identity”, as it has been variously described, attempts to confront the ways in which community impacts on our social identity, I will argue that it gives us only half the story on why community matters. In focusing on our social identity, this line of argument expands our appreciation of the ways in which identity is socially transcribed, but it does so at pains of neglecting our personal identity and the ways in which individuals differentiate themselves from their community and their social environment (other communities).

1.7 The Politics of Intergroup Oppression

Iris Young develops an account of the value of community membership which is focused on the ways in which people can be oppressed in virtue of their communal associations and commitments. Her starting point is a critique of the liberal ideal of justice which paints liberation in terms of the transcendence of group difference (Young 1990: 157; Wasserstrom 1990). This “ideal of assimilation,” as Young calls it, promotes equality as the primary principle of justice. She concedes that the ideal of liberation as the elimination of group difference has been enormously important in the history of emancipatory politics. Indeed, the ideal of universal humanity that
denies natural differences has been a crucial historic development in the struggle against exclusion and status differentiation. It has made possible the assertion of the equal moral worth of all persons, and thus the right of all to participate and be included in all institutions and positions of power and privilege. She claims that the achievement of formal equality, however, does not resolve the problem of group-based oppression and disadvantage: "[t]he achievement of formal equality does not eliminate social difference, and rhetorical commitment to the sameness of persons makes it impossible even to name how those differences presently structure privilege and oppression" (Young 1990: 164).

Young locates the failure of the assimilationist ideal in its quest to reduce everyone to a common identity, to treat all members of society as if they had common interests and understandings. This unifying project fails because the modern state contains a plurality of group identities which are irreducible. While the liberal institutions may claim to be neutral with respect to group difference, Young maintains that many groups continue to be marked as different, deviant, or as the 'other' (Young 1990: 164). She cites a number of examples of how this disadvantage is perpetuated. First, she holds that blindness to difference disadvantages groups whose experience differs from the cultural majority:

\[26\] In contrast, Macedo holds that "assimilation is an inescapable and legitimate object of liberal policy: it all depends on the justifiability of the values toward which institutions assimilate and the reasonableness of the means" (Macedo 1995: 470).
assimilation always implies coming into the game after it is already begun, after the rules and standards have already been set, and having to prove oneself according to those rules and standards. In the assimilationist strategy, the privileged groups implicitly define the standards according to which all will be measured ... their privilege involves not recognizing those standards as culturally and experientially specific, the ideal of a common humanity in which all can participate without regard to race, gender, religion, or sexuality poses as neutral and universal. The real differences between oppressed groups and the dominant norm, however, tend to put them at a disadvantage in measuring up to these standards, and for that reason assimilationist policies perpetuate disadvantage. (Young 1990:164)

Second, Young claims that the ideal of universal humanity without social group differentiations allows privileged groups to ignore their own group specificity. “Blindness to difference perpetuates cultural imperialism by allowing norms expressing the point of view and experience of privileged groups to appear neutral and universal” (Young 1990: 165). Because there is no unsituated group-neutral point of view, the situation and experience of dominant groups tends to define the norms of such a humanity in general (Gilligan 1982: 146) Against such a supposedly neutral humanist ideal, only the oppressed groups come to be marked with particularity; “they, and not the privileged groups, are marked, objectified as the Others” (Young 1990:165).

Third, the denigration of groups that deviate from an allegedly neutral
standard often produces an internalized devaluation by members of those denigrated groups. People in the minority become ashamed of their particular group-based characteristics: accents, slanted eyes, kinky hair, dark skin, and even nurturing and caring behaviors all become badges of inferiority. The aspiration to assimilate helps produce self-loathing and double consciousness characteristic of oppression. The goal of assimilation invites people to fit in but their group-based characteristics make them stand out as different. When participating is taken to require assimilation, the oppressed person is caught in an unresolvable dilemma: "to participate means to accept and adopt an identity one is not, and to try to participate means to be reminded by oneself and others of the identity one is" (Young 1990: 165).

Contemporary American movements of oppressed groups, Young contends, have recently challenged this ideal in favor of a positive self-definition of group difference (Young 1990: 159). Asserting a positive group cultural identity, Young contends, is a better strategy than assimilation for achieving the goal of equal standing and participation in dominant institutions. Endorsing this move to a "politics of difference," Young takes as her guiding principle an egalitarian view of difference which "defines difference more fluidly and relationally as the product of

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27 Examples include the Black Power movement in the 1960's, which asserted the worthiness of Black cultural forms of beauty as expressed in the slogan 'Black is Beautiful,' and the Red Power movement by American Indians which asserted the right of the American Indian to self-government (Young 1990: 159).
social processes” (Young 1990: 157). Unlike the assimilationist ideal,²⁸ which

²⁸ Wasserstrom (1980) argues that justice requires an assimilationist ideal as opposed to a diversity ideal of liberty. He offers three reasons for this choice. First, he exposes the arbitrariness of group-based distinctions to show that there are neither natural nor necessary. Second, he points out that the assimilationist ideal presents a clear and unambiguous standard of justice according to which any group-differentiation or discrimination is suspect. On his view, whenever laws or rules, the division of labor, or other social practices allocate benefits differently according to group membership, this is a sign of injustice. The assimilationist’s principle of justice is simple: treat everyone according to the same principles, rules and standards. Third, the assimilationist ideal maximizes individual choice. It does this because it does not allow group membership to constrain choice. In a society where differences make no social difference people can develop themselves as individuals, unconstrained by group norms and expectations.

By imagining a society in which sex and race have no social significance, Wasserstrom believes that we can see the merits of a society which doesn’t distinguish on the grounds of any group-based characteristics or social distinctions. On his view, a truly non-racist and non-sexist society is one in which the race or sex of the individual assume the functional equivalent of eye colour in determining a persons’ identity or social status. In such a society, no political rights or obligations would be connected with a person’s race or sex, and no important institutional benefits would be connected with either. Social group differences would effectively cease to exist. While Wasserstrom does not deny the fact that social groups do now exist and that they have real consequences for the way people identify themselves and one other, what he does maintain is that such social group
assumes that equal social status for all persons requires treating everyone according to the same principles, rules, and standards, Young claims that her approach has more liberatory potential because it measures equality in terms of the participation and inclusion of all groups, accepting that equality may sometimes require differential treatment for oppressed or disadvantaged groups (Young 1990: 158). It asserts that oppressed groups have distinct cultures, experiences, and perspectives that have positive meaning, some of which, Young suggests, may even be superior to the dominant cultural perspective. It asserts that the rejection and devaluation of one’s culture should not be a condition of full participation in social life.

Asserting the positivity of group difference also results in the relativising of the dominant culture, alerting people to the fact that it is just one way of being: “the dominant culture is forced to discover itself for the first time as specific” (Young 1990: 166). The assertion of positive group specificity punctures the universalist’s claim to unity, and so raises the possibility that the relation between groups is merely difference understood in a non-hierarchical sense, and not difference understood as exclusion, opposition or dominance.

The politics of difference also promotes a notion of group solidarity against the individualism of liberal humanism which treats each person as an individual, ignoring differences of race, sex, ethnicity. When leaders of oppressed groups reject assimilation, they are often affirming group solidarity: “the oppressed assert that we shall not separate from the people with whom we identify in order to ‘make differences are undesirable.
it' in a white Anglo male world" (Young 1990: 167). The politics of difference insists on liberation of the whole group, which can only be accomplished through group representation in policymaking and an elimination of the hierarchy of rewards that forces everyone to compete for scarce positions at the top (Young 1990: 167). Thus, the assertion of positive group experience provides a standpoint from which to criticize the prevailing institutions and norms.

Young believes that self-organization of oppressed groups follows from the assertion of positive group experience. In contrast to a humanist emancipatory politics which calls for all members of society to unite and work collectively against injustice, she states that the politics of group assertion supports “the basic principle that members of oppressed groups need separate organizations that exclude others, especially those from more privileged groups” (Young 1990: 167). On her view, “separate organization is probably necessary in order for these groups to discover and reinforce the positivity of their specific experience” (Young 1990: 167). She acknowledges that this separation runs the risk of group homogenization, creating new privileges and exclusions, but feels that separation is essential to the group empowerment and the development of a group-specific voice and perspective (Young 1990: 168).

What is most important, on Young’s view, is that integration into all aspects of society should not require the assimilation to dominant norms and the abandonment of group culture and affiliation. So long as the only alternative to oppressive exclusion of some groups defined by the dominant group as the ‘other’
is the assertion that everyone is the same as everybody else, some groups will be excluded because these groups simply are not the same (Young 1990: 168). Young insists that exclusion will remain a feature of even the most pluralistic vision of a liberal society so long as the liberal vision retains the notion of a free society as one which requires the transcendence of group difference: “[t]he vision of liberation as the transcendence of group differences seeks to abolish the public and political significance of group difference, while retaining and promoting both individual and group diversity in private, or nonpolitical, social contexts” (Young 1990: 168). The problem of group exclusion derives not just from the distinction between public and private spheres, but from the relegation of group difference to the private sphere and the refusal to recognize such difference in the public sphere. In contrast, Young’s radical democratic pluralism “acknowledges and affirms the public and political significance of social group differences as a means of ensuring the participation and inclusion of everyone in social and political institutions” (Young 1990: 168).

The alternative to an essentializing, stigmatizing meaning of difference as opposition is an “understanding of difference as specificity, variation” (Young 1990: 171). Young contends that a relational understanding of group difference rejects exclusion — difference no longer implies that some groups lie outside others. To say that there are differences among groups does not imply that there are not overlapping experiences, or that the two groups have nothing in common. What it does challenge, is the assumption that real differences in affinity, culture, or
privilege imply oppositional categorization. When group difference appears as a function of the comparison between groups, whites are just as specific as Blacks, men just as specific as women. Difference thus emerges not as a description of the attributes of a group, but as a function of the relations between groups and the interaction of groups with institutions (Littleton 1987; Minow 1987). On this relational interpretation, the meaning of difference also becomes contextualized (Scott 1990). Group differences will be more or less salient, depending on the groups compared, the purposes of the comparison, and the point of view of the comparers. Such contextualized understandings of difference undermine essentialist assumptions. For example, disabled people may be different from able-bodied people in certain respects, such as athletics and healthcare, but in other respects they are not different. Traditional treatment of the disabled involved segregation because the differences between disabled and able-bodied were conceptualized as extending to all or most capacities (Young 1990: 171).  

A relational understanding of group difference also entails revising the

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29 Advocates for disabled groups have directed their efforts at policies that exclude their group. They have insisted that separate is not equal, and therefore that public spaces must be accessible to all. This practice is known as “mainstreaming” and is enshrined in law. The deaf, however, insist that attempts to integrate deaf people into hearing society actually imprison them in a zone of silence. Unable to communicate with the crowd, they are effectively alone. This has been a serious problem for deaf children in public schools who find that they typically have no real classmates at all. See Dolnick 1993: 43-44.
meaning of group identity. In asserting the positivity of their cultural experience, oppressed groups deny that they have a common identity, a fixed set of attributes that clearly marks who does and doesn’t belong. Rather, what distinguishes a group is the process of social interaction and differentiation in which some people come to have a particular “affinity”. According to Young, “[a]ffinity names the manner of sharing assumptions, affective bonding, and networking that recognizably differentiates groups from one another, but not according to some common nature” (Young 1990: 172). Membership in a group is not then a matter of satisfying some objective criteria, but the affirmation of that affinity by other members of the group, and the attribution of membership in that group by persons identifying with other groups (Young 1990: 172). Group identity is not static but has a shifting, flowing character in which individuals identify themselves and others in terms of groups, and thus the group’s identity itself shifts with changes in social processes. The assertion of a positive sense of group difference and identity is emancipatory because it reclaims the definition of the group by the group, as a creation and construction, rather than a given essence.

1.8 The Problem of Intragroup Identity

Young’s relational conception of social group differences has implications for how she conceives of the self and the kinds of communities in which the self can be engaged. As against the individualistic and socially independent conception of the
Young asserts that "the self is a product of social processes, not their origin" (Young 1990: 45). Citing Stephen Epstein, she asserts that "identity is constituted relationally, through involvement with — and incorporation of — significant others and integration into communities" (Young 1990: 45; see Epstein 1987: 29). On this relational account,

even the most fixed identities define themselves in relation to others .... This relational conception of difference does not posit a social group as having an essential nature composed of a set of attributes defining only that group. Rather, a social group exists and is defined as a specific group only in social and interactive relation to others. Social group identities emerge from the encounter and interaction among people who express some differences in their life and forms of association, even if they regard themselves as belonging to the same society. So a group exists and is defined as a specific group only in social and interactive relation to others. (Young 1995: 161)

For Young, the social group is not real in the sense that groups exist apart

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30 Young characterizes the liberal conception of the self as follows: "the social ontology underlying many contemporary theories of justice ... is methodologically individualist or atomistic. It presumes that the individual is ontologically prior to the social. This individualist social ontology usually goes together with a normative sense of the self as independent. The authentic self is autonomous, unified, free, and self-made, standing apart from history and affiliations, choosing its life plan entirely for itself" (Young 1990: 45).
from individuals, but it is “socially prior” to individuals “because people’s identities are partly constituted by their group affinities” (Young 1990: 9). Even when people are members of an oppressed group, their group identity is often important to them, and they often feel a special affinity for others in their group. “Group differentiation,” she insists, “is not in itself oppressive” (1990: 47). Group membership, for Young is a matter of shared identity. As she explains,

A social group is defined not primarily by a set of attributes, but by a sense of identity. What defines Black Americans as a social group is not primarily their skin color; some persons whose skin is fairly light, for example, identify themselves as Black. Though sometimes objective attributes are a necessary condition for classifying oneself or others as belonging to a certain social group, it is identification with a certain social status, the common history that social status produces, and self-identification that define the group as a group. (Young: 1990: 44)

Young’s ruminations on the subject of social justice are restricted to the ways in which one group can oppress other groups — what I’ve called intergroup relations — and so she fails to see that intragroup relations are just as critical to the constitution of our social identity. No recognition is given to the sense of belonging

31 Young asserts in numerous places that identity is a product of social processes. If there is an aspect of the self for Young that is not constituted by group membership, as this passage seems to suggest, it is not clear what it might be.
that we associate with social identity, that is to say, the sense in which individuals must come to terms with the values and practices that circumscribe their group. A community is a mere collection of like-minded individuals who “have an affinity for one another” in consequence of their similar experience and way of life, which prompts them to associate with one another more than with those not identified with the community, or in a different way. There is therefore no acknowledgment that a person can belong to a community, and suffer (intragroup) injustice in consequence of this membership. In a situation where the individual suffers persecution from within her group, her only recourse is to abandon the group and seek refuge in another group with which she has a closer “affinity.”

This insensitivity to illiberal behavior within groups is deflected, to some extent, by Young’s conception of the group as constantly undergoing change and adjustment in response to intergroup jostlings and her conviction that we belong to many groups simultaneously. One can leave groups and enter new ones. Sometimes this happens inevitably, as when we grow old. Sometimes we experience a personal transformation which results, for instance, in a new sexual orientation. Young also leaves a great deal of room for the individual to be actively involved in the construction of identity. Oppressed groups, she insists, often engage in re-defining their group identity.

However, none of this speaks to that individual who belongs to a group, not in the sense that she is owned by the group, but in the constitutive sense that her belonging gives meaning to her daily activities. It does not speak to group
membership as an inheritance, which it is for so many, but as an acquisition which one can discard at a later stage of development. The irony is that for all her objections to the liberal enchantment with the autonomous self, the members of Young’s groups enjoy an almost unbridled amount of freedom to reshape their social identity to suit their interests.

A second problem for Young is that the psychological processes that contribute to the personal component of identity are overlooked as well. The following passage is very revealing:

Some social movements asserting positive group difference have found through painful confrontation that an urge to unity and mutual identification does indeed have exclusionary implications. Feminist efforts to create women’s spaces and women’s culture, for example, have often assumed the perspective of only a particular subgroup of women — white, or middle class, or lesbian, or straight — thus implicitly excluding or rendering invisible those women among them with differing identifications and experiences .... Similar problems arise for any movement of group identification, because in our society most people have multiple group identifications, and thus group differences cut across every group. (Young 1990: 236)32

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32 Young (1995: 165) suggests that it is not the mere fact of multiple identities that is at issue in exclusion, but the fact that the dominant group attributes fixed identities to the
I've argued that identity is in part constituted oppositionally, through the development of strategies that create boundaries between the individual and significant others. My claim is that an appreciation for this aspect of our identity goes a long way toward clarifying some of the issues concerning group membership. As the above passage testifies, on Young's view any transformation in identity is always simultaneously the rejection of one set of social relations for another and the integration of the self into new social groups. It is never a process of discovering that one is different from significant others but of discovering that one's group is different from another, more dominant group. It is always an ascribed status that is at issue, as when (to use Young's example) one's experience as a woman is being filtered through the lens of the dominant, heterosexual majority.

It is true that as the relations between groups change, so does that part of our identity that is ascribed to us. One minute, or so it seems, it is just fine to stand for one set of values and the very next these same values are subject to social derision. It is also true that shifting intergroup dynamics exert a profound influence on members of subgroups: "the logic of group identity expressed by separatist assertions and movements ... often tends to simplify and freeze the identity of its group in a way that fails to acknowledge the group differences within a social group. A strong nationalist movement, for example, may reinforce or increase its domination of women or a religious minority, because it wrongly essentializes and homogenizes the attributes of members of the group."
intragroup relations. On the other hand, it is just as often the case that the impact of intergroup relations on intragroup relations is negligible.

Feminists know full well, for example, that the lot of particular immigrant groups may change as they settle into a new societal culture, but that the position of certain members of this group (for example, women and children) may not change at all. What these considerations indicate is that while a community may work hard to rewrite an ascribed status, oppressed members of this group may find that it is difficult, if not impossible, to give up an inscribed status. They may find that their place in the group is a source of injustice, especially in light of expectations that may have been inflated by new intergroup relations, and they may seek protections against the tyranny of the group. What they will be demanding is recognition of the boundaries between ourselves and similarly situated others. These are matters for social justice as well and they do involve the affirmation of difference, though now the emphasis is on individual difference, rather than intergroup jostlings.

For Young, then, there can be no illiberal group, in the sense of a group restraining its own members in a way which is a matter of justice. In her ideal of a “heterogeneous public” (Young 1990, chs. 4 and 6), people are considered as members of groups only, and not as individuals. Since everyone is taken to be a member of many groups, there is only “exclusion” which is a by-product of multiple group membership and, therefore, an intergroup phenomenon. There is no awareness on her view of the possibility that an individual could feel an affinity for a particular group, and thus feel she was a member of that group, but that the group
could nevertheless fail to treat her as a member.

Exclusion, it seems to me, is most difficult and painful when one is excluded from one’s own group which is the source of one’s identity; exclusion is most difficult, in short, when one is mistreated within one’s own group. As an intragroup phenomenon, mistreatment of this sort is all too common. Individual members of the group will seek to set boundaries between themselves and the rest of the group. They may, for example, assert their right of free speech in a group which traditionally restricts free speech to male elders. The problem arises when the expression of individual difference is curtailed by group membership; in short, when the assertion of one’s individuality is restricted by the group. The individual can be shunned, silenced, threatened, bullied, etc. The group can behave in an illliberal manner. Young recognizes how groups exclude other groups but not how this process of exclusion operates at the intragroup level.

I’ve already argued that social identity is often manifested in norms that govern the behavior of members of the group; that is to say, what it means to be a member of a group is to be aware that your fellow group members expect you to behave in certain prescribed ways on penalty of exclusion. Exclusionary implications are part and parcel of the intragroup expression of identity. It also seems inevitable that individual members of the group will set boundaries between themselves and the rest of the group. This is what it means to function as an individual in a given group. To be fair to Young, she states that *The Politics of Difference* focuses exclusively on how a denial of difference contributes to “social
group oppression” (Young 1990:10). Since an individual’s sense of self and boundaries between others do not figure in her “social ontology,” it is not surprising that she gives illiberal groups scant attention.

1.9 Identity and Deep Diversity

Where Kymlicka and Young privilege one sense of identity over the other, Charles Taylor claims that there are compelling reasons for both identity and autonomy considerations. On his view, these two considerations denote different accounts of why community membership is valuable to individuals. He defends the demand for recognition from minority cultural communities on identity considerations but allows that there will be some cultural communities which hold that the purpose of communal living is to encourage autonomy.

Drawing from Dworkin (1978), Taylor uncovers two kinds of moral commitments which motivate the identity and autonomy approaches: there are, respectively, a substantive view about what is of value and the ends that are worthy of pursuit; and a procedural view that is united around a commitment to treat people with equal respect (Taylor 1994a: 56). Taylor believes that it is not only possible to organize a community around either of these two moral commitments,

33 Young suggests, as well, that “justice should refer not only to distribution, but also to the institutional conditions necessary for the development and exercise of individual capacities and collective communication and cooperation” (1990: 39). This reference to “individual capacities” seems out of place in a treatise dedicated to social group oppression.
but that it is also possible to accommodate both of these commitments within a single political structure. Where Kymlicka resolves the tension between autonomy and identity by giving the former priority over the latter, Taylor holds that these commitments can be placed side by side within a liberal framework if we allow that there can be different conceptions of the value of belonging and community membership. In order to reconcile these two notions, we need to tolerate what he calls "deep diversity."

In making his case for the legitimacy of recognizing identity considerations, Taylor rejects any liberalism that is incapable of offering a place for collective identities. He believes that an individual’s identity is formed in a symbiotic relation with a collective identity and is nourished by a culture that the group shares:

the thesis is that our identity is partly shaped by recognition or its absence, often by the misrecognition of others, and so a person or group of people can suffer real damage, real distortion, if the people or society around them mirror back to them a confining or demeaning or contemptible picture of themselves. Nonrecognition or misrecognition can inflict harm, can be a form of oppression, imprisoning someone in a false, distorted, and reduced mode of being. (Taylor 1994a: 25)

He is opposed to the Rawlsian notion of a veil of ignorance that excludes all qualities of personal identity from public space. For Taylor, the relegation of group attachments to the private sphere is artificial and undermining of personal identity.
Cultural identity, on his view, should fertilize the public arena. Thus, Taylor not only opposes the traditional liberal attempt to neutralize public space, but he also opposes proponents of strong citizenship which see citizens as unattached to group identities, meeting and engaging as purely rational entities.\(^{34}\)

Instead, Taylor espouses the recognition of the equal dignity of cultural identities in a common public space: "[t]he politics of difference is full of denunciations of discrimination and refusal of second-class citizenship" (Taylor 1992: 39). In relation to Quebec, Taylor explains that nations should become states because the "essential, viable and indispensable pole of identification is language or culture, and in consequence, the linguistic community", thus cultural groups "have a right to ask others to respect the conditions necessary for [their] language or collectivity to be a viable pole of identification." Quebec can transform itself into a state within the Canadian federation or into a sovereign state, on this view, if it "help[s] to protect [them] from a brutalizing and oppressive nationalism" (Taylor 1992: 62-68).

Spurning the notion of a neutral public space, Taylor asserts that "wherever patriotism, or otherwise put, the nationalist sentiment, remains an integral part of the political culture of a state — and this is the case in most modern states, including Quebec, of course — then the political structures retain an ineradicable dimension of identity" (Taylor 1992). This identity function cannot be excluded

\(^{34}\) This view, attributed to Habermas, has been criticized by Craig Calhoun in Habermas and the Public Sphere (Cambridge, MA: MIT Press, 1992).
from the public domain as the need to defend and define a national identity still makes itself felt.” As Taylor sees it, a state cannot possibly be neutral towards culture because it is in control of the identity of the nation. Speaking for Quebecers, Taylor states that “one would not know how to conceive of a Quebecois state which would not have the task of defending French language and culture, whatever might be the diversity of the population” (Taylor 1992).

Taylor holds that each culture should preserve its own “authenticity.” The “recognition of the equal value” of each culture permits the “conversation” between diverse entities. Thus, the self can be “thick” — that is, imbued with attachments — if it is anchored in a particular communitarian-styled culture. Taylor sees a threat to minority cultures from the dominant culture: the “minority ethnicity does not really feel acknowledged by the majority with which it shares a common political form ... [t]he people of this minority are subsumed into a project which is foreign to them because they are not really recognized” (Taylor 1993b: 61).35

Against Kymlicka, Taylor maintains that collective goals cannot be recast in liberal terms as merely protecting the rights of existing individuals. Directing his attention to Quebec, Taylor argues in “Shared and Divergent Values” (1991) that claims for collective rights and special status in Quebec affirm a commitment to a goal-oriented liberalism that is simply incompatible with the “procedural liberalism”36 found in the rest of Canada. In an explicit rejoinder to Kymlicka, he

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35 Taken from Birnbaum 1996: 35.

36 For an explanation of what Taylor means by “procedural liberalism,” see Michael
argues that while Kymlicka may be able to justify the preservation of the French language on the grounds that it is a collective resource that individuals require in order to safeguard individual choice, he simply cannot accommodate all of Quebec’s demands for collective rights in this manner. According to Taylor,

It is axiomatic for Quebec governments that the survival and flourishing of French culture in Quebec is a good. Political society is not neutral between those who value remaining true to the culture of our ancestors and those who might want to cut loose in the name of some individual goal of self-development. It might be argued that one could after all capture a goal like survivance for a proceduralist liberal society. One could consider the French language, for instance, as a collective resource that individuals might want to make use of, and act for its preservation, just as one does for clean air or green spaces. But this can’t capture the full thrust of policies designed for cultural survival. It is not just a matter of having the French language available for those who might choose it. This might be seen to be the goal of some of the measure of federal bilingualism over the last twenty years. But it also involves making sure that there is a community of people here in the future that will want to avail itself of the opportunity to use the French language. Politics aimed at survival actively seek to create new members of the community, for instance, in their assuring that future generations

continue to identify as French-speakers. There is no way that these policies could be seen as just providing a facility to already existing people. (Taylor 1992: 58-9)

If Kymlicka were right and Quebec’s collective rights were just concerned with the protection of communal resources (such as language), then Taylor would be willing to concede that Kymlicka's argument would close the gap between Quebec's goal-oriented liberalism and the procedural model of liberalism he attributes to Canada outside Quebec (Taylor 1991: 70, fn. 10). However, Taylor is convinced that the goal of “survivance,” in so far as it aims to create new members of the community, cannot be subsumed under Kymlicka's resource scheme. Cultural survival, in the sense that is reflected in Quebec demands for special status, has nothing to do with the protection of individual rights, at least as far as Taylor is concerned. Rather, Taylor's position seems to be that it has to do with the well-being of the community itself, that is to say, cultural survival is a collective goal which cannot be translated into individual interests.

Ensuring the survival of the community even beyond what is necessary to protect individual rights is exactly what the Quebec demand for special status is all about, on his view. Given this, Kymlicka simply will not be able to satisfy Francophone demands for collective rights. Minority rights, as Taylor understands them, cannot be accommodated in any deep sense by procedural liberalism. In addressing these demands, Taylor exhorts us to acknowledge a different model of liberalism, one which is organized around a particular definition of the good life
and is geared towards the promotion of strong collective goals. On his view, this
goal-directed brand of liberalism, exemplified by Quebec, should be allowed to
exist alongside the proceduralist model to which the rest of Canada is committed.
Though procedural liberals outside Quebec might regard the privileging of one way
of life over another as a violation of Canada's procedural commitment to the liberal
values of equal respect for all ways of life, Taylor maintains that Quebec's collective
goals need not be seen as undermining the rights of those who do not personally
share the same conception of the good as the francophone majority.

According to Taylor, there is nothing illiberal about organizing a society
around a particular substantive definition of the good life. Commitment to a
collective goal, he submits, does not in itself make a society illiberal. So long as the
society maintains its commitment to fundamental rights, it will still be able to
safeguard liberal values. As Taylor explains:

a liberal society singles itself out as such by the way in which it treats
minorities, including those who do not share public definitions of the good;
and above all by the rights it accords to all its members. But in this case the
rights in question are conceived to be the fundamental and crucial ones that
have been recognized as such from the very beginning of the liberal
tradition: such rights as to life, liberty, due process, free speech, free practice
of religion and the like .... A society with strong collective goals can be
liberal, on this view, provided it is also capable of respecting diversity,
especially when it concerns those who do not share its goals; and provided it
can offer adequate safeguards for fundamental rights. (Taylor 1991: 70-1)

While Taylor concedes that combining collective goals with the protection of individual rights may create certain “tensions”, he insists that it is possible to harmonize these two commitments. In order to make this model viable, what is required on the part of all Canadians is a commitment to what he calls “deep diversity” (Taylor 1991: 75). Taylor's notion of “deep diversity” moves beyond the acceptance of the “first-level” diversity enshrined in the Charter and Canada's policy of multiculturalism. This first-level diversity accommodates great differences in culture and ways of life in a population, but sanctions only one way of belonging to the state — namely, universal incorporation. On this model of citizenship, each individual citizen stands in the same direct relation to the state; i.e., all citizens enjoy the same rights and privileges. Deep diversity, in contrast, allows us to move beyond universal incorporation to permit differential citizenship and a consociational model of incorporation into the state. On the consociational model of citizenship, individuals are incorporated into the state through membership in a cultural community. The nature of individual rights and the opportunities individuals have for exercising these rights, on this model, may vary according to the principles and policies set by the community of which she is a member. But, so long as recognition of differential citizenship rights does not infringe upon the fundamental basic rights of all citizens, Taylor maintains that the model of citizenship which recognizes deep diversity is compatible with a liberal framework of justice.
Taylor is committed to the idea that “deep diversity is the only formula on which a united federal Canada can be rebuilt” (Taylor 1991: 76). As he sees it, the uniform model of citizenship associated with procedural liberalism has become much too restrictive for the modern liberal state. What Canada, and the world in general, needs is for “new models to be legitimated, in order to allow for more humane and less constraining modes of political cohabitation. To those who believe in according people the freedom to be themselves, this would be counted a gain in civilization” (Taylor 1991: 76). Deep diversity is something that we must learn to tolerate, according to Taylor, if we want to be able to satisfy the needs and interests of all members of Canadian society, and in particular, the special needs of our national minorities.

Taylor challenges this idea that a liberalism of equal rights can give only very restricted acknowledgment to distinct cultural identities, and thus, tends towards homogenization. On the contrary, he argues that there is an interpretation of equal rights that allows much more room for cultural identities (Taylor 1994b: 52). In arguing for a more expansive view of equal rights liberalism, Taylor develops a notion of liberalism which can accommodate “deep diversity”, that is to say, it allows room for the pursuit of collective goods and for different ways of belonging to the state.

However, once cultural identity is recognized by the state, the cultures internal to this state do not appear to be entitled to benefit from the same right. Taylor is committed to building an “open, tolerant, pluralistic society, with place for
minority cultures" but he does not give these minorities any power to restrict the influence of the dominant cultural group (Taylor 1994b: 254). He recognizes that this situation may raise concerns for members of minority groups within the Quebecois state:

I sense in the dynamic of the independence movement itself, in the passions it feels required to be mobilized, the harbingers of a rather narrow and more exclusionist society .... Separation would not only mean the failure of the Canadian experiment in deep diversity but also the birth of two new states in some ways even less amenable to diversity than our present condition .... The importance of the "people" as an agent of decision has generally come to be construed as requiring uniformity of some or other kind as its only available ground. This presumption has only been strengthened by the considerable role that nationalism has played in the forming and identities of such peoples. (Taylor 1994b: 256)

Despite recognition of this problem, there is no indication that Taylor's communitarian-styled state would be tolerant of minorities. Indeed, if the state refuses to acknowledge their respective identities at the public level, it is not clear how it can fulfill its promise of treating minorities fairly. Taylor's view towards Quebec's language law, Bill 101, is particularly revealing. He indicates that the "statute required to preserve the French language is incompatible with the structures of a culture of immigration, such as it is conceived in North America" because
French Canadians are dedicated to the goal of ensuring that “their language [will] not be relegated to the status of being just the language of an ethnic minority” (Taylor 1992: 13). In Taylor’s words, French Canadians do not belong to the dominant North American culture, nor are they, like immigrants, people who fail to belong to that culture only provisionally and are destined to assimilate to it or see their children assimilate to it in time. On the contrary, they intend to remain separate, and they intend that their children remain separate. (Taylor 1992: 13)

It is apparent that linguistic minorities have no place in the breast of the “psychic unity” of Quebec where culture is interpreted as the soul of the people (Taylor 1994b: 199). Indeed, it would appear that in order to secure their cultural rights, the only possible recourse for minorities within the Quebecois state would be separation into sovereign states. However, Taylor makes no mention that this separation would be permitted. It appears as though Taylor's goal of nation-building places severe constraints on multiculturalism. As Birnbaum writes, Taylor entwines patriotism and nationalism in such a way that it “prevent[s] the survival of an internal multiculturalism and of freedom of action as it prevents any margin of choice to individuals who are understood as the bearers of a single oppressive and quasi-essentialist idealized cultural identity from which no escape is possible” (Birnbaum 1996: 41). “Such an immutable entity,” on Birnbaum’s view, “is not compatible with the expression of other identities (sexual, religious, etc.) in which
some might wish to recognize themselves at certain moments of their existence while retaining the possibility of intentionally changing it at a future time” (Birnbaum 1996: 41).

1.10 Conclusion

In this section, I have identified and critically examined the two main streams of thought in the politics of difference: the autonomy perspective (Kymlicka) which prioritizes our capacity for choice, and thereby one aspect of our personal identity; and the Identity perspective (Young, Taylor) which privileges our communal aims and attachments and thereby our social identity. The defect in these two approaches is that they attend to only one aspect of our identity. As I have argued, identity has a dual character: it is composed of a social and personal component. Taylor would seem to be offering a compromise between these two approaches in so far as he acknowledges the validity of both identity and autonomy considerations, and attempts to reconcile them by allowing cultural communities to pursue both of these agendas within one political structure. However, his position is that a given community can adopt one of these approaches but not both at the same time. In so doing, he falls prey to the problems that beset both of these approaches, namely the failure to recognize that considerations of autonomy and identity are really two parts of a more complex account of individual identity.

It is only by attending to both components of identity that we can appreciate the important role that community membership plays in the lives of individuals. It
is my contention that the failure to recognize the dual character of identity is a function of how difference theorists situate themselves with respect to the liberal-communitarian debate. Those who privilege autonomy are inspired by a liberal outlook, whereas those who privilege identity find the communitarian perspective more compelling. I believe that the tension between the liberal and communitarian standpoints with respect to the role and value of community can be tempered, if not eliminated, by the more nuanced account of identity which I have proposed.

Utilizing this dual account of identity, we can reconcile considerations of autonomy and identity as follows. First, we can locate the individual's essential interest in community membership in the role that community plays in identity formation and expression. But, in so far as identity is composed of two elements, we can preserve the value of autonomy as essential to the expression of our personal identity. As I have shown, autonomy, or individual freedom, is important to the development of personal identity; it makes it possible for us to express the ways in which we feel we are different from the community (or communities) of which we are a member. Considerations of identity, that is, considerations relating to the impact of our social environment, are crucial to enabling the individual to appreciate her social identity and how she fits into the community of which she is a member (what goals or values she holds in common) and how she fits into the social world (where her community stands in relation to other communities).

Designating identity as an important locus of value with respect to community membership does not commit one to the view that the good of the
individual is synonymous with the good of the community — a view that has been attributed to communitarians. On the contrary, the ability to act autonomously and make reasonable and informed decisions about what is of value and which plan of life is worth pursuing depends upon a well-developed sense of identity both as ‘personal’ and as ‘social,’ as I have been using these terms. I acknowledge that the individual is in part dependent on community to provide the framework of meanings within which she exercises her choice. Nevertheless, in order to develop her sense of herself as a unique individual distinct from the group and what it stands for — to individuate herself — she requires a degree of autonomy. Thus, the development and sustenance of personal identity requires autonomy from the group, that is, the individual must be able to sustain a distinction between her own values and goals and those of the community.

If we agree that liberals have good reason to be concerned about community membership for the role that it plays in identity, there remains the question of determining how we should respond to this interest. In Part 2, I will look at ways of answering this question. In particular, I will consider what it might mean to treat people equally with respect to the value of community. Does the goal of ensuring equal access to the value of community warrant differential rights to protect minority communities from the threat posed by the dominant cultural community? If such a response is appropriate, we are then faced with the task of determining the appropriate range and scope of differential rights. These are the issues to which I will now turn.
PART TWO

The Limits of Accommodation: Which Groups? Which Rights?

2.1 Introduction

If we agree that community membership is essential to personal and social identity, then it remains to be seen what sort of claims are justified by this interest. To answer this question we must first determine which groups, in particular, are important to individual development. Second, we must address the question of what the state’s obligations are with respect to these groups — does the state have an obligation to secure access to the good of community membership beyond universal individual rights? And, finally, if we determine that there are grounds for supporting groups beyond the protection afforded them by universal rights, we must ascertain what form these rights should take.

Part II of this dissertation is devoted to answering these questions. In so doing, I will show how different conceptions of the value of community give different answers to these questions. In particular, I will argue that characterizing the value of community in terms of the role it plays in facilitating individual choice fails to pick out all the groups which matter to individuals in important ways. For this reason, I will argue that Kymlicka’s account of which groups matter is under-inclusive. On the other hand, characterizing community solely in terms of the role it plays in shaping our social identity, tends to pick out a number of groups that,
while important to one aspect our social identity, do not figure in the development of personal identity. That is to say, I draw a distinction between groups to which we may be ascribed by others, and groups to which we identify ourselves as belonging. For this reason, I argue that Young's account of which groups matter is over-inclusive. I finish my discussion of which groups matter by showing how my nuanced account of the value of community, which attends to the role it plays in the development of both the personal and social aspects of our identity, does a better job of picking out which groups matter.

Building on my argument for which groups figure prominently in individual development, I will proceed to discuss which rights might be appropriate to recognize and protect the individual's interest in communities that support individual development. My discussion will begin by showing how the traditional liberal commitment to universal rights and the policy of neutral concern or benign neglect is insufficient to protect our interest in communities. Having established a legitimate claim for differential rights, I will proceed to discuss the limits and extents of these rights.

As a framework for my discussion, I will look at this issue in terms of the kinds of demands that a minority group can make. In particular, I note that theorists recognize two different kinds of demands: external protections and internal restrictions. These demands may argue for or against various forms of differential rights — it all depends on how the value of community is characterized. The way in which people understand the role that community plays in individual
development will not only affect their judgment of the relative legitimacy of these demands, it will also shape the kinds of rights they are willing to countenance to address group based inequities.

2.2 Societal Cultures, National Minorities, and Ethnic Groups

In developing his argument for which groups matter with respect to individual development, Kymlicka gives an account of the various kinds of groups which populate modern Western states. He notes that Western states are often described as multicultural because they are composed of a diverse array of people with very different backgrounds. These multicultural states include ethnic groups, national groups, and people of different races and religions. These groups have been incorporated into political communities in a number of different ways, ranging from conquest and colonization to the voluntary immigration of individuals and even whole communities (Kymlicka 1995: Ch. 2).

On Kymlicka’s view, these processes of incorporation result in two distinct types of cultural pluralism: multinational and polyethnic (Kymlicka 1995: Ch. 2). A state is multinational when two or more nations combine to form one through conquest, colonization, or voluntary federation. Polyethnicity results when a state permits individuals and families to immigrate or accepts refugees, allowing them to preserve some of their ethnic particularity. Canada is both a multinational and polyethnic state. Its multinationalism is attributable to all three processes of incorporation: French settlers overran Aboriginal homelands, English settlers
conquered the French and overran Aboriginal homelands, and finally, the English, French, and Aboriginals (having little say in the matter) formed a federation. Its polyethnicity results from Canada’s long tradition of accepting immigrants and refugees from all parts of the world. Despite characterizations of Canada as a cultural mosaic, until as recently as the 1970’s immigrants were expected to shed their cultural heritage and assimilate into either the Anglo or French cultures. During the 1970’s, Canada adopted a more tolerant, pluralistic policy which allowed and even encouraged immigrants to preserve their cultural particularity.

On Kymlicka's view, these different methods of incorporation affect not only the way in which members of these groups view their cultural identity, but also the kinds of relationships these people (and the groups of which they are members) develop, or aspire to develop, with society as a whole. Since immigrants and refugees do not form ‘nations’ and do not occupy homelands, he contends that their claims for recognition tend to centre on preserving their customs and traditions. They reject assimilation, which requires that they abandon their ethnic particularity, in favor of integration whereby the larger society accepts and acknowledges their customs and traditions. Aboriginals and Quebecois, in contrast, occupy territorial homelands and as a result, Kymlicka claims, their claims for recognition focus not only on the right to preserve their customs and traditions, but also on acquiring

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37 From the 1930’s to the 1970’s members of some cultural groups, such as the Chinese, were denied entry into Canada because they were deemed to be unassimilable (Kymlicka 1995: 14).
legislative control over their historical landbase. The Aboriginals ground their claims for self-government on the fact that they are North America’s ‘First Nations’ in the sense that their ancestors were the first settlers on what is now Canadian soil. The Quebecois’ claim to self-government rests on their colonial history. While French settlers first came to North America as immigrants, they had no intention of integrating into another culture. Their goal was to set up a new society much like the one they had left behind. Unlike immigrants, neither the Quebecois nor the Aboriginals aspire to integrate into the dominant Anglophone culture. What they seek instead, on Kymlicka’s view, is to acquire control over their own particular territories and it is for this reason that they have made express demands for self-government rights that will enable them to govern their respective territories as they see fit.

In addition to the claims of cultural groups, Kymlicka notes the existence of claims for recognition by non-ethnic social groups, such as gays and lesbians, disabled persons, religious minorities, and others. These claims are usually supported by the argument that these groups share a distinct culture, where culture is understood to refer to the particular customs, perspective, or way of life. It is in this sense of the term ‘culture’ that we might speak about lesbian or gay communities as having a distinct culture.

Kymlicka resists extending the concept of culture in such a manner on the grounds that it can produce contradictory results. On the one hand, as he points out,
If culture refers to the ‘customs’ of a group, then the various lifestyle enclaves, social movements, and voluntary associations which can be found in any modern society all have their own culture. Defined in this way, even the most ethnically homogenous state, like Iceland, would none the less be ‘multicultural,’ since it contains a diverse array of associations and groups based on class, gender, sexual orientation, religion, moral belief, and political ideology. (Kymlicka 1995: 18)

On the other hand, it is also possible to speak in a more general sense about all citizens in Western democracies having a shared culture; as Kymlicka notes,

If culture refers to the ‘civilization’ of a people then virtually all modern societies share the same culture. Defined this way, even the most multinational country like Switzerland, or the most polyethnic like Australia, is not very ‘multicultural,’ in so far as the various national and ethnic groups all participate in the same modern industrialized form of life. (Kymlicka 1995: 18)

To avoid these two unwelcome consequences of over or under-inclusivity, Kymlicka has suggested a stipulative definition of ‘culture’ as synonymous with a ‘nation’ or a ‘people’ — “that is, as an intergenerational community, more or less institutionally complete, occupying a given territory or homeland, sharing a distinct language and history” (Kymlicka 1995: 18). For Kymlicka, a state is multicultural “if its members either belong to different nations (a multination state), or have
emigrated from different nations (a polyethnic state), and if this fact is an important aspect of personal identity and political life" (Kymlicka 1995:18). This might seem to be a reasonable restriction of the term multiculturalism, which arguably has been stretched to its limit by claims from a plethora of groups for recognition of their distinct identities. However, the fact that it seems inappropriate to apply the word ‘culture’ here need not diminish the importance of these claims. This is a worry shared by Kymlicka. As he puts it, “accommodating ethnic and national differences is only part of a larger struggle to make a more tolerant and inclusive democracy” (Kymlicka 1995: 19). But, as I will argue in the coming pages, Kymlicka’s portrait of culture obscures the important role that these groups play in individual development.

Which one of these diverse cultural forms plays an important role in individual development? According to Kymlicka, it is only national minorities that have the sort of culture that is essential to individual development. National minorities are important, on his view, because like the dominant cultural group they form ‘societal cultures.’ As Kymlicka explains, a societal culture is distinguished by the fact that it provides its members with meaningful ways of life across the full range of human activities, including social, educational, religious, recreational, and economic life, encompassing both public and private spheres. These cultures tend to be territorially concentrated, and based on a shared language .... Their creation is intimately linked with the process of modernization ...
[which] involves the diffusion throughout a society of a common culture, including a standardized language, embodied in common economic, political, and educational institutions. (Kymlicka 1995: 76)

Kymlicka believes that societal cultures are important to individuals for the reasons I discussed in Part One, Section 1.3, namely, that they play a vital role in the development of autonomy. To summarize,

freedom of choice is dependent on social practices, cultural meanings, and a shared language. Our capacity to form and revise a conception of the good is intimately tied to our membership in a societal culture, since the context of individual choice is the range of options passed down to us by our culture. Deciding how to lead our lives is, in the first instance, a matter of exploring the possibilities made available by our culture. (Kymlicka 1995: 126)

The reason why Kymlicka believes that national groups form societal cultures, whereas ethnic groups do not, has much to do with how these two groups were initially incorporated into the larger state, as well as their expectations regarding this incorporation. On this account, distinguishing between these two kinds of cultural groups is a matter of assessing the legitimacy of their claims. As Kymlicka explains,

differential treatment reflects different aspirations, and a different sense of
legitimate expectations. Immigrants and national minorities have different beliefs about what is desirable and about what they are rightfully entitled to, and some degree of differential treatment is widely accepted by both groups. This differential treatment has also come to be seen by the dominant group as acceptable to the basic norms and institutions of a liberal democracy. The historical development of ethnocultural relations in liberal democracies does not just reflect prejudice or power politics, but also a process of mutual accommodation in which each group’s sense of rightful expectations has played a role in redefining the interpretation of liberal democratic norms and institutions. (Kymlicka 1997a: 74)

For instance, in so far as national minorities have been incorporated into the state through colonization, conquest or federation, Kymlicka asserts that there is a sense in which these groups have not voluntarily relinquished their status as societal cultures. Consider, for example, the case of the Francophone national minority in Canada whose ancestors first came to North America as colonizers, with the intention of recreating in the new world the culture they had left behind. Like the Aboriginal nations long before, Francophones settled into their new homeland and constructed their own unique brand of societal culture. The fact that national minorities “formed functioning societies on their historic homelands prior to being incorporated into a larger state. ... [and] already possessed a societal culture,” combined with the fact that after incorporation into the Canadian state these groups “have demanded the sorts of language rights and regional autonomy needed to
sustain these institutions" gives us good reason to differentiate their claims from that of ethnic groups (Kymlicka 1997a: 76).

Kymlicka holds that ethnic groups, in contrast, voluntarily relinquished their status as societal cultures. Ethnic groups were incorporated into the state through immigration. Thus, withholding from ethnic groups the resources and self-government powers necessary to recreate their societal cultures is not unjust. As Kymlicka explains, immigrants "choose to leave their own culture. They have uprooted themselves, and they know when they come that their success, and that of their children, depends upon integrating into the institutions of English-speaking society" (Kymlicka 1995a: 96). Kymlicka believes that it is not unreasonable for members of the dominant culture to expect integration:

so long as immigrants had the option to stay in their original culture. ... people should be able to live and work in their own culture. But like any other right, this right can be waived, and immigration is one way of waiving one's right. In deciding to uproot themselves, immigrants voluntarily relinquish the national rights that go with their original national membership.

38 It should be noted that Kymlicka recognizes that for some immigrants, namely refugees, immigration is not a choice but a necessity. Nevertheless, he does not regard their involuntary plight as placing special obligations on their new homeland for self-determination or the like. Instead, he believes that the claims of refugees are primarily claims of justice against their own state, and claims of justice with respect to the international community.
Kymlicka places a great deal of emphasis on his perceptions of the aspirations of national minorities and ethnic groups. But are his assumptions about these aspirations reasonable? These aspirations need not be a reflection of individual free choice — that is to say, what these groups really want — but arguably are a reflection of what cultural groups thought that they could reasonably achieve given their circumstances. From the fact that immigrants accept that their chances for success in their new home are bound up with how well they integrate into the dominant culture, it doesn’t follow that this is what they desire to do. Kymlicka supposes, however, that these are one and the same — in other words, the fact that immigrants acquiesce to the conditions of immigration means that they have voluntarily waved the right to maintain the integrity of their culture. Immigrants expect that they will have to integrate into the dominant culture in order to be successful in their new home but, for the most part, this aspiration is conditioned by the belief that their new home will not accommodate their immigrant identities. This expectation, it seems to me, has more to do with reasonable beliefs about the inflexibility of the dominant culture than about what immigrants want or hope for with respect to their cultural identities.

Consider the options that Kymlicka presents to immigrants with respect to immigration. He acknowledges that integration no longer requires immigrants to assimilate entirely to the norms and customs of the dominant culture (that is, they are expected to maintain some aspects of their ethnic particularity), but he sees this
as a shift in how immigrants integrate and not whether they integrate. Integration involves not just affirming the rights of immigrants to maintain their ethnic heritage in the private sphere but it requires that the public sphere provide some recognition or accommodation of this ethnic heritage (Kymlicka 1995: 78). On this account, immigrants’ claims to equal access to the good of cultural community can be met satisfactorily by enabling them to integrate effectively into the dominant societal culture “by providing language training and fighting patterns of discrimination and prejudice” (Kymlicka 1995: 114). For them, unlike national minorities, “equality with respect to cultural membership” ought primarily to be pursued through “rigorously enforcing the common rights of citizenship [rather] than providing group-differentiated rights” (Kymlicka 1995: 114). However, he does qualify this by commenting that “equality does justify some group-specific rights” for ethnic groups, and citing exemptions from Sunday closing laws and dress codes for government officials as examples of the sorts of accommodation rights that might be warranted but perhaps not required.

Under these conditions of integration, Kymlicka believes that immigrants will retain only a few aspects of their cultural heritage but that their ethnic heritage will be incorporated into the dominant societal culture “contributing new options and ... making it richer and more diverse” (Kymlicka 1995: 78-9). But, ultimately, for successive generations of these immigrants, it will be the dominant societal culture “which defines their options, not the culture from which their parents uprooted themselves” (Kymlicka 1995: 79). Integration is the only real option for immigrants
since the alternative to a smooth integration is that

Immigrant groups would just have a shadowy existence at the margins of society, denied both equality in the mainstream, and the means to develop and maintain a flourishing societal culture alongside the mainstream. They would therefore be disadvantaged economically, educationally and politically, and unable to support the autonomy of their members. (Kymlicka 1997a: 76)

Instead of seeing their options in the terms Kymlicka lays out, there is mounting evidence that immigrants want more than just integration, at least in the sense that Kymlicka understands it. They want to retain quite a bit more of the societal cultures that they left behind. Instead of integrating into the existing societal culture, some immigrant groups have created ‘island’ communities within their adopted state. Sometimes, these communities make over their new environs in the image of their culture of origin. This tendency to resist integration has engendered a great deal of friction between the dominant culture and ethnic groups. What’s relevant to the issue being discussed here is that these island communities serve for these groups as sites for redressing the very economic, educational, and political disadvantages that Kymlicka thinks will doom these groups (if they resist integration) to a marginal existence. I will have more to say about this point later in this section.

It is arguable that Kymlicka also mischaracterizes the aspirations of national
minorities with respect to their cultural identities. He holds that there is a meaningful sense in which national minorities have expressed their reluctance to relinquish their status as societal cultures through their efforts to maintain regional autonomy. But the fact that national minorities can assert this right to autonomy has more to do with circumstance than choice. The fact is that their presence in North America prior to Confederation gave national minorities ample opportunity to build societal cultures in the absence of a dominant culture which might have constrained their efforts. National minorities, from this point of view, do not look much different from ethnic groups. Much like ethnic groups, they too were once just immigrants. Unlike ethnic groups, however, national minorities had the opportunity to build societal cultures without having to consider the reception they might meet from a dominant cultural group. Thus, the fact that national minorities possess nation building machinery for securing their status as societal cultures seems to be less a reflection of their choices and more a reflection of their circumstances. It doesn’t seem fair, then, to grant one group a different status simply because of their timing of arrival and consequent expectations regarding their circumstances.

Kymlicka's distinction between national and ethnic minorities rests on an untenable privileging of the societal culture over other less comprehensive subcultures and communities. National minorities and ethnic groups both regard their cultures as important to their identity and this has nothing to do with whether one group has retained nation-building machinery or whether another group has
low expectations about their ability to maintain their culture. From the point of view of individual identity, the distinction between national minorities and ethnic groups is arbitrary, and could easily be collapsed if we were to grant ethnic groups the resources to become societal cultures or, conversely, if we were to deny national minorities the resources to preserve their cultural structure. If ties of ethnicity are equally important to individual development as ties of nationality, then Kymlicka has no theoretical justification for treating these two groups differently.

Kymlicka’s contention that individuals must satisfy their cultural needs through membership in a societal cultural form is not substantiated. My point here is not to deny that individuals have need of and therefore value their membership in cultural communities. Nor am I trying to suggest that Kymlicka does not give any credence to the value of ethnic identities. Rather, what I am denying is Kymlicka’s claim that for cultural membership to play a meaningful role (as opposed to a role that diminishes in importance over time, as Kymlicka understands the role

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39 As I have noted, Kymlicka does acknowledge the continuing role played by ethnic cultural identities, but he suggests that this role diminishes over time with each successive generation to the point where second and third generations no longer speak the native language of their ancestors and identify with the customs and practices of the dominant culture. Against this account, I have argued that the seemingly diminishing role played by ethnicity in the offspring of immigrants may be more a reflection of lack of support for ethnic cultural structures, and pressure to conform to the practices of the dominant group, than a reflection of the fact that ethnic ties are not important.
played by ethnic identities in the lives of individuals), it must be a societal culture. As I have argued, community membership is valuable because it is critical, albeit in different ways, to both the social and personal components of individual identity. It does not matter from this perspective whether cultural communities are more or less comprehensive — that is to say, it doesn't matter whether they are societal in the sense that they supply a diverse range of options across the full range of human activities — it matters whether the cultural community gives meaning to the individuals' lives and this can conceivably be accomplished by offering members only one, meaningful, life plan.

Kymlicka is mistaken to suggest that we should be concerned chiefly with societal cultures when it comes to individual development. Based on the interpretation that I am offering of the value of community, ethnic and other forms of community are just as important to the individual as societal cultures — they all offer frameworks of meaning. His emphasis on societal cultures suggests, not only that a society that has more options is more meaningful than one that has fewer (which as I have argued in Part One makes no sense), but that individuals work out their plans of life within a single framework of meanings.40 Against this, I argue that

40 Carens (1997: 45) reaches this conclusion with a different line of argument: "Think ... of how much more alike anglophone and francophone Canadian conceptions of family responsibility are than Korean or Nigerian or Pakistani conceptions .... Conceptions of family responsibilities can shape our options in life and may be intimately connected to the way we form and revise our conceptions of the good. This tends to be obscured by the
individuals can and do participate in many subcultures and nonethnic communities. This is a very different point than the one made by Waldron who asserts that people do not need any culture in particular. In contrast, I argue that they do not need any societal culture in particular but that they may in fact need other less comprehensive subcultures or communities.

Kymlicka is therefore being much too restrictive by considering only societal cultures as important to individuals. Indeed, I am willing to go one step further and challenge the very notion that there is something called a societal culture in quite the sense that Kymlicka intends. For one thing, it is arguable that there really is no entity which can be portrayed accurately as a societal culture given that cultures do not function as all-encompassing guides to individuals in our contemporary, western, cosmopolitan society. As Appiah remarks

The notion that what has held the United States together historically over its great geographical range is a common culture, like the common culture of my traditional society, is — to put it politely — not sociologically plausible ... observations taken about American culture, taken as a whole ... [describe] large-scale tendencies within American life that are not necessarily participated in by all Americans. I do not mean to deny that these exist. But

phrase "membership in a societal culture" which suggests somehow that everyone belongs to one (and only one) societal culture which then shapes the context of choice in the same way for all who belong to it."
for such a tendency to be part of what I am calling the common culture they would have to derive from beliefs and values and practices (almost) universally shared and shown to be so. And that[,] they are not .... The United States of America, then, has always been a society of many common cultures which, I will call, for convenience, subcultures .... (Appiah 1996: 87)

The argument that individual development can depend on more than one cultural form opens the door to consideration of other non-ethnic communal forms. Much like members of ethnic groups that depend on their ethnic ties for their identity when the dominant societal culture fails them, some individuals depend on non-ethnic forms of community when their societal culture fails them. This is especially true in cases where individuals find their societal culture to be constraining — in so far as the choices it offers do not speak to the individual’s self-narrative — rather than liberating. Gays and lesbians, for instance, may forge communities with like-minded individuals in order to assert a positive sense of their own identity where it is beleaguered by the heterosexual majority in their societal culture.

Kymlicka’s focus on the individual’s need for cultural communities suggests that he privileges communities of origin over communities in which membership is a result of a conscious and deliberate choice. 41 But if individuals need communities

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41 Kymlicka’s earlier book, Liberalism, Community and Culture, places a great deal
in which they were born and raised, it stands to reason that their need for membership in a community which is a result of a conscious and deliberate choice is just as important. Indeed, it is arguable that communities, such as gay, lesbian, and women’s communities, in certain respects are even more important to their members than communities of origin. One need not simply “discover” oneself in a community, as communitarians suggest, for one’s identity or moral particularity to be defined by that community. For the child maturing to consciousness in her community of origin, it makes sense to say that her community is found, and not entered by choice. But it need not be true of all adult communities of mature self-identification.

Communities based on friendship, for instance, have been important sources of emancipation from oppressive social structures (Friedman 1989). Friendship among women has been the cement of various historical waves of the feminist movement. In these cases, women moved away from their given or found communities into relationships of choice, motivated by their needs, desires,

more emphasis on distinguishing between communities on the basis of whether membership can be construed as a matter of choice or circumstance. He has buried this distinction in Multicultural Citizenship but it creeps back in when he discusses how arguments from justice motivate our concern for addressing cultural disadvantage. Here he comments that the view that these disadvantages are not the product of choices is an important aspect of why we think cultural disadvantages command the attention of justice. See Carens 1997.
attractions and fears, often in opposition to the expectations and ascribed roles of their found communities. On Marilyn Friedman's view, such communities foster not so much the constitution of subjects but their “reconstitution” (Friedman 1989: 157). In communities of choice, individuals may be able to develop their identity and self-understanding more adequately than in their unchosen communities of origin. These considerations give strong reasons for liberals to support voluntary communities, not just because such communities counter oppressive and abusive relational structures found in some non-voluntary communities, but also because chosen communities provide “models of alternative social relationships as well as standpoints for critical reflection on self and community” (Friedman 1989: 158).

In his emphasis on cultural communities composed of people who have ethnic ties, Kymlicka neglects these non-ethnic communities which are equally, if not more, important to their members. Kymlicka acknowledges that recognizing these sorts of non-societal collectivities “is part of a larger struggle to make a more tolerant and inclusive democracy” (Kymlicka 1995: 19). To this end, he is willing to consider disadvantages that individuals might experience as a result of their difference. For instance, he acknowledges that skin color and sexual orientation often circumscribe the individual’s access to important social goods. But he sees these disadvantages as arising from the way that the dominant culture privileges its own ways of being and denigrates those who deviate from its norms. For Kymlicka, these disadvantages are understood as a form of discrimination against individuals who share certain attributes as opposed to identities. They are disadvantages that
affect collectivities, not communities. In this sense, he is unwilling to consider the possibility that we can extend the concept of culture to these groups and consider their difference in terms of identity formation.

2.3 Social Groups and Affinities

Iris Young’s project is promising because she places at centre stage the very groups that Kymlicka leaves in the wings. As I mentioned in Part One, Section 1.7, Young’s interest in group membership has to do with the role groups play in identity formation, in particular the social component of individual identity. To this end she recognizes that many groups besides cultural communities play an important role in individual development. In particular, Young focuses on the social group as the locus of individual development. She distinguishes social groups from associations and aggregates in the following manner. On her account, aggregates are defined as collections of individuals who have a single issue or attribute in common, such as eye colour, the make of the car they drive, a political issue, and so forth. Associations are collections of individuals who share specific practices and forms of association, such as a club, corporation, political party, church, college, or union. However, like an aggregate, the individual is prior to the collective in the sense that the members of an association come together “as already formed persons ... the person is prior to the association also in that the person’s identity and sense of self are usually regarded as prior to and relatively independent of association membership” (Young 1990: 44-5). As opposed to a mere aggregate
and association, she describes the social group as

a collective of persons differentiated from at least one other group by cultural forms, practices, or way of life. Members of a group have a special affinity with one another because of their similar experience or way of life, which prompts them to associate with one another more than those not identified with the group, or in a different way. (Young 1990: 43)

A social group, then, is defined “not primarily by a set of shared attributes, but by a sense of identity” (1990: 44). In so far as individuals constitute aggregates and associations, the individual is considered to be prior to the collective. In contrast, the social group can be said to constitute the individual in the sense that the individual’s identity is constituted in part by his or her group affinities: “a person’s particular sense of history, affinity, and separateness, even the person’s mode of reasoning, evaluating, and expressing feeling, are constituted partly by her or his group affinities” (Young 1990: 45). For example, what bonds Aboriginals together, on her view, is not their physical characteristics but “identification with a certain social status, the common history that social status produces, and self-identification ...” (Young 1990: 44).42

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42 Young does not clarify what she means by “self-identification,” but presumably she has in mind the intentional act whereby members of a social group appropriate an existing group label or invent a new label as part of a strategy to undermine oppression. This activity is to be distinguished from the process that I refer to as affirmation (see section 2.4
What's more, the group is defined in relation to other groups, and so there is no essence or common nature to a given group. All groups are fluid — they come into being and they fade away. The process of identification is relational in the sense that it involves both how others identify the individual (ascription and inscription) and how the individual identifies herself as a member of the group. Young wants to say with Heidegger that there is a character of “thrownness” —

one finds oneself as a member of a group, which one experiences as already having been. For our identities are defined in relation to how others identify us, and they do so in terms of groups which are always already associated with specific attributes, stereotypes, and norms. (Young 1990: 46)

From the “thrownness” of group affinity, it doesn’t follow that people have no control over the groups of which they are members. People can leave groups and enter new ones. They can also define and shape the meaning of group identity for themselves. Moreover, she claims that individuals need not and, in fact, do not identify with just one affinity group. The consequence is that the individual can be part of many social groups which, for Young, fall on a continuum (see Carens 1997: 44). It follows that individuals can be attached to many social groups which cut across one another, so our identity isn’t really bound up with any one group in the sense that it is our only source of identity.

Still, it’s not clear how the notion of thrownness is to be reconciled with self-
identification — in so far as identification is understood as an expression of affinities. The concept of thrownness suggests that there is a sense in which a “group may be identified by outsiders without those so identified having any specific consciousness of themselves as a group” (Young 1990: 46). In describing how people can leave groups and enter new ones, she comments that “[a]nyone who lives long enough becomes old” (Young 1990: 46), as if to say that that the process of aging is sufficient in itself to constitute a shift in one’s group identity. This suggests that membership in a group and movement between groups is not a self-conscious process. And, if it isn’t self-conscious, in what sense can we understand membership in a group as an expression of self-identification?

The problem is there seem to be two senses of the term ‘affinity’ at work in Young’s analysis — namely, as an expression of self-affirmation (where the self is both aware of and wants to be a part of the group); and affinity as an expression of social identification (where one finds oneself assigned to a particular group, whether or not one wants to be there). If she means affinity in the sense of self-affirmation, then she does so on pain of contradiction simply because she insists that there is a sense in which membership is a consequence of thrownness — that is, one discovers where they fit in the social fabric. It therefore seems more likely that she understands affinity in the second sociological sense where self-affirmation is unnecessary. The following passage suggests that the second reading is a more accurate portrait of her position:

what makes a group a group is a social process of interaction and
differentiation in which some people come to have a particular affinity for others .... My "affinity group" in a given social situation comprises those people with whom I feel the most comfortable, who are most familiar. Affinity names the manner of sharing assumptions, affective bonding, and networking that recognizably differentiates groups from one another, but not according to some common nature. The salience of a particular person's group affinities may shift according to the social situation or according to changes in her or his life. Membership in a social group is a function not of satisfying some objective criteria, but of a subjective affirmation of affinity with that group, the affirmation of that affinity by other members of the group, and the attribution of membership in that group by persons identifying with other groups. (Young 1990: 172)

She runs together two senses of belonging: a person can belong to a collectivity, in the sense that they share the attributes assigned to a group, and they can belong to a community in the sense that their involvement reflects a positive affirmation of the norms and values of the group. Young's concept of affinity treats these two senses of belonging as though they are the same. In fact, they need to be sharply distinguished. The difference between these two senses has important implications for how we view ourselves in relation to the groups of which we are a member and, in particular, how these groups impact on our identity. For instance, reaching 65 years of age invariably means that one is given an assigned status as a 'senior,' but it doesn't follow that one accepts this ascription as an expression of
one's identity. Similarly, the hearing impaired may find themselves assigned to a collectivity which includes all deaf people. Deaf persons can respond to this assignment in two ways: they can see their deafness as a disability or they can see it an expression of their community — a linguistic minority (which speaks American Sign Language) that “are no more in need of a cure for their condition than are Haitians or Hispanics” (Dolnick 1993: 37). What these examples suggest, therefore, is that it is one thing to say that a person is a member of a collectivity (hearing impaired), and quite another to say that this person belongs to a community (the Deaf community).

In short, my point is that Young's account is overly inclusive. She includes, in her account of which groups matter to individual identity, both kinds of groups — what I've been calling community (the Deaf community) and mere collectivities (people who are deaf). It's true that being assigned to a collectivity impacts on our social identity, but it doesn't follow that we see the collectivity as defining who we are, that is, as engaging both the personal and the social aspect of identity.

2.4 Community as a Site for Individual Development

There is a significant sense in which Kymlicka takes societal culture and ethnocultural groups as a given — as facts that political theorists need to address. However, these social units fit uneasily within his political theory — his central preoccupation is the individual's capacity to live a life according to a plan, and there is an awkwardness to Kymlicka's attempt to show that access to a societal
culture is critical to this liberal project. The societal culture has no intrinsic connection with Kymlicka’s autonomous individual, but is an instrument in the individual’s deliberations. The fact that Kymlicka’s view rules out numerous group attachments as grounds for differential treatment is worrisome as well, but the critical issue is reconciling the autonomy approach with the value of group attachments.

Young’s account raises a very different kind of worry. She makes a compelling case for the importance of social groups as pivotal to group identity and oppression. To prevent an unworkable proliferation of calls for group representation, Young develops a theory of the “five faces of oppression” by means of which she believes she will be able to identify oppressed and disadvantaged people (Young 1990: ch. 2; see Bartky 1990). However, we are still left with the

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43 Young’s five faces of oppression are as follows: The first is exploitation, by which Young means the transfer of the results of the labour of one social group to benefit another. The second is marginalization, which occurs when “a whole category of people is expelled from useful participation in social life and thus potentially subjected to severe material deprivation and even extermination” (Young 1990: 53). The third is powerlessness. “Most people,” Young claims, “do not participate in making decisions that affect the conditions of their lives and actions. These people lack the authority, status, and sense of self that professionals tend to have” (Young 1990: 57). Where the first three faces of oppression refer to structural and institutional relations, cultural imperialism (Young’s fourth face of oppression) is enacted through the ability of the dominant cultural group to assert its
fact that mere collectivities are placed on the same level as the social groups that seem more centrally connected with identity.

My claim, in opposition to both Kymlicka and Young, is that community is the central focus of individual development. The virtues of this claim are twofold. First, and most importantly, focusing on community avoids over and under-inclusivity. It allows us, in other words, to identify such groups as the Deaf community and the gay community as candidates for differential treatment, but at the same time it allows us to rule out the collectivities (the elderly, women) which Young places side by side with disadvantaged communities. Secondly, community is a natural ally for the model of identity which I outlined in Part One of this dissertation. Communities are genuine social entities, but what I want to emphasize here is that communities are picked out by my account of identity. My approach, therefore, has a theoretical unity which I believe is missing in the work of Kymlicka.

A community, as I will use the term, is a diffusely defined group, sociologically quite different from groups with specific functions (what Young refers
to as aggregates or associations). As I claimed in Part One of this dissertation, what is unique to this form of social organization is the sense of belonging that individuals feel as members of a community — a feeling of oneness or solidarity with the community as a whole. But, belonging is not an all or nothing relation — it engages the identity of its members to varying degrees. Community can be described as an extrafamilial association in the sense that a community resembles a family in the intensity of the involvement of its members. However, this need not be the way belonging is expressed in all communities. Indeed, it is meaningful to talk about belonging in a weak sense, for instance, in the way that we talk about belonging to a political community, such as a modern liberal society, which, for the majority of us, engages our identity in only a limited sense. It is also meaningful to talk about belonging to an ethnic or gay community in an all-encompassing sense, where our identity is so tied to the community that we cannot understand ourselves outside the community. Where there is a strong sense of national pride, membership in a political community can exhibit stronger forms of identification. In social theory, this latter sense of belonging is often equated with ethnic or kinship groups. But because ethnic ties can also be looser, it is inappropriate to talk

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44 See Dolnick 1999: 38: “So strong is the feeling of cultural solidarity that many deaf parents cheer on discovering that their baby is deaf. Pondering such a scene, a hearing person can experience a kind of vertigo. The surprise is not simply the unfamiliarity of the views; it is that, as in surrealist painting, jarring notions are presented as if they were commonplaces” (my emphasis).
about ethnic groups as paradigmatic communities.

The fact that community engages identity to varying degrees is symptomatic of multiple community allegiances. In the idealized community of common ends associated with some romantic communitarian and republican visions, individuals are absorbed in one all-encompassing way of life that completely engages their identity. But, in modern liberalized societies, individuals are members of a number of different communities which engage their identity to a greater or lesser extent. Multiple allegiances and degrees of belonging do not undermine the concept of community as defined by the relationship of belonging. A community is no less a community because its members feel that their identity is not fully bound up with the group, or because they see themselves as attached to more than one community. Community, on this definition, is the social structure in which identity is expressed, regardless of the degree of involvement of the members.

To understand how belonging can admit of degrees, we need a deeper appreciation of the manner or process by which people come to belong to a community. Belonging, I assert, involves a two-part process of affirmation:

1. Self-Affirmation: although an individual can be assigned to a social group without knowing it — that is, without it figuring in her sense of identity — she cannot belong to a community without it engaging her identity. In order to belong to a community, she must affirm her allegiance and show acceptance of community norms and practices and a willingness to engage in the pursuit of common goals.
2. Reciprocal-Affirmation: an individual can affirm her allegiance to a particular community. But unless other members of that community recognize her as a member, she does not belong in the relevant sense of the word. Belonging is a relational process in the sense that one’s affirmation of membership must be returned by the affirmation of others. People who are not so recognized are alienated from their community, doomed to a marginalized existence on the fringes of the community.

This process of affirmation — the articulation of belonging — plays a crucial role in the development of the individual identity. As I have argued in Part One, the individual’s identity is composed of two elements: the personal and the social. The personal element of identity refers to the way the individual differentiates herself from the group. The social aspect of identity refers to two kinds of relations, one which refers to how members of other groups see us (an ascribed status), and the other to how we are seen in our own group (an inscribed status). By identifying

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45 This process, which I am calling affirmation is related to the process which philosophers refer to as identification, but it is distinct from it in important ways. Identification is a process whereby an individual intentionally manages her life projects by reference to appropriate labels. These labels (Oriental, Aboriginal, white, gay, straight) define a certain kind of person and the behavior appropriate to that kind of person. They involve a set of criteria for ascription, not all of which are held by everybody, and which may be inconsistent with one another, but which shape the intentional acts that fall under it (Appiah 1996). A central feature is that identification need not be voluntary — as Appiah
community as the site for individual development and articulating the process of belonging, it is possible to give a more detailed account of the way these two components of identity are realized in relation to community. In particular, it makes it possible to address some mischaracterizations of the relation of belonging, a task to which I will now turn. The two aspects of belonging which I identified earlier — namely, self-affirmation and reciprocal-affirmation — are often misunderstood. For instance, theorists often see belonging as involuntary and so neglect the importance of self-affirmation. The involuntary account of belonging which frequents the communitarian literature describes belonging as a relationship we discover — individuals are born into communities and have no choice in the matter. One does not choose to be black, Italian, or Jewish. One doesn't belong to a community (to paraphrase Young) as an “already formed person.” Membership is not determined by one’s fate. On this account, the answer to “where do I belong?” is a given fact, in which a primary attachment is stipulated by one's clan, religion, race, or sex, depending on the historical context in which rival groups are defined. It is this thesis which motivates the suggestion that community and the processes of

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remarks: “I don’t recall ever choosing to identify as a male, but being a male has shaped many of my plans and actions” (Appiah 1996: 80). Affirmation, on the other hand, is closely connected with voluntary behavior. This is the motivation for holding that the social part of our identity involves two kinds of processes: ascription (which is often involuntary) and inscription (which involves volition on the part of members of the relevant community in the sense of reciprocal affirmation).
identity formation are somehow opposed to individual autonomy; that is to say, it invites one to presume that with respect to the community/individual relationship, one must be logically prior to the other. Margalit and Raz characterize the involuntariness thesis as follows:

One does not have to prove oneself, or to excel in anything, in order to belong and to be accepted as a full member. To the extent that membership normally involves recognition by others as a member, that recognition is not conditional on meeting qualifications that indicate any accomplishment. To be a good Irishman, it is true, is an achievement. But to be an Irishman is not. *Qualification for membership is usually determined by nonvoluntary criteria.* One cannot choose to belong. One belongs because of who one is. (Margalit and Raz 1995: 84; my emphasis)

This involuntary account of belonging animates a particular account of the role of community in individual development. On the involuntary thesis, individual development is understood as a kind of imprinting — individuals are somehow marked by the character of their community and its respective culture. As Margalit and Raz explain, an individual’s identity will be marked by the community in which they are members such that

[i]heir tastes and their options will be affected by that culture to a significant degree. The types of careers open to one, the leisure activities one learned to appreciate and is therefore able to choose from, the customs and habits
that define and color relations with strangers and with friends, patterns of expectations and attitudes between spouses and among other members of the family, features of lifestyles with which one is capable of empathizing and for which one may therefore develop a taste — all these are marked by group culture. (Margalit and Raz 1995: 82)

But, as Margalit and Raz are careful to point out, belonging is not entirely captured by involuntary processes. It is one thing to say that one's identity is marked by the community, but it is quite another to say that people have no control over their self-definition. This point draws attention to the first aspect of the process of belonging which I have named self-affirmation — there is an element of belonging which requires that one affirm allegiance to the group and its way of life in order for group membership to be seen as an aspect of one's self-definition. Thus, being a member of a community does not mark one as always being a member of that community: people can and do abandon their community affiliations and cultural attachments for others. As Margalit and Raz note:

[p]eople may migrate to other environments, shed their previous culture, and acquire a new one. It is a painful and slow process, success in which is rarely complete. But it is possible, just as it is possible that socialization will fail and one will fail to be marked by the culture of one's environment, except negatively, to reject it. The point made is merely the modest one that, given the pervasive nature of the culture of the groups we are seeking to
identify, their influence on individuals who grow up in their midst is profound and far-reaching. (Margalit and Raz 1995: 82).

Thus, Margalit and Raz acknowledge that it is possible for community membership to arise through a voluntary process. They are skeptical of the success of such a maneuver, however. One of the reasons why this process is so difficult is because it depends in some sense, not only on the individual’s self-affirmation, but also on the willingness of others to accept one as a member of the group. This introduces the second aspect of the process of belonging, what I have called reciprocal-affirmation. As Margalit and Raz put it, if membership is based on achievement, voluntary membership is a less secure means of belonging since people can fail to meet the standards of the group. The denial of reciprocal affirmation can have a profound effect on the individual’s sense of identity, and thereby on their sense of well-being. Those who are marginalized or alienated from the community to which they identify, and denied full access to the community’s way of life, are thereby seriously disadvantaged. This can be said for people who disavow their culture but do not find an alternative home and so live on the fringes. It can also be said of people who have “grown up as members of a group so that they absorb its culture, but are then denied access to it because they are denied full membership in the group” (Margalit and Raz 1995: 83).

These considerations lead Margalit and Raz to conclude that involuntary membership is a more secure, more desirable form of affirmation or identification (the term they prefer). As they explain,
The fact that these are groups, membership of which is a matter of belonging [involuntarily] and not of accomplishment, makes them suitable for their role as primary foci of identification. Identification is more secure, less liable to be threatened, if it does not depend on accomplishment. Although accomplishments play their role in people’s sense of their own identity, it would seem that at the most fundamental level our sense of our own identity depends on criteria of belonging rather than accomplishment. Secure identification at that level is particularly important to one’s well-being. (Margalit and Raz 1995: 85)

It may be true for some people that membership in a community through involuntary processes is experienced as more secure. But what Margalit and Raz fail to see is the many other cases where making a voluntary commitment, a positive affirmation, to become a member of a community forms the basis of a very profound and lasting bond. The fact is that for many people, the tie to their community or communities of origin is often ambivalent. We may see ourselves as members of this or that community of origin, and others may regard us as such, but because we haven’t resolved to become members there is a sense in which we may be members in a kind of noncommittal sense. Contrast this with membership in a community through voluntary processes, such as in the “coming-out” experience of a gay or lesbian who consciously and publicly affirms her sexual orientation,
thereby experiencing something of a transformation of her identity.\textsuperscript{46} When one is accepted into this community, it is because other gays and lesbians feel that one has done whatever it takes to affirm a commitment to a gay lifestyle — namely, assumed the risk of public harassment and discrimination by admitting one's sexual orientation.\textsuperscript{47} Sometimes, then, it is the fact that you have to jump through certain hoops to become a member that forms the basis of your bond to your community. Consider blood rituals and other initiation rites that are used to determine membership. Passing through the initiation rite — often a great personal trial — gives the individual a sense of accomplishment, and it is this sense of achievement that solidifies their bond with the community and makes them proud to be members.

Before closing this section, I want to take a brief look at how my account of

\textsuperscript{46} The development of self-consciousness is an important theme in gay and lesbian literature, which seeks to lead gay men and lesbians "from the prison of social condemnation. Affirming the validity of a homosexual identity is a political act and challenging the social and intellectual control of our sexual lives is a political struggle" (Hannon 1982: 3; Cairns and Williams 1986a: 11).

\textsuperscript{47} Forced "outings" by the group reveal that there is sometimes resentment of gays and lesbians who refuse to "come out" because the community perceives their silence as undermining to the group — forced outings do not necessarily make people part of the group, it depends on whether this individual affirms this inscription by other members of the group.
belonging impacts on traditional social ontologies. The first issue that I want to address is how culture squares with the account of community that I am proposing. On my account, communities have cultures and not the other way around. Culture is an artifact of community, that is, culture is produced through the interactions of people engaged in common pursuits, often when there is no specific awareness on their part. One does not belong to a culture, but one does belong to a community. Belonging is essential to community whereas it is not part of the meaning of culture. There is no such thing as a community that does not have any members — without members there is no community. However, we can talk about cultures without there being anyone who we could describe as a participant or contributor to the culture — as belonging to that culture — as we do when we talk about ancient cultures or civilizations (the words are used interchangeably in some areas of study).

Culture, then, is the product of communal association. Communities generate a group identity or, if you prefer, a common culture, by pursuing their distinctive form of life. This group culture defines or marks a variety of forms or styles of life, types of activities, occupations, pursuits, and relationships. With national groups we expect to find national cuisines, distinctive architectural styles, a common language, distinctive literary and artistic traditions, national music, customs, dress, ceremonies and holidays, etc. None of these is necessary. There are but typical examples of the features that characterize people and other groups ... [t]hey have pervasive cultures, and their identity is determined at least in part
by their culture. They possess cultural traditions that penetrate beyond a single or a few areas of human life, and display themselves in a whole range of areas, including many which are of great importance for the well-being of individuals. (Margalit and Raz 1995: 82)

On the basis of these considerations, we can turn to the second issue that I would like to address, namely, the relationship between a community and a social group. A social group is simply any group of people who share attributes, a complex of meanings, symbols, values and norms. In such a group, there need not be any conscious awareness of belonging to a group on the part of the members and, indeed, it is usually the case that no such conscious social identity exists. A segment of a social group can become a community, on my view, but only when the conditions of community are satisfied. The fact that a segment of the social group becomes a community does not mean that all members of the social group thereby become a community. Consider for instance the distinction between the social group which includes all women and the women’s community. Being a woman is clearly not a social function but a central part of a woman’s identity. Still, very few women see themselves as belonging to a women’s community in any meaningful sense of the word. A woman’s activities may be directed largely in the service of her roles as mother and wife, but for most women these are not seen as defining her whole person. It is arguable, on the other hand, that many feminists do make their status as women the central focus of their existence; that is, everything that they do accentuates their sense of belonging and solidarity with other women.
All women may be candidates for membership in the women's community, but the fact is that this community is restricted to those few for whom relationships with other women serve as a meaningful basis of primary, extrafamilial identity. The women's community is best understood, then, not as a primordial phenomenon but as a positive affirmation of individuals who, in other circumstances, might have other group identities (nation, class) as their primary affiliation. This same line of argument can be extended to the elderly, children and other social groups targeted by Young for special consideration. Members of these social groups need not (and often do not) feel this sense of belonging to a group.48

The third issue that I want to address is the relationship between my account of community and ethnicity. The account of community that I am advancing here at one time was ideally identified with what was called ethnicity, but I have modified this traditional view of ethnicity and extended it so as to include non-ethnic communities. In particular, I've dropped the deeply-embedded supposition that members of ethnocultural communities have bonds of kinship as a residue of earlier ways of thinking about ethnicity in terms of nations (heathen) that were not Christian or Jewish. I've also resisted the sense of the ethnocultural community that permeates Kymlicka's political theory as minority subgroups that we can expect to integrate and perhaps disappear with the passing of time. Ethnicity has become a

48 Young focuses on social groups picked out by identification, and so overlooks the positive affirmation involved in belonging to a community. This oversight underscores my claim that the notion of identity is undertheorized in the literature.
site for the politics of difference, and the extrafamilial bond that we readily associate with ethnicity has become a template on which other communities, such as the gay community, have developed their own distinctive identities.

Ascription is an ineliminable feature of many communities; it is generally held, for instance, that ethnic identity is acquired at birth.49 My view, however, is that this feature is vastly overstated and that the familiar distinction between voluntary and involuntary associations is more of an obstacle than an aid to understanding the issues raised by political disadvantage. There are fictions about, and exceptions to, the birth principle for most communities, including ethnocultural groups. It is true that certain collectivities (sex, race, age) have an element of involuntariness, but these defining characteristics are not the basis of community membership. One doesn’t become a member of the African Canadian community, for instance, in consequence of the color of one’s skin. Neither does one simply choose to be a member of this community. As I’ve insisted, membership is the result of a conscious affirmation on the part of the individual and a reciprocal affirmation on the part of the community. This positive affirmation is not inborn but is the result of interaction with other members of the community.

The terms voluntary and involuntary, then, are apt to mislead — they do not describe types of community, as appears to be the case, but reflect the sense in which we can be said to belong — whether we accept or acquiesce to an ascribed

49 See, for example, Hartney 1995: 205: “one can choose one’s religion, but not one’s ethnic origin.”
or inscribed status, or abandon our social given and affirm a different communal allegiance. Voluntary and involuntary do not distinguish types of communities but serve rather to indicate how the individual regards her relationship to the community. Both are communities in the relevant sense of the word, but whether or not the individual is a member of the community is the sense of belonging which, I have argued, is best understood in terms of a conscious affirmation of primordial or cultural ties.

Still, it is not part of my view that there is no interesting distinction to be made between ethnic communities and other sorts of communities. Communities, Appiah claims (1994: 159) “play a role in shaping the life plans of those who make these identities central to their individual identities.” He claims, further to this, that collective identities provide individuals with what he calls “scripts,” by which he means “narratives that people can use in shaping their life plans and in telling their life stories” (1994: 160). All people, he claims, want their lives to have a certain

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50 Appiah 1994: 159, fn. 10) states “I say ‘make,’ here, not because I think there is always conscious attention to the shaping of life plans or a substantive experience of choice, but because I want to stress the antiessentialist point that there are choice that can be made.” My disagreement with Appiah is that I regard the positive affirmation of a group identity as pivotal in distinguishing a social group from a community.

51 MacIntyre argues that the individual actions and experiences cannot be understood outside the context of a biography, which tells us that “successfully identifying and understanding what someone else is doing we always move towards placing a particular
narrative unity:

they want to be able to tell a story of their lives that makes sense. The story — my story — should cohere in the way appropriate by the standards made available in my culture to a person of my identity. In telling that story, how I fit into the wider story of various collectivities is, for most of us, important. It is not just gender identities that give shape ... to one’s life: ethnic and national identities too fit into each individual story into a larger narrative.

(Appiah 1994: 160)

This idea of narrative histories is one of the many metaphors that communities use to solidify their existence as a community. It provides us with a theoretical resource for drawing a line between ethnic communities and other forms of community, while at the same time reinforcing my suggestion that both are communities in the proper sense of the term. All communities — ethnic groups no less than other communities — make use of scripts to solidify group identity. The differences between them are simply the differences between the kinds of narratives that tell a story. Ethnic narratives typically involve the idea that the members of the community have a common kinship, though we know that this is false. Other groups tell other stories, some of which are based around the idea of group oppression; whether oppressed or not, some groups make oppression part of the

episode in the context of a set of narrative histories, histories both of the individuals concerned and of the settings in which they act and suffer ...” (1989: 97).
fabric of their identity as a group.

The final point that I wish to make in closing this section is the virtue of focusing on identities instead of cultures. In the case of some identities — notably, ethnic communities — culture is one of their primary marks or identifications. This helps to explain, I believe, the tendency among political theorists to conflate identity and culture. Ethnic identities are created and sustained in family and in community life. Along with mass-mediated culture, the school, university, and the like, the family and community are the central sites of the transmission of culture. It seems apparent, therefore, that it must be the culture which comes first and the identity that is created and maintained because of it. It is this line of reasoning, I believe, which motivates Kymlicka to attach greater political significance to ethnocultural groups than to other forms of community; this is why, in other words, he limits identity to those sites which have been traditionally identified as cradles of culture.

By locating the source of identity in community rather than culture, I aim to show how non-ethnic as well as ethnic communities are important to individual development — gays, lesbians, and feminists are now candidates for community or what we might call “sites” for those seeking political redress in society. By the same token, this account allows me to exclude certain social groups that figure prominently in Young’s discussions: women, the elderly, and children. Although these groups are often identified with a particular culture, they do not have the
sense of belonging that I regard as pivotal to community.\textsuperscript{52} They are not, I believe, sites for individual development. This is not of course to suggest that we might not have other reasons for considering these social groups, such as the possibility that individuals who fall into these groups may be targets of discrimination or oppression.

Once we have identified the community as the site of individual development, it is then possible to consider how we might go about respecting people’s interest in community. The traditional liberal commitment to equality suggests that respecting each individual’s interest in community membership requires that we ensure that each person has equal access to the good that community has to offer. However, it remains an open question how we are to ensure equal access: are universal individual rights sufficient or does the interest in community mandate group-differentiated rights? I will take up these and related questions in the next section.

2.5 The Myth of Benign Neglect and the Limits of Universal Rights

It doesn’t follow from the recognition of the value of community membership that differential rights are appropriate. An additional step is needed to show that our interest in community membership requires a departure from the traditional liberal

\textsuperscript{52} See Appiah 1994: 88: “[A]nd while there are societies in which the socialization of children is so structured by gender that women and men have seriously distinct cultures, this is not a feature of most modern societies.”
policy of neutral concern or benign neglect and the consequent commitment to
universal individual rights. This traditional position is grounded in the belief that
the individual’s interest in community is sufficiently protected by the common
rights of citizenship. Universal individual rights protect each person’s interest in
community by ensuring that each person has the freedom to associate with others in
pursuit of their common goals, whatever these goals may be. This traditional view
does not deny that community membership is important or that people depend on
their communities for personal development. What it resists, rather, is the
suggestion that state assistance is necessary to secure this interest in community.

The term ‘neutral concern’ has been employed to express the way in which
the state distances itself from the fight for survival between competing ways of life.
It expresses the belief that it is inappropriate for the state to favor some ways of life
over others — the state must remain neutral with respect to competing conceptions
of the good. ‘Benign neglect’ refers to the fact that, without state assistance, some
ways of life will perish, but on the traditional liberal view this was not something to
be regretted. If a particular way of life can attract sufficient adherents, then it will
survive. If it cannot, it will perish. Thus, traditional liberalism leaves the fate of
communities in the hands of their members.

Recent critics have objected that this traditional liberal view is insensitive to
the obstacles that compromise the ability of minority cultures to pursue their way of
life. It falsely supposes that valuable ways of life will survive but ignores the fact
that some minority groups may be unable to compete (Spinner 1994: 8-12). People
have begun to see that the dominant group dictates the terms of competition in a way that unfairly privileges its own position. As Kymlicka states

[the idea of responding to cultural differences with 'benign neglect' makes no sense. Government decisions on languages, internal boundaries, public holidays, and state symbols unavoidably involve recognizing, accommodating, and supporting the needs and identities of particular ethnic and national groups. The state unavoidably promotes certain cultural identities, and thereby disadvantages others. Once we recognize this, we need to rethink the justice of minority rights claims. (Kymlicka 1995: 108).]

As a consequence of the limited power that minorities have to influence state decision-making procedures, the structure of society tends to reflect the interests of the majority. "If there are significant differences of power, resources, access of publicity, and so on among different classes, groups, or interests," Young maintains that "decisionmaking procedures that are impartial in the sense of allowing equal formal opportunity to all to press their interests will usually yield outcomes in the interests of the more powerful" (Young 1990: 114).

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53 Those familiar with Kymlicka's earlier work will recognize this position as a significant departure from his endorsement of the policy of neutral concern which he defended in Liberalism, Community and Culture (1989a).
2.6 Addressing Disadvantage and Misrecognition

Acknowledging the failure of neutral concern and individual rights has led minority rights advocates to endorse differential rights. How these advocates argue for differential rights rests critically on how they understand the value of community—that is to say, whether they characterize its value in terms of autonomy or identity. Those who privilege autonomy, and value community as a resource that facilitates choice, justify differential rights where people can be disadvantaged with respect to their ability to use this resource; whereas those who privilege identity, and value community as crucial to individual development, justify differential rights as a means to achieve recognition for their way of life. I’ll briefly outline these positions in this section.

Difference theorists who fall into the liberal camp tend to see community as a resource, one that individuals utilize to make meaningful choices. Drawing on the liberal conception of equality, these difference theorists argue that insofar as community can be seen as an important social good, the state has an interest in ensuring that all people have equal access to this good. As Kymlicka and others have pointed out, not everyone has equal access to community membership in the sense that membership costs more for some than others. This is particularly true for those who are members of minority groups. Aboriginals, for example, suffer a particular disadvantage brought about by their membership in a minority cultural community (Opekokew 1987). In particular, it may be much more difficult for members of minority cultural communities to secure the good that community has
to offer because, in order to do so, they must compete with members of the dominant cultural community for valuable resources. For instance, they may be outbid or outvoted on matters crucial to their survival as a cultural community, such as access to important resources (for example, land, means of production) or policy issues (for example, language use, public works programs). Faced with this disadvantage, members of minority communities may be forced to dedicate the lion's share of their resources to the preservation of their culture, leaving them with fewer resources to devote to personal preferences. Members of the dominant cultural community, in contrast, do not face the burden of cultural preservation — for them the resource of community membership is free.

Is this the kind of inequity that commands the attention of justice? The answer depends upon a particular liberal understanding of individual responsibility. This conception of responsibility is built on the idea that we should not be held responsible for inequities that are the result of circumstance, but we should be responsible for inequities that are traceable to the exercise of free (rational and informed) choice. Since the disadvantages of cultural membership for minorities are not grounded in choice, it doesn't seem fair to hold members of the community responsible for these disadvantages. On this view, disadvantages that are the result of membership in a minority group can be likened to other inequities in natural or social endowments: "no one chooses which class or race they are born into, or which natural talents they are born with, and no one deserves to be disadvantaged by these facts. They are as Rawls famously put it, arbitrary from a moral point of
view” (Kymlicka 1991: 186). As Kymlicka states the position, “we can defend aboriginal rights as a response, not to shared choices, but to unequal circumstances” (Kymlicka 1991: 187, cf. 190).54

To redress this injustice, Kymlicka recommends that we abandon the traditional liberal policy of universal rights in favor of group-differentiated rights. Treating people equally as members of cultural communities may sometimes require the unequal distribution of rights: group-differentiated rights, Kymlicka claims, “compensate for unequal circumstances which put the members of minority cultures at a systematic disadvantage in the cultural market-place, regardless of their personal choices in life” (1995: 113). Though it may be true that Aboriginal rights may restrict the rights and privileges of non-aboriginals, Kymlicka maintains that they do not involve the unfair privileging or subsidizing of individuals’ choices (Kymlicka 1991: 187). These restrictions are justified on the grounds that they “serve to correct an advantage that non-aboriginal people have before anyone makes their choices” (Kymlicka 1991: 189). They “help [to] ensure that members of minority cultures have access to a secure cultural structure from which to make such choices for themselves, and thereby promote liberal equality” (Kymlicka 1991:

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54 Note that the term 'aboriginal rights' is not being used in the restricted sense, to refer solely to those rights which flow from aboriginals' original occupancy of the land. Instead, Kymlicka uses the term 'aboriginal rights' more generally to refer to the rights of aboriginals as peoples, that is, as representative of a major class of minority rights questions. See Kymlicka 1991: 157, n. 1.
Furthermore, he believes that his justification for minority rights helps us to distinguish legitimate claims for special consideration. In Kymlicka's words, "only if we ground collective rights in unequal circumstances can we distinguish the legitimacy of Aboriginal rights from the illegitimacy of attempts of assorted racial, religious, class, or gender groups to gain special status for their preferred goals and practices" (Kymlicka 1989: 241).

Communitarian-leaning difference theorists value community for the role that it plays in identity formation. Where the liberal tradition sees the public sphere as engaging each of us as individuals through the choices we make, the communitarian tradition sees the public sphere as engaging the collective good of the community in which we are embedded. While difference theorists who privilege identity accept the thesis that we are constituted by our community to varying degrees, they are united in the assertion that there is an important connection between the well-being of the individual and the status of the individual's community with respect to the greater society. That is to say, when the individual's community is demeaned through nonrecognition or misrecognition by other individuals or groups, the individual's sense of self is thereby demeaned. This misrecognition can inflict harm; it can be a form of oppression which demands redress. Young's theory of the "five faces of oppression," offers an account of how individuals experience oppression through group membership (Young 1990: ch. 2; see Bartky 1996). On her view, oppression marks the way in which the "everyday practices of a well-intentioned liberal society" perpetuates a "structural sense of
oppression” which leads groups to suffer “vast and deep injustices ... as a consequence of often unconscious assumptions and reactions of well-meaning people in ordinary interactions” (Young 1990: 41). These faces of oppression, Young concludes

function as criteria for determining whether individuals and groups are oppressed, rather than as a full theory of oppression. I believe that these criteria are objective. They provide a means of refuting some people’s belief that their group is oppressed when they doubt it .... I have no illusions that such assessments can be value-neutral. But these criteria can nevertheless serve as means of evaluating claims that a group is oppressed, or adjudicating disputes about whether or how a group is oppressed. The presence of any of these five conditions is sufficient for calling a group oppressed. (Young 1990: 64).

Group-based rights are an appropriate remedy to this form of oppression which undermines the individual’s identity. Taylor characterizes group rights as an appropriate means to ensure the survival and flourishing of threatened cultural communities in so far as they enable the community to pursue a good which it can only know in common (Taylor 1991). Young argues for the “justice of group-conscious policies” which not only give groups more control over the organization of their own communities but also accord them a more positive presence in policy-making bodies (Young 1990: 173-183).
Thus, proponents of the autonomy and Identity approaches not only conceive of the value of community in different ways, they also have divergent interpretations of the inequities which may arise when the individual's ability to access the good of community membership is constrained. While proponents of both approaches see the need for group-differentiated rights as a response to inequities that may arise as a consequence of group membership, the limits and extent of these rights remain to be determined. I take up this question in the next section.

2.7 Forms of Differential Rights

If we accept the argument that differential rights can be justified in certain circumstances, there remains the question of the limits and extent of these rights. In what circumstances are such rights appropriate? Surely not all requests for special consideration can or should be granted. For instance, some groups may demand the right to restrict the civic and basic human rights of their members in the interest of cultural preservation. To address this difficulty, some difference theorists have suggested drawing a distinction between two different demands that minority groups can make: external protections and internal restrictions.\(^5^5\) External

\(^{55}\) It should be acknowledged that the terminology used to designate these two forms of rights favors a particular rendering of the issues at hand. The word 'protections' has a positive connotation, whereas 'restrictions' has a negative connotation; the debate is thereby skewed in favor of external rights over internal rights.
protections can be understood as demands against the larger society to protect the minority group from economic or political decisions of the larger population. Internal restrictions concern the minority’s desire to restrict the freedom of its own members to protect its traditional way of life (Hartney 1991: 293-314; Kymlicka 1995a, ch. 3, and 1997b). The first demand concerns the relationship between the minority culture and the majority and involves an attempt to reduce the minority’s vulnerability to political decisions made by the majority. The latter demand concerns the relationship between the group and its individual members, and involves an attempt to curtail dissent against the group’s norms and practices. I will address these demands separately in the next section.

These demands generate claims for three distinct sorts of rights: self-government rights, accommodation rights, and representation rights. Where the minority is depicted as a nation — variously described as a ‘people’ with a common culture, collective goals, and a territorial landbase — the rights framed to protect the nation’s interest are described in terms of self-government or self-determination. Self-government rights “devolve powers to smaller political units so that a national minority cannot be outvoted or outbid by the majority on decisions that are of

56 The concept of a ‘nation’ or a ‘people’ is much debated in liberal-democratic theory. Much of the debate focuses on the fact that considerations of the rights of a nation or people appear to motivate collective or group rights. Much attention has been directed to the question of whether these collective rights oppose the individual rights defended by liberal-democratic theory. See Miller 1993 for a discussion of these and related points.
particular importance to their culture, such as issues of education, immigration, resource development, language, and family law” (Kymlicka 1995: 37-8). Rights targeted at protecting ethnic groups or cultural minorities are framed in terms of accommodation of difference or recognition of particular identities. Accommodation rights or (to use Kymlicka’s terminology) polyethnic rights,\(^{57}\) “protect specific religious and cultural practices which might not be adequately supported through the market (for example, funding immigrant language programs or arts programmes), or which are disadvantaged (often unintentionally) by existing legislation (for example, exemptions from Sunday closing legislation or dress codes that conflict with religious beliefs)” (Kymlicka 1995: 38).

Representation rights are often defended as a response to some systemic disadvantage or obstacle to full participation in the political process which justifies certain measures to ensure that the interests of marginalized groups are fully represented. Special representation might include such measures as public funds for advocacy groups, guaranteed representation in political bodies, and veto rights over specific policies that affect the group directly (see Kymlicka 1993). Consideration of these measures, and the issue of representation rights more generally, is part of a larger question about how to ensure that all members of society have equal opportunity to participate in the political process. In particular, it concerns the question whether marginalized groups should be guaranteed a role

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\(^{57}\) Kymlicka has since abandoned this term “polyethnic rights” in response to complaints that it was “potentially biased.” See Kymlicka 1997a: 86-87, fn. 3.
not only in the interpretation but also in definition of these liberal principles of justice. Since I am concerned here with how these principles, as defined, are to be interpreted, I will set aside the issue of representation rights.\(^{58}\)

The distinction Kymlicka draws between the kinds of claims that national minorities and ethnic groups can legitimately make is challenged by my discussion in Part 1 about the need for societal cultural communities as against the need for other types of community. I have argued that the emphasis Kymlicka places on societal cultures is misguided; members of ethnic and non-ethnic communities have just as much of a bond to, and are therefore just as much in need of, their community as members of societal cultures. Furthermore, given questions about reasonable expectations regarding forms of incorporation into the state, I have argued that we can’t put much stock in the idea that immigrants voluntarily gave up their societal cultures whereas minority nations have fought hard to maintain their cultures. If this argument is sound, then it is hard to say why we should assign self-government rights to minority nations and not to ethnic and other communities.

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\(^{58}\) Young argues for special representation for oppressed groups on the grounds that the solution to their oppression “lies in part in providing an institutionalized means for an explicit recognition and representation of oppressed groups” (Young 1989: 259). For a more detailed discussion of the issue of representation rights and related problems, see M. Williams 1994; Phillips 1995, 1996; Kymlicka 1995a, Ch. 7. Note that Williams debates the question of whether we can deliberate about the definition of justice without considering the fact that many marginalized voices have no say in this process (1994: 55).
This distinction seems arbitrary.

On my view, the question of which groups can justly claim which rights, self-government rights or accommodation rights, depends on two considerations. First, our obligation to respect the actual aspirations of the communities in question, as opposed to their aspirations based upon what they think the larger society will allow. Kymlicka is right to suggest that the vast majority of immigrants don’t want to establish separate societies but want to integrate into the mainstream culture, whereas national minorities seem to want self-government with respect to some if not all aspects of their communal life. We should do our best to accommodate these aspirations. The extent to which we can accommodate these aspirations rests on a second consideration, namely, the extent to which the larger society is willing or able to devote the resources to support the equal claims of national minorities and ethnic groups to protect their distinct identities. This is a question about how the society as a whole decides to balance the just claims people have for community membership against other just claims. Supporting community has costs as do other legitimate social projects, such as healthcare and education. The relevant society must decide to what extent it is willing to dedicate resources to protect this claim for community. This a is matter for political deliberation and not a question which I can hope to answer here.

Setting aside the question of how self-government and accommodation rights will be assigned, I will focus my discussion in the next section on the distinction between external protections and internal restrictions and the question of how
considerations of autonomy and identity figure in debates surrounding this distinction.

2.8 External Protections and Internal Restrictions

At this point in my argument, I want to return to the notion of belonging which I developed in Section 2.4, and pursue the implications of this theoretical discussion at the level of practice. I believe that a general discussion of these issues will display the virtues of the approach to identity that I have been elaborating, while strengthening my claim that my approach constitutes a genuine alternative to the identity and autonomy approaches.

I claimed that what is central to the notion of belonging to a community is the idea of affirmation — a positive affirmation on the part of the individual and a reciprocal affirmation on the part of members of the relevant community. I distinguished this idea from identification which, I claimed, need not involve any affirmation on the part of the individual. Further to this, I mentioned that those who express a desire to belong to a community but are not reciprocally affirmed by other members of the community, are doomed to a marginal existence on the fringe of the community. I made a strategic decision at the time to leave the discussion of the converse of this situation to this last section of Part Two of my dissertation. The situation I refer to occurs when a community presumes that certain individuals are members — and therefore expects them to govern themselves according to its norms and to accept its values — though these individuals have not affirmed these
norms and values.

All communities face internal dissent to some degree or other, and so the issue is not dissent per se but the appropriate response to dissent. Liberals are divided on this issue, with some firmly opposing internal restrictions and others permitting such restrictions only if they do not prevent dissenting members from leaving the group. In this last section of Part Two, I will take a closer look at these divergent views and show how they depend on particular understandings of the relationship between the individual and the community.

Kymlicka answers the question of whether it is ever just for a community to restrict the rights of its members in the negative. Internal restrictions are always inappropriate, on Kymlicka’s view, because they constitute a unjust violation of individual liberty; that is to say, any effort by the community “to restrict the basic civil or political liberties of its own members” violates the “right of individuals to decide for themselves which aspects of their cultural heritage are worth passing on” (Kymlicka 1995: 152). For Kymlicka, it is paramount that the individual not be

59 Kymlicka is concerned about the violation of individual freedom, but it is important to note that he does concede that there may be some exceptional circumstances of cultural vulnerability where internal restrictions may be needed on a temporary basis (Kymlicka 1991: 198; 1995:230, fn. 1). It remains an open question for Kymlicka, however, which internal restrictions would be permissible and under what sort of circumstances. Presumably this would be something Kymlicka would expect to be worked out on a case by case basis.
constrained in her efforts to determine her life plans:

restricting ... freedom ... violates one of the reasons liberals have for wanting to protect cultural membership — namely, that membership in a culture enables informed choice about how to lead one's life. These sorts of internal restrictions cannot be justified or defended within a liberal conception of minority rights. (Kymlicka 1995: 153)

While this commitment to self-determination prohibits internal restrictions, on Kymlicka's view, it is consistent with external protections. Indeed, he asserts that differential rights in the form of external protections actually promote individual liberty in that they help to ensure that the minority community is able to provide a meaningful context of choice. External protections ensure that minority cultural communities are protected against the threat posed by the dominant cultural community — the threat that the economic or political decisions of the larger society will undermine the minority's ability to protect its distinct existence and identity. Autonomy circumscribes this claim for protection in the sense that it both justifies the use of differential rights and delimits their scope — so long as differential rights are geared towards reducing the vulnerability of minority groups to economic and political pressures, and do not attempt to control the extent to which members of the minority group engage in dissenting practices, Kymlicka maintains that they are consistent with respect for individual rights.

Kymlicka believes that, for the most part, minority demands for self-
government and accommodation rights involve external protections. However, he notes that both forms of rights can potentially be used to impose internal restrictions. Accommodation rights can lead to internal restrictions as follows: "[i]mmigrant groups and religious minorities could, in principle, seek the legal power to impose traditional cultural practices on their members" (Kymlicka 1995: 40). For instance, "ethnic groups could demand the right to take their children out of school before the legally prescribed age, so as to reduce the chance the child will leave the community; or the right to continue traditional customs such as clitoridectomy or compulsory arranged marriages that violate existing laws regarding informed consent" (Kymlicka 1995: 40-41). Indeed, as Kymlicka points out, there "have been cases of husbands who have beaten their wives because they took a job outside the home, and who have then used the fact that wife assault is an acceptable practice in their homeland as a legal defence" (Kymlicka 1995: 41).

While Kymlicka acknowledges these possible abuses of accommodation rights, he nevertheless maintains that most demands for protection of ethnic groups take the form of external protections and are designed chiefly with the goal in mind of protecting cultural identity and easing integration into the mainstream culture (Kymlicka 1995: 41).

"[O]ne relatively clear case of internal restrictions amongst self-governing indigenous groups" Kymlicka contends, "involves the Pueblo, an American Indian tribe, and freedom of religion" (Kymlicka 1995: 40).60 As Kymlicka explains, the

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60 This issue arose when the Protestant minority continued to demand their share of
Pueblo have effectively established a theocratic government that discriminates against those members who do not share the tribal religion. For example, housing benefits have been denied to those members of the community who have converted to Protestantism. In this case, there is little question that self-government powers are being used to limit the freedom of members to question and revise traditional practices. (Kymlicka 1995: 40)

This restriction on religious liberty, Kymlicka claims, cannot be defended in terms of his theory of minority rights for two reasons: (a) “there is no inequality in cultural membership to which it could be viewed as a response” and (b) the “ability of each member of the Pueblo reservation ... to live in that community is not threatened by allowing Protestant members to express their own religious beliefs” (Kymlicka 1989a: 196). In response to the suggestion that religion is central to the Pueblo culture, such that “violation of religious norms is viewed as literally threatening the survival of the entire community” (Svensson 1979: 434), Kymlicka suggests that the threat is a mere offense and not a genuine harm — the fact that community resources, even as they withdrew from communal functions. In turn, they were ostracized and denied resources, which led the Protestant converts to appeal for religious protection under Title II of the 1968 Civil Rights Act. This issue was first raised by Svensson (1979). It is discussed at length in Van Dyke 1985, Kymlicka 1989a and 1995a, and Kukathas 1992.
some members of the community do not endorse communal values is not a threat to the well-being of other members of the community. As Kymlicka explains, “[i]f the goal is to ensure that each person is equally able to lead their chosen life within their own cultural community, then restricting religion in no way promotes that” (Kymlicka 1989a: 196). Indeed, permitting internal restrictions which allow the Pueblo to enforce conformity to the theocracy supports intolerant attitudes and “undermines the very reason we had to support cultural membership — that it allows for meaningful individual choice” (Kymlicka 1991: 197).

Kymlicka is drawing a distinction here between protecting the community and protecting the diverse norms and practices that make up that community. In his earlier writing, he describes his objective in terms of protecting the community, without thereby protecting its distinctive character (Kymlicka 1989a: 195-200). Much of the worry about the appropriate limits of external protections concerns the debate about those features of the community that must be maintained to ensure its

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61 Kymlicka (1989a: 196) compares Pueblo worries about Protestant converts to Patrick Devlin’s contention that the acceptance of homosexuality would tear apart English society (Devlin 1965). We have good reason to resist this comparison. Homosexuality has always been a part of every society. Devlin was merely providing fodder for its continued oppression, and exploiting the deeply-embedded notion that it is a disease that will spread, if not forcibly contained, throughout the entire population. Protestantism, in contrast, is not a part of Pueblo beliefs, and there is good evidence to believe that the introduction of a new religion could undermine traditional beliefs.
very survival and other features which are merely expressions of its shifting and evolving ‘character.’ It is for this reason that Kymlicka presumes that protecting the Pueblo community does not sanction their illiberal practices. The presumption here is that religious beliefs are not integral to the Pueblo way of life, and so they do not need to be protected in order to safeguard the survival and continuance of this community. The goal of external protections, on Kymlicka’s view, is to protect the community from external pressures to change, but he does not believe that these protections insulate the community from change due to internal influences. On this view, protecting a community from disintegration does not prevent its members from modifying the character of the community should they find its traditional values and practices no longer worthwhile.

The suggestion that we can distinguish those characteristics of a community which are intrinsic to its way of life from other features which are merely expressions of the community’s shifting and evolving “character” — that is, that we know which parts of the community can be modified without undermining it altogether — seems deeply problematic. We may think that we know what counts as peripheral, but internal and external pressures can change the significance of certain norms and practices. In a multicultural setting, certain cultural characteristics can take on added meaning to members of a culture in their efforts to define their identity: modes of dress, styles of living — what Kymlicka might describe as features of the character of the culture — often take on added importance to members of minority groups.
Even though he no longer describes this problem in terms of protecting a culture, rather than its character, Kymlicka remains committed to the idea that external protections need not lead inevitably to internal restrictions. He admits, in recent work, that “the distinction between internal restrictions and external protections ... is not always easy to draw. Measures designed to provide external protection often have implications for the liberty of members within the community ... [and] can open the door to internal restrictions” (Kymlicka 1995a: 42-43). For instance, granting a minority group the right to determine immigration within a prescribed territory gives the minority group the power to decide which families will be reunited. Kymlicka thinks that we can avoid these unwelcome implications if we do not allow the scope of external protections to exceed their original mandate, as he understands them. Critics of group-differentiated rights worry that

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Kymlicka points out that, in the wake of the Salman Rushdie affair, some British Muslims have proposed group-libel laws that would provide the same protections to religious groups that hate-speech laws provide to racial groups. “In the case of hate-speech laws, the motivation was to provide a form of external protection — that is, to protect blacks and Jews from racist elements in the larger society. Group-libel laws are often similarly defended as a way of protecting Muslims from the virulent ‘Islamophobia’ of Western countries. But group-libel laws can also be used to restrict the spread of blasphemy or apostasy within a religious community. Indeed ... there is reason to think that some Muslim leaders seek such laws primarily to control apostasy within the Muslim community, rather than to control the expression of non-Muslims” (Kymlicka 1995a: 43).
external protections place the group above the individual and thereby grant the
group power to constrain the liberties of its members. But, in so far as Kymlicka
sees external protections as justified on the grounds that they facilitate individual
autonomy, he believes that he does not so empower the group. So long as external
protections are restricted to the goal of promoting individual autonomy, they will
not go awry.

However, feminist critics of external protections are not persuaded. By
protecting the culture and its way of life, they argue that Kymlicka may well set the
stage for the entrenchment of illiberal practices. Okin begins to get at this worry
when she criticizes Kymlicka’s efforts to rule out support for illiberal groups by the
internal/external distinction. On Okin’s view, Kymlicka’s internal restrictions do
not take account of more subtle forms of discrimination. As she explains,"Kymlicka’s arguments fail to register what he acknowledges elsewhere: that the
subordination of women is often informal and private, and that virtually no culture
in the world today, minority or majority, could pass his ‘no sex discrimination’ test
if it were applied to the private sphere" (Okin: 1997: 7). Okin worries that external
protections may perpetuate illiberal practices by insulating the illiberal group from
outside pressure to conform to more liberal practices. In particular, women’s rights
can be severely curtailed in the private sphere by oppressive, patriarchal cultures
even when their civil rights are protected in the public sphere.

Tamir expresses a similar complaint about external protections. As she puts
it, “unless the communities [Kymlicka] wishes to protect will liberalize and
democratize, giving them self-government rights and means to protect their religious and cultural practices will reinforce patterns of domination and orthodox tendencies, which in fact restrict the ability of individuals to criticize and reform their traditions" (Tamir 1997:2). The problem, as Tamir sees it, is the assumption that minority groups need to preserve their traditional way of life in order to retain their distinct cultural heritage. But this does not follow. It certainly is not something we apply to the majority culture which we assume can survive change and innovation. This approach assumes that while we, the members of the majority, can reinvent our culture many times without losing our distinct identities, members of minority cultures must adhere to traditional cultural patterns in order to survive (Tamir 1998:2).

Kymlicka accepts the criticism that he needs a more subtle account of internal restrictions which help identify limitations on the freedom of women within these ethnocultural groups (Kymlicka 1997c). It is difficult, however, to see how he can satisfactorily address this worry, especially since he seems to be committed to extending differential rights even to illiberal groups: "liberals should not prevent illiberal nations from maintaining their societal culture, but should promote the liberalization of these cultures" (Kymlicka 1995: 95). Moreover, he is also firmly committed to a non-interventionist stance with respect to illiberal communities. While Kymlicka would not stand by in the face of egregious violations of human rights, this leaves open a great many violations of individual rights which he seems
to think are better addressed through peaceable negotiation.\textsuperscript{63}

What Kymlicka thinks he's doing, then, when he grants external protections is merely ensuring that individuals have access to a secure context of choice. In this sense, he seems to treat community as a kind of endless resource which individuals can perpetually plunder without considering their obligations to other members of their community. But community is more than this — it maps on to a mode of human interaction, in which people come together to pursue common ends and, in the pursuit of these ends, make certain demands on each other. Kymlicka's resource-based account of community does not capture this sense of common purpose. The strongest view that he can adopt is that a community is where individuals obtain the resources needed to pursue their own goals, some of which may include goals pursued in common with others. The idea that community has to do with common ends suggests that members of the community are attached in

\textsuperscript{63} Despite the fact that Kymlicka finds these internal restrictions unacceptable, he maintains that it is inappropriate to intervene in illiberal communities save for cases of gross human rights violations. On his view, it is one thing to have an argument of justice against internal restrictions, but it is quite another to impose this argument on others (Kymlicka 1995: 165). To do so violates autonomy in another way, namely, it involves the coercion of one group by another. Intervention cannot be justified on these grounds. What we must do in such cases is simply encourage the adoption of more liberal practices through peaceable interactions with the illiberal group. Intervention remains an option, on my view, because it does not privilege autonomy over identity.
ways that go beyond shared interests to mutual obligations.

On the other hand, internal restrictions despite Kymlicka's misgivings seem an inevitable part of community life. If the community cannot make certain demands of its members, such as requiring that they observe certain norms or customs on penalty of expulsion, then it is difficult to see what sense can be made of the notion of belonging to a particular community and the social identity that comes with it. There must be some sense in which individuals can demonstrate that they do in fact belong to the group, and a sense in which the group can say that some individuals do not count as members.

These mutual obligations are captured by the notion of belonging, as I've elaborated it. On my account, belonging is a dual process, which requires not only that the individual affirm her commitment to communal goals but also that this affirmation is reciprocated by others who recognize that individual as a member. This process of recognition involves expectations that those who are affirmed as members will be committed to the community's values and practices. The community is not under any obligation — nor should it be — to affirm as members anyone who does not subscribe to the community's norms, since this would be self-undermining. On Kymlicka's account, belonging is a one-way street — the individual affirms or denies her communal aims and attachments but there is no sense in which the other members of the community impact on this process of affirmation. Kymlicka makes no allowances for expectations that anyone who is considered a group member will subscribe to the norms, nor does he countenance
the idea that the group has a legitimate right to impose sanctions on those that refuse to toe the line, such as refusing to recognize dissenters as legitimate members.

To say that group members can make legitimate demands on one another to respect group norms does not deny that belonging admits of degrees. As I have previously argued, people can subscribe to some norms and not others, and this may affect their status within the group. It’s up to the group as a whole to decide what level of dissent they are willing to tolerate. This admission, however, does not undercut my claim that belonging requires mutual affirmation, a factor which Kymlicka ignores. It is my claim that this mutual affirmation forms the legitimate basis for internal restrictions. Kymlicka resists the idea that community can make claims on its members because he is singularly focused on promoting autonomy. If we understand the value of community in terms of identity — and not autonomy — we are in a better position to both appreciate the ways in which communities can legitimately make claims on their members and understand how the individual’s right to resist these claims can nevertheless be respected.

An advantage of my identity approach is that, unlike Kymlicka’s approach, I am not placed in the somewhat awkward position of justifying rights for certain minority communities on grounds that they do not themselves subscribe to. As Chandran Kukathas points out, Kymlicka’s view has the unwelcome consequence of imposing liberal values on cultures which may not place the same emphasis on the individual’s freedom to choose or to revise her ends. Instead, some cultures regard
the individual and her interests as subordinate to the interests of the community at large, and expect individuals to accept uncritically the community's traditional practices. Kukathas cites the Australian Aboriginal society as an example of a community in which critical reflection is neither encouraged nor desired. Instead the "values of order and conformity are inculcated through ritual, with creativity and reflection of the fundamental nature of individual commitment to these values thereby extinguished" (Kukathas 1992: 120). Similarly, Pueblo efforts to define their cultural integrity against invasion or exploitation have focused on asserting the independence of their community's way of life and the importance of retaining their cultural identity.

On Kukathas' view, the insistence that the cultural community place a high value on individual choice is in effect "saying that the minority culture must become more liberal" (Kukathas 1992: 122). While Kymlicka sees this process of liberalization as an essential task, Kukathas rejects it. On his view, minority cultures can rightly object that "to elevate choice and suggest the course of 'liberalizing' their cultures 'without destroying them' is to fail to take their culture seriously. If their culture is not already liberal, if it does not prize individuality or individual choice, then to talk of liberalization is inescapably to talk of undermining their culture" (Kukathas 1992: 122). On Kukathas' view, culture is not a framework or context for individual choice:

[r]ather, it is the product of the association of individuals over time, which in turn shapes individual commitments and gives meaning to individual lives —
lives for which individual choice or autonomy may be quite valueless. To try to reshape it in accordance with ideals about individual choice is to strike at its very core. (Kukathas 1992: 122)

If we focus on the role that community membership plays in identity, we need to ask what sorts of demands the community can make on the individual without violating considerations of identity. I want to argue that members of a community have a right to determine, not only who will be a member of the community, but also what norms and values will form the basis of communal life. This is a community endeavor in the sense that all members of the group have a voice, as opposed to the idea that some metaphysical group entity imposes norms on individuals. Kymlicka's reservations notwithstanding, internal restrictions seem to be an inevitable part of community life. If the community cannot make certain demands on its members, such as requiring that they observe certain norms or customs on penalty of expulsion, then it is difficult to see what sense can be made of the notion of belonging to a particular community, and the social identity that comes with it. The best that we could achieve, I expect, would be a very weak sense of belonging as identification with a particular community. In order to accommodate a more robust account of belonging, however, we must be prepared to allow for some sense in which individuals can demonstrate that they do in fact belong to the community, and a sense in which the community can say that some individuals do not count as members. The solution, I contend, is to strike a balance which allows us to respect the boundaries that an individual seeks to draw between
herself and the social identity of the community.

As with all community endeavors, there are always going to be some contentious voices. Thus all communities will have to face the issue of how to deal with internal minorities. From the claim that communities can make legitimate demands on their members, it doesn’t follow that they can coerce them to observe communal norms. This is a separate claim. Kymlicka sees these two claims as one following from the other, unless these external protections are cast in a way which rules out internal restrictions. And the only way to do this, he believes, is to privilege autonomy over identity. But in so doing, he makes all communal obligations appear to be coercive in so far as they are constraints on the individual’s autonomy. But if we understand identity in my sense, as a duality of personal and social identity, we can understand the difference between legitimate communal demands and coercion. Our social identity involves an awareness of the obligations imposed on us by our particular position in the social scheme, and our personal identity is that part of ourselves whereby we affirm our participation in this scheme or distance ourselves from it. In so far as belonging involves a process of mutual affirmation, in the sense that it is not enough for the group members to simply decide who is a member, the individual can elect to distance herself from the group and refuse to assume the obligations of membership. The communal demands, then, are coercive if the group fails to respect the individual’s efforts to draw boundaries between herself and the group. By privileging identity, we are sensitized both to the importance of communal demands to our sense of self and the way in which
these demands can become coercive. If we privilege autonomy, in contrast, it is difficult to see any of the group’s demands as legitimate, and so all such demands will seem unduly coercive.

The question, then, is what does it mean to respect the boundaries that the individual sets between herself and the community? At what point do the demands of the community become coercive? These demands, on my view, become coercive when the individual cannot say no to them, that is, when the community has such power over her that she is denied a meaningful right to exit. Where Kymlicka’s autonomy approach protects the individual against the group, he does so on penalty of not being able to account for legitimate demands that the community can make on its members — demands which are central to community life. The virtue of my emphasis on identity is that I can account for the demands of communal life, and see it as an essential part of an individual’s social identity, but also allow room for the individual to resist these demands and see this as also an essential part of the individual’s personal identity. In seeking to balance the personal and social aspects of identity, we respect the individual’s needs to set boundaries, not as a liberal value that we impose on a community, but as an expression of the individual’s identity.

By looking at some examples, I believe that I can show that the autonomy approach is less successful than my identity approach in picking out which internal restrictions are in fact coercive. In the case of the Pueblo, where Kymlicka would regard the withdrawal of communal benefits to those who abandon their traditional
faith as coercive, I would regard this as an appropriate response by a community which no longer regards dissenters as legitimate members. If members of the community see the traditional religion as an essential component of their identity as Pueblo, then it makes sense on my view for the Pueblo to reject those who do not share the same beliefs and practices. Of course, if the dissenters did not have a meaningful right to exit, then the demands of the Pueblo community would amount to coercion. To make this right to exit meaningful, there has to be a sense in which the dissenters can walk away from their community with the means to start a new life elsewhere. The penalty cannot be so severe that it makes a mockery of the dissenters’ ability to leave. Kymlicka and I are in agreement that people cannot be coerced to observe these religious norms, but for different reasons. Kymlicka sees it as a violation of autonomy, whereas I see it as a violation of personal identity.

What it means to preserve a meaningful right to exit can be illuminated by considering the case of Christian fundamentalist communities. These Christian sects in the United States (e.g. the Amish) and in Canada (e.g. the Mennonites, Doukhobours, and Hutterites) have demanded and been granted the right to withdraw their children from public schools before the legal age of 16, and they are also permitted to depart from the standard school curriculum. The purpose of this restriction is to limit exposure to other ways of life which might undermine the children’s allegiance to the community. These groups do not permit members to question or revise traditional beliefs or practices. Members who challenge traditional doctrine can be, and often are, expelled from the community with
literally the clothes on their back. Courts have granted these Christian sects the right to restrict education and expel dissenters on the grounds that this is consistent with freedom of religion. Kymlicka, however, finds it hard to conceive these restrictions as warranted by freedom of religion: “I have defended the right of national minorities to maintain themselves as culturally distinct societies, but only if, and in so far as, they are themselves governed by liberal principles” (Kymlicka 1995: 153). Genuine freedom, for Kymlicka, involves the exercise of meaningful choice, and this is denied by restricting access to education and by making penalties of non-compliance so severe that choice is effectively negated.

Kukathas defends the rights of minority cultures to impose many internal restrictions on the freedom of their members so long as members retain one essential liberty — namely, the right to exit (Kukathas 1992: 105-39).²⁴ Kukathas

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²⁴ Jeff Spinner (1994) agrees with Kukathas that any attempt to impose liberal norms on illiberal groups is intolerant. Spinner is willing to permit groups to restrict the rights of their members but draws the line at restrictions that cause real physical harm: “... some ethnic practices violate important liberal values and so ought to be discouraged or forbidden. Practices that pose a physical threat to others should be forbidden. Practices that do not pose a direct physical threat to anyone but that nonetheless violate liberal principles should be discouraged by the liberal state. The liberal political values of equality and nondiscrimination ought to be taught in the schools and realized in institutions in the public sphere and in civil society .... The liberal state should foster the principles of equality and nondiscrimination, but it should not try to impose these values on people at all costs. The
privileges freedom of association, as opposed to autonomy, and holds that restrictions on freedom are permissible so long as the individual is free to dissociate from a community, should she so desire. He recognizes the possibility that internal restrictions may lead to injustice — for example, a group may deny education or economic opportunities to women, or may discriminate on the basis of sexual orientation or religious belief. However, he thinks that the right to exit minimizes the danger of such injustice, and that any attempt to force minority cultures to reorganize themselves in accordance with liberal-egalitarian norms would be intolerant. Minority cultures, he concludes, should be allowed to develop, flourish, and decay on their own terms.

Cultural communities, on his view, should be regarded as “associations of individuals whose freedom to live according to communal practices each finds acceptable is of fundamental importance” (Kukathas 1992: 116). Thus, on Kukathas’ view, internal restrictions do not require a remedy so long as members of the group have a right to exit. This right to exit protects the freedom to associate.

state can, however, prevent physical harm with force — it can and should enter the homes of citizens who physically abuse their children” (Spinner 1994: 69). Spinner thinks that the right to exit protects those who do not subscribe to the illiberal practices of their own particular culture. He feels that exit is still a real and tangible option even for members of groups, such as the Amish, where knowledge of liberal culture is restricted and penalties for exit are severe (involving shunning or ostracization and the denial of access to a share of communal property).
Kukathas' view grants a great deal of authority to cultural communities — it allows them to freely pursue their own way of life with no requirement that they be assimilated or integrated into mainstream culture. Indeed, Kukathas is willing to admit that his view allows such communities to maintain illiberal practices since it gives no justification to the liberal majority to intervene. So long as members of illiberal groups retain the right to exit, the liberal majority has no justification for intervening in the practices of these communities: “the wider society has no right to require particular standards or systems of education within such cultural groups or to force their schools to promote the dominant culture” (Kukathas 1992: 116). Illiberal communities may persist in their practices, on Kukathas' view, so long as they are able to maintain adherents. The basis of the community’s authority over its members is their acquiescence (Kukathas 1992: 117). This approach to cultural minorities is still liberal, Kukathas insists, because it protects the fundamental right of free association, and does not “sanction the forcible induction into or imprisoning of any individual in a cultural community” (Kukathas 1992: 125). But it is an approach which “sees a liberal society as one that need not be made up of liberal communities” (Kukathas 1992: 127).

Kukathas thinks that protecting the right to exit is sufficient to ensure that individual rights are respected in so far as it ensures that individuals can challenge communal authority. But as Kymlicka points out, it is difficult to see exactly how this right to exit will be protected given that Kukathas does not attempt to stop groups from depriving their members of literacy, education, or the freedom to learn
about the outside world. Against Kukathas, Kymlicka argues that it is not sufficient simply to ensure that individuals have a free market to enter into when they leave their cultural communities. On his view, individuals require an environment which facilitates meaningful choice. In order to secure such an environment, a liberal society must ensure that cultural groups accord their members substantial civil rights. Of course, it is another question whether or not it is possible to keep this commitment to civil rights without interfering in the way of life of cultural communities.

It remains an open question, on my view, what is involved in securing a meaningful right to exit. What we can say with confidence is that the mere provision of ‘basic’ human rights will be insufficient. At the very least, a meaningful exit requires education in alternative lifestyles, so I would not allow withdrawal from education programs unless these communities demonstrated a willingness to inform their members of the civil and political liberties that they would enjoy as members of the larger society. For expulsion not to be seen as coercive, it would have to be accompanied by some tangible acknowledgement of the labour these individuals put into these societies. If the community is unwilling to partition land to compensate expelled members for their labour, it should provide monetary or other forms of compensation.

I want to close this section by considering one final case given by the Deaf community — a community that is not recognized by Kymlicka. This case is particularly interesting for my own point of view because it not only highlights the
difficulties involved in ensuring a meaningful right to exit, but also shows how my account of identity best captures what it means to belong to a community.

As I’ve mentioned, deaf people claim that they are a subculture like any other — they are a linguistic minority speaking ASL. Deaf children learn ASL as easily as hearing children learn a spoken language:

At the same age that hearing babies begin talking, deaf babies of parents who sign begin ‘babbling’ nonsense signs with their fingers. Soon, and without having to be formally taught, they have command of a rich and varied language, as expressive as English but as different from it as Urdu or Hungarian. (Dolnick 1993: 40)

Ninety percent of all deaf children are born to hearing parents. Hearing parents and deaf children don’t share a means of communication. Deaf children cannot grasp their parents’ spoken language and hearing parents are unlikely to know sign language. Unlike hearing children, deaf children acquire their identity from their peers. It is for this reason that ASL stands at the centre of the idea that deafness is cultural. This language is the everyday language of perhaps half a million Americans (Dolnick 1993: 40). A shared language contributes to a shared identity.

One of the threats to this shared identity is the cochlear implant — a wire implanted in the inner ear and a tiny receiver under the skin — which promises hearing to deaf children on condition that they undergo the operation at a very early
age. The implication of the widespread use of this implant is the death of this community in a short period of time. Members of this community are adamant that a moratorium has to be placed on the use of the cochlear implant. There is a significant difference, the Deaf claim, between new technologies, such as captioning on television and keyboard devices that let the deaf use a telephone, which are mandated by the Americans with Disabilities Act, and an implant: “the crucial point is [an implant] changes me instead of changing the environment. Therefore the problem is seen as belonging to the deaf person, and that’s a problem” (Dolnick 1993: 53). The Canadian Deaf Association has issued the following statement opposing implants:

The Deaf community views the use of surgery which prevents a child from developing within the (Deaf) cultural minority to be a form of genocide prohibited by the United Nations Treaty on Genocide. Cochlear implants on young, healthy deaf children is a form of communication, emotional and mental abuse. (Biderman 1998: 16)

Not all deaf people share this view. Some see the cochlear implant as one of a number of possible adaptations to deafness (Biderman 1998). These same critics

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Other ‘adaptations’ include Cued Speech and Total Communication. The former is a technique in which spoken English is accompanied by hand signals that aim to take the guesswork out of lip-reading; and the latter involves the instructor using any and all forms of communication with their students (speech, writing, ASL, finger writing). For a critical
typically emphasize autonomy considerations — in this case the right of parents "to choose on behalf of their children what kind of adaptation they are prepared to support" (Biderman 1998: 16).

There can clearly be no positive affirmation on the part of the deaf child — some are members at birth (their parents are deaf and subscribe to ASL), whereas others are members because their parents decided that ASL was in the best interest of their child. In either case, there can be no positive affirmation on the part of the child, and so her membership in this community is in danger of being coercive unless, that is, the child is assured a meaningful right to exit the community. Of course, this is just why cochlear implants have been such a lightening rod in the Deaf community — they do provide potential members with a meaningful exit into hearing communities. It is for this reason that the Deaf community proclaims that the cochlear implant amounts to genocide of an entire community.

On my view, then, the demand that governments protect the Deaf community by drafting legislation which prohibits the cochlear implant is genuinely coercive because this demand for conformity to the values of the Deaf community is not balanced by a meaningful right to exit. The Deaf community cannot deny its members the right to define themselves in opposition to the group, if they so choose. This would be tantamount to denying them the right to express their own identity.

The autonomy theorist, in so far as they are dedicated to ensuring access to

evaluation of these compromises to ASL, see Dolnick 1993: 48-51.
meaningful choice, might seem to be drawn to the conclusion that cochlear implants must be employed to ensure that all children have a meaningful right to choose. They may resist this conclusion on the grounds that it is illiberal to interfere in communities and out of respect for the delicate issues surrounding parental rights, but it seems to me that the logic of their position pushes them inexorably to this conclusion.

Considerations of identity do not place us in this unwelcome position. Members of the Deaf community may argue that considerations of identity argue for banning the implant to protect the group’s communal identity, but this argument considers only the social aspect of identity and equates the individual’s good with the good of the community. We can grant that banning the implant undermines boundaries the individual may want to set between herself and her community, but recognize that forcibly employing the implant amounts to the same thing because it also undermines the expression of their personal identity in the sense that they are not given the opportunity to affirm or deny their communal attachments. In either event, the decision is made for them. Both actions therefore constitute violations of the personal component of identity.

What makes this a particularly hard case is that it is not just a question of there being a tension between the individual’s right to define their own identity and the parent’s desire to define the identity of their child.
2.9 Conclusion

In Part Two of my dissertation, I have developed an account of which groups matter with respect to individual development. I identified community as the primary locus of individual development. I argued that community maps on to national minorities, ethnic groups, and many other non-ethnic groups, such as Deaf, gay, lesbian, and feminist communities. In this sense, my account of which groups matter is more inclusive than Kymlicka’s. However, I stated that because social groups do not satisfy the conditions that I set out for community — in the sense that the individual must affirm her membership — I declined to include many of the social groups that Young regards as important sources of identity. Assignment to a social group impacts on our social identity, of course, but my claim was that for a group to matter to individual development, it had to map on to both the social and personal aspects of identity. In this sense, my account of which groups matter is less inclusive than Young’s.

Having identified which groups are important to individual development, I proceeded to discuss the claims which might be generated by membership in these groups. In particular, I considered what it might mean to ensure that people are treated equally with respect to the good of community membership. I argued that the universal mode of incorporation favored by liberals fails to ensure equal access to this good. I discussed three forms of differential rights — self-government rights, accommodation rights, and representation rights — and elected to confine my discussion to the first two forms of rights. Self-government and accommodation
rights are motivated by two types of demands — demands for external protections and internal restrictions. In order to assess the merits of these demands, some examples were interrogated in light of the identity approach that I developed in Part One. I argued that internal restrictions flow inevitably from external protections, despite the autonomy theorist’s efforts to distance them from one another. Nevertheless, my approach to identity allows us to reconcile some internal restrictions with the individual’s freedom to develop her identity. By emphasizing the personal aspect of identity, my approach allows me to disarm the traditional objection to the Identity approach that it effectively subsumes the individual’s identity within the group identity.
Conclusion: the Politics of Inclusion

In conclusion, I would like to return to my use of the terms ‘social’ and ‘personal’ to mark the difference between two (inseparable) aspects of identity. This is the core of the model of identity that I have elaborated in this dissertation and likely to be a stumbling block for readers accustomed by the liberal-communitarian debate of the 1980s to keeping considerations of autonomy and identity at arm’s length from each another. The communitarian, I suspect, will object that there is nothing more ‘personal’ than one’s socially embedded identities, whereas sensitive individualists will acknowledge that choices are always made in social contexts and perhaps concede that a person’s autonomy can be socially circumscribed. In order to respond to these worries, I would like to situate my own positive account of identity in the debate between liberals and communitarians. By doing so, I believe that it may help us to move beyond what I regard as a fruitless dichotomy.

The guiding communitarian assumption that the individual is constituted by her group attachments has been savaged on a number of fronts during the last decade or so. In particular, it has been charged that communitarians are unable to rule out the illiberal tendencies of groups. If, as communitarians insist, the good of the individual is synonymous with the good of the community, it seems appropriate to hold as a matter of policy that the good of the individual is best served if it is
treated as secondary to the group. Such an outcome is completely unacceptable, of course, because we can point to numerous examples of groups who treat their own members in an illiberal manner.

This criticism is occasioned for communitarians, on my view, because the notion of belonging, which is central to the notion of identity, is undertheorized in their writings. The relation between the individual and community, on the communitarian account, is one of 'embeddedness' — a metaphor which suggests that the individual is somehow exhausted by her communal attachments. It is this thesis which makes the communitarian suppose that there is no individual outside of her membership in a community. This is why, on my view, communitarians cannot make sense of the fact that individuals respond to their social given; they may affirm their communal attachments, and they may reject them. Recognizing that identity involves more than just recognition of the social given, and includes a

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66 See Gutmann 1985: 319: "If Sandel is arguing that when members of a society have settled roots and established traditions, they will tolerate the speech, religion, sexual, and associational preferences of minorities, then history simply does not support his optimism. A great deal of intolerance has come from societies of selves so 'confidently situated' that they were sure repression would serve a higher cause. The common good of the Puritans of seventeenth century Salem commanded them to hunt witches; the common good of the Moral Majority of the twentieth century commands them not to tolerate homosexuals. The enforcement of liberal rights, not the absence of settled community, stands between the Moral Majority and the contemporary equivalent of witch hunting."
personal component whereby the individual differentiates herself from the values and practices of her community, is how my approach moves beyond the Identity approach associated with the communitarian literature.

Turning to those who privilege autonomy, the main complaint about my position will be that the notion of personal identity merely smuggles in the liberal interest in autonomy through the back door. If we scrutinize what the autonomy theorist says about community membership, however, we can see that this is patently not the case. For the autonomy theorist, there is no intrinsic connection between the individual's autonomy and the community with which they identify. It is granted that individuals require a community in which to generate and revise their plans of life, but their autonomy is not directly tied to membership in any particular community. In order to address this anomaly, the autonomy theorist borrows a page from the communitarian book and suggests that it is identity that ties the individual to a particular community. Our community attachments, on this liberal view, are merely building blocks employed in constructing our plans of life. Each block is no more constitutive of who we are than any other and thus each can be revised or cast aside as we see fit.

My account of identity rejects this view and holds that there is an aspect to our social given which we cannot change — it is this social given which informs our social identity. However, it is not my view that we are imprisoned by our social identity simply because the individual defines herself by responding to this social given — a process which is captured by the personal aspect of our identity.
Personal identity, on the account that I have developed here, is manifested in the sense of boundaries between ourselves and others, and in the development of strategies that enable us to differentiate ourselves from, and to express our allegiance to, significant others (our family, our peers, our community). Autonomy is thereby relocated to that part of our identity wherein we express our individuality.

My model of identity as a union of personal and social aspects has implications for how we understand the relationship between the individual and community. In particular, it enriches our understanding of the notion of belonging which can now be seen as involving two kinds of affirmations — a positive affirmation on the part of the individual member and a reciprocal affirmation on the part of the community. These two kinds of affirmation are logically distinct from one another. When one or the other is missing, they raise different sorts of problems. The individual who expresses a desire to belong to a community, but whose affirmation of belonging is not reciprocated by others, is relegated to the fringes of the community. The individual who does not express a positive affirmation, but who is nonetheless expected to abide by the norms of the community and to live by its values, is a candidate for coercion. The expectation of compliance does not by itself make the community coercive, but this way of schematizing the relationship between the individual and the community enables us to assess when measures to enforce belonging are in fact coercive. Proponents of the Identity approach are unable to address the problem of internal dissension because their black and white account of community membership in terms of
embeddedness is insensitive to the fact that the individual must affirm her communal attachments in order to be a member. Proponents of the autonomy approach, on the other hand, are unable to handle problems which issue from the fact that an individual’s membership in a community requires reciprocal affirmation.

Far from reconciling the liberal-communitarian debate, I believe that the model of identity which I have elaborated here provides a new framework for addressing the demands of minority communities. Instead of thinking about the relative priority of the individual and the group in the stark terms of the liberal-communitarian debate of the 1980s, my position invites us to strike a balance between the personal and social aspects of identity. Autonomy theorists will object that my position privileges identity at the expense of autonomy, but my defence of a right to exit testifies that this is not the case. Since community membership can be less than voluntary, we need to ensure that the right to exit is a genuine and meaningful one. If we fail to do this, we violate the personal aspect of individual identity. Once we have this assurance, however, we can hold that it is sometimes legitimate for a community to restrain the conduct of its members. The community cannot coerce the individual, in the sense that members can force the individual to be a member of a group in the absence of a positive affirmation of belonging, but they can impose their norms and values if they reasonably believe that this person has affirmed their community membership. Since the only assurance the community can have that the individual has affirmed their membership is a right to exit, it is critical that this right be meaningful.
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