Do I need ethnic culture to be free?

A critique of Will Kymlicka=s liberal nationalism.

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Abstract

As part of a vigorous debate about the politics of multiculturalism, Will Kymlicka has sought to find grounds within liberal political theory to defend rights for cultural groups. Kymlicka argues that the individuals ability to choose the good life necessarily takes place in a cultural context such that access to one=s ethnic or national culture constitutes a condition of autonomy. Thus, in liberal societies where the culture of minority ethnic groups or nations, is under threat, these groups should enjoy certain special rights so as to uphold the autonomy of their individual members. However, Kymlicka=s 'liberal nationalist' argument relies on a problematic isomorphism between culture and identity. Very simply, I shall argue that an individual's culture is not necessarily given by their membership of an ethnic group or nation, thus breaking the link between individual autonomy and rights for ethnic groups or nations.

Introduction

Can liberalism properly accommodate cultural difference? This is the question posed by daily political events in many, if not most, liberal democracies where the corporate claims of the Quebequois, the Basques, the Scots, African-Americans and Afrikaners appear to clash with an individualistic conception of citizenship. Many scholars, including communitarians and varieties of post-modernists, believe that this politics exposes the limitations of liberal thought, but there is a growing revisionist school within liberalism which argues otherwise. Will Kymlicka is a leading proponent in this school and, at the core, his argument is that while liberalism is premised on the individuals right to choose, this ability relies on, rather than denies, culture. Furthermore, this culture is, in important ways, provided by an ethnic group or nation. Hence, a truly liberal state is one which protects the individuals ability to choose, and in certain circumstances this means protecting selected rights of the ethnic group or nation to which the individual belongs. The ingenuity of Kymlicka=s reconstruction of liberalism seems confirmed by practical application in his native Canada, but also in other liberal-democracies, where the rights of ethnic minorities and especially indigenous peoples are being given serious consideration.

But what is cultural difference and what are cultural groups? Running through Kymlicka=s corpus is an explicit concern with culture as the primary preserve of cultural groups or >peoples=, that is ethnic groups and nations, around whom he develops a practical theory of minority rights. From a Canadian point of view this politics probably seems intuitively sound,

but not so from my perspective as a South African. This is because the history of anti-apartheid politics was one of bitter struggles to advance the interests of a racial category, black South Africans, or even a non-racial South African >nation=, rather than the interests of a particular ethnic group. Indeed, enormous work went into constructing trans-ethnic >African=, >black= and even >South African= political identities despite attempts by apartheid governments to manipulate ethnic differences for their racist ends (Mamdani 1996, Marx 1998, Halisi 1999). Further, if liberation ideology tended to be explicitly anti-ethnic, then apologies for apartheid were framed in ethnic terms, and thus there remains a strong association between ethnic discourse and conservative politics in South African political culture. After 1994 this association has been reinforced by the fact the advocates of cultural rights are white right-wing political parties and the conservative Zulu-based Inkatha Freedom Party (Piper 2000). At the popular level too, racist attitudes are now justified increasingly on cultural rather than biological grounds (Durrheim and Dixon 2001).

For these reasons, the seamless connection that Kymlicka makes between the importance of culture for individual choice and membership of an ethnic group or nation was immediately suspect in my eyes. Indeed, it was the very counter-intuitiveness of this argument that sparked my interest, and while there is no doubt as to the brilliance of much of Kymlicka=s argument, I will argue that the connection he makes between the importance of culture for individual choice and ethnic/national identity is both contingent and particular to a degree which significantly weakens the link between individual autonomy and group membership, and thus liberal freedom and group rights.

I

My critique of Kymlicka focuses on the arguments of his three books*, Liberalism, Community and Culture* (1989), *Multicultural Citizenship* (1995) and *Finding Our Way* (1998). These texts tease out the philosophical, theoretical and applied aspects of Kymlicka's politics respectively. *Liberalism, Community and Culture* is an exercise in political philosophy; an attempt to rescue liberalism from the communitarian challenge by reconciling individual autonomy with certain corporate rights. *Multicultural Citizenship* furthers this argument in developing a theory of when and how liberal states should accommodate group claims, and *Finding Our Way* applies this theory to the Canadian case. At the same time as revealing the scope of Kymlicka's work, the books reflect a consistency in the basic argument that links individual freedom to group rights via culture. This argument can be summarized in the following four steps:

1. Liberalism = individual freedom to choose, especially revise, our notions of 'the good'

2. Freedom to choose is reliant on social conditions, including culture, through which one accesses notions of 'the good'

3. Culture = membership of a >cultural community', specifically an ethnic group or nation

4. Empirically, certain ethnic groups and nations are disadvantaged and therefore deserve rights to allow their individual members to choose freely

This paper takes issue with step 3 of this argument, the link between having a culture and having an ethnic or national identity. Although many may view step 2 on the argument as the crucial one, it certainly is a move uncommon to liberals, I would hold that step 3 is far more important and more contentious. It certainly is the weakest step in Kymlicka's argument, as revealed both

in the significant changes it undergoes from *Liberalism, Community and Culture* to *Multicultural Citizenship*, and in the fact that he borrows heavily from others in both instances. Given that *Finding Our Way* is an application of the philosophical and theoretical arguments of these preceding books, adding nothing new to them, my assessment of step 3 above will engage solely with the arguments of the preceding works.

Common to both *Liberalism, Community and Culture* and *Multicultural Citizenship* is the attempt to cement the relationship between an individual=s cultural framework and that of the ethnic group or nation, although in two different ways. In the former Kymlicka embraces an essentialist reading of culture through the notion of a 'culture structure' at the heart of the substantive cultural expressions of the cultural community. It is this background evaluative scheme that provides the continuity and identity of the cultural groups in question, or so Kymlicka suggests for his arguments here are not thought through. In *Multicultural Citizenship* Kymlicka explicitly eschews the notion of a culture structure on the grounds that it amounts to a form of essentialism, but re-establishes a privileged relationship between the culture an individual embraces and the culture of their ethnic nation from the other side of the relationship through the concept of a 'societal culture'. This he defines as a culture integrated into the institutional workings of the modern state. Following Gellner, Kymlicka holds that societal cultures tend to be nations and nations tend to be societal cultures. While this move renders the link between culture and nation historically contingent, Kymlicka assumes a depth and breath to the relationship that is unwarranted. Let me make these arguments more thoroughly.

II

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In *Liberalism, Community and Culture* Kymlicka argues that liberalism is typically seen as unsympathetic to the claims of minority cultural groups. Against this, Kymlicka defends a version of liberalism which is not only tolerant of other cultures but which, in his view, does a better job of accommodating the rights of minority cultures than does communitarianism. Contrary to the assumptions of communitarians, Kymlicka argues that liberalism is sensitive to the way our lives are embedded in a social context. He holds that the individualism that underlies liberalism accords with, rather than opposes, the social world (1989:3). Following Rawls (1971), Kymlicka argues that the liberal notion of the individual involves freedom to form and revise our beliefs about value; to consciously and purposively act on the basis of beliefs about what is worth having, doing and achieving. These beliefs give meaning to our lives, but we may want to question them over time, therefore we need social conditions to allow us to intelligently decide for ourselves what is valuable in life. Culture forms an important part of these social conditions. For instance, the range of options from which we choose our beliefs is not endless but culturally given, especially by language and history, and therefore cultural membership is a necessary precondition for the liberal conception of individual autonomy:

> Our language and our history are the media through which we come to an awareness of the options available to us, and their significance; and this is a precondition of making intelligent judgments about how to lead our lives (1989:165).

So far so good, but Kymlicka is a little vague as to what cultural membership consists of. On page 135 he defines cultural membership as sharing certain substantive attributes: 'People within

the same cultural community share a culture, a language and history which defines their cultural membership'. Subsequently though, he refines this by drawing a distinction between the common usage of 'culture' (1989:166) as referring to the particular character of a historical community (its music, customs, myths and the like) and 'cultural structure', which refers to the cultural community itself (167). On the former view, changes in the norms, values and institutions of a culture could entail the loss of one's culture; on the latter, the cultural community continues to exist even when its members are free to modify the character of the culture. Of these two, Kymlicka prefers the term 'culture structure' not only because of the reality of cultural change but also because he wants to argue that recognizing the importance of people=s cultures to their ability to choose does not mean accepting cultures which deny individual autonomy.

Kymlicka equivocation as to cultural membership is not solved by his appeal to the notion of a 'culture structure'. Kymlicka borrows the term from Dworkin (1985:229-30) who holds that a cultural structure provides us with the 'structural frame' which makes possible aesthetic pleasure in particular paintings, performances, novels and the like (1985:229). Kymlicka seems to share this view of cultural structure as a set of background evaluative criteria when he says that a culture structure is 'a context of choice' (1989:166), 'we make these judgements precisely by examining the cultural structure, by coming to an awareness of the possibilities it has, the different activities it identifies as significant'(165). Elsewhere though Kymlicka implies that a culture structure has certain substantive elements. On page 51 for example, he describes the culture structure as 'the matrix of understandings and alternatives passed down to us by previous generations'.

There is little doubt that Kymlicka wants to use the concept 'culture structure' to stand behind the substantive expressions of a culture as some form of consistent essence that will fix cultural identity such that 'the cultural community continues to exist even when its member are free to modify the character of the culture' (167). However, as suggested by the ambiguities in Kymlicka's own usage, is it really possible to separate the substantive and evaluative dimensions of culture such the structure remains while the character evolves? How is it then that different cultural structures of different cultural communities come about in the first place? And how can intercultural exchange happen? In short, the appeal to a cultural structure faces the same problems as any appeal to an essence. What is it and how can it be reconciled with the reality of change? Kymlicka fails to provide any convincing answers to these questions.

What is particularly telling is Kymlicka's claim on 166 : ' I use culture in a very different sense, to refer to the cultural community, *or culture structure*, itself' (italics added). This phrase explicitly reveals the work that Kymlicka wants the concept of culture structure to do, that is, to fix particular culture attributes to particular identities. In this way he looks to side-step questions of the relationship between culture and identity. Assuming that culture structures exist, is there really the kind of one-to-one relationship between a cultural structure and the substantive expressions of a culture that Kymlicka wants? Is there perhaps more than one cultural structure at play in, for example, the distinction between elite and popular culture in Britain in the early twentieth century, or urban and rural Zulu culture today? Conversely, is it not possible for closely related cultures to share the same culture structure? How different really are contemporary Welsh and English, or Zulu and Xhosa, cultural structures? These questions remain unanswered.

In sum then, Kymlicka=s account of a cultural community is an unconvincing one. Somewhat ambiguous, he mostly affirms a definition of cultural community as an essentialist one which reduces both substantive cultural phenomena and the group identity to an underlying, and somewhat mysterious, 'cultural structure'.

III

My criticisms of 'culture structure' are made all the more convincing by Kymlicka's own rejection of the concept in *Multicultural Citizenship*. Here he overtly eschews 'culture structure' on the grounds that 'it suggests an overly formal and rigid picture...of a very diffuse and open-ended phenomenon. Cultures do not have fixed centres or precise boundaries' (1995:83). Kymlicka's anti-essentialist move means he must rethink his definition of culture if he is to retain the link between individual autonomy and rights for cultural groups. Consequently, Kymlicka stipulates that by 'culture' he is referring to a 'societal culture', a concept closely related to the notion of 'a people' or a 'nation'. More specifically, a societal culture is 'an intergenerational community, more or less institutionally complete, occupying a given territory or homeland, sharing a distinct language and history' (1995:18). Importantly, these have not always existed but were created by modernization. He distinguishes societal culture from more common uses of the term where 'culture' could refer to something as localised as a bureaucratic culture (culture as customs) or even something as general as western culture (culture as civilisation).

In making this move Kymlicka is acknowledging the contingent, institutionally-constructed link between culture and national identity. However, he looks to generalize, and thus strengthen, this link in two ways. First, he gives depth to societal cultures by arguing that they cover the full range of human activities, encompassing both public and private life (1995:75). Second, he gives breadth to societal cultures by arguing that the entire modern world is constituted by societal cultures. Following Gellner (1983), Kymlicka argues that societal cultures were created with the advent of modern societies , where the market and state require a common language, values and the like (what Gellner terms a high culture), to function optimally. Kymlicka goes on to argue that this means that for a culture, commonly understood, to survive, it must be a societal culture (1995:80). Moreover, again following Gellner, he suggests that this institutionalization of culture is what nationalism does and thus most societal cultures are nations:

> The capacity and motivation to form and maintain such a distinct culture is characteristic of 'nations' or 'peoples' (ie. culturally distinct, geographically concentrated and institutionally complete societies). Societal cultures, then, tend to be national cultures. This connection is confirmed from another direction, by studies of nationalism. Most analysts of nationalism have concluded that the defining feature of nations is that they are 'pervasive cultures', 'encompassing cultures', or 'organisational cultures'... In short, just as societal cultures are almost inevitably national cultures, so nations are almost invariably societal cultures (80).

Lastly, but critically, Kymlicka definition of a nation is essentially an ethnic one. Hence, a nation

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is 'a historical community, more or less institutionally complete, occupying a given territory or homeland, sharing a distinct language and culture'(1995:11). Moreover, Kymlicka explicitly argues that nations are not groups defined by race or descent. Indeed he argues that the only grounds on which national membership can be defended are cultural ones. Further, Kymlicka also holds that characterising some countries as 'multinational' is not to deny that the citizens do view themselves 'for some purposes' as a single people. Here he cites the example of the Swiss who share a feeling of common loyalty despite their cultural and linguistic divisions. However, he distinguishes patriotism, the feeling of allegiance to the state, from national identity, the sense of membership of a national group. Indeed, he argues that national groups, like those which constitute the Swiss, feel allegiance to the larger state precisely because the larger state recognizes and respects their distinct national existence (1995:13).

Through this new line of argument then, Kymlicka re-establishes the relationship between culture and group identity which was rather poorly filled by the concept of 'culture structure' in *Liberalism, Community and Culture*. In *Multicultural Citizenship,* modernization has made most cultures nations and vice versa. While I welcome the recognition of a contingent relationship between culture and identity, and more specifically, societal culture and nationhood, Kymlicka makes the mistake of over generalizing the depth and breadth of this linkage. Indeed there are good empirical grounds to question the significance of societal culture for an individual's culture *and* the commonality of the coincidence of societal culture and ethnic nation. If my arguments are correct, they significantly weaken the link between individual autonomy and rights for minority cultural groups in many, if not all, contexts.

Let me begin with the problem of depth. In arguing for the significance of societal culture, Kymlicka claims that they cover the full range of human activities, encompassing both public and private life (1995:75). Indeed, so extensive is the reach of societal cultures in social life that any 'culture' which is not institutionalized in the market and state runs of the risk of dying out. While there is something to what Kymlicka is saying here, I believe he overstates the case. Societal culture, on his own definition, includes a standardized language and history, embodied in common economic, political and educational institutions (1995:76-7). Yet are the language, history and implicit values taught in schools and used in the state and market all that constitutes the culture that individuals embrace? What of the influence of friends, family, civil society, and (ironically) ethnic groups in multicultural states? These too clearly influence the culture of an individual including their language (it may be a different one, it may be a dialect) and their sense of history (which may be framed in opposition to the societal culture). Indeed, Kymlicka seems to acknowledge this when he chastises American liberals for not recognizing minority cultures associated with race, religion, gender, region and the like (1995:77).

Simply put, Kymlicka must avoid the over-determining of an individual's culture by that of the societal culture. Thus it may well be the case that access to the societal culture is a necessary cultural condition for autonomy, but it may not be a sufficient cultural condition. If this is so, then states which refuse immigrants the right to reproduce their own societal cultures, a policy Kymlicka defends as immigrants choose to leave their societal culture and enter another, may still violate the cultural conditions of individual autonomy. Indeed Kymlicka certainly seems sympathetic to this view in his affirmation of what he terms 'polyethnic' rights for immigrants which, as he puts it, are designed to help them integrate into the a new societal culture.

If the problem of depth addresses Kymlicka's overstatement the reach of societal culture into the individual, the problem of breadth concerns Kymlicka's unwarranted generalization of the isomorphism of societal cultures and ethnic nations. There are two directions in which the latter problem is manifest: one mapping from societal cultures onto nations, and the other from nations to societal cultures. To begin with societal cultures, it seems to me that in the post-colonial world modernization has not constructed the same isomorphic relationship between societal culture and ethnic national identity as it has in Europe. Further, in recent decades a nascent post-national societal culture is on the rise, facilitated by systems of mass-communication and articulated through an Americanized popular culture, a phenomenon which Benjamin Barber calls McWorld. Both of these mappings disrupt the neat coincide of societal culture and ethnic nation.

To begin with the first of these, Eric Hobsbawm (1990) has argued that the history of nationalism has occurred in three great waves. The first of these was the 'nation-statism' of nineteenth century Europe, the model Gellner is working with. However, this model is not typical of the post-colonial world. Indeed, the second great wave of nationalism was the anti-colonial nationalism of the mid-twentieth century that was often, in fact usually, multi-ethnic in character. Moreover, somewhat ironically, and with often dire consequences, the culture institutionalized in the post-colonial state was heavily influenced by the metropole (Davidson 1992). Thus, in much of Africa the official language is not an indigenous one but that of the colonizer, typically English or French. Further, one of the main reasons for choosing the colonial language was to avoid favouritism towards one indigenous ethnic group in a multiethnic state. Evidently then, there is no neat correlation between societal culture and ethnic nationhood in many post-colonial

states.

If the link between societal culture and ethnic nationality is being eroded 'from below' in the post-colonial world, then we also seem to be witnessing its erosion 'from above' in the developed world with economic globalisation. Is it really the case, for example, that there exist different societal cultures between the United States of America and Canada? This seems deeply implausible given the high mobility between the two economies, and the consumption of common television, film and the like. And if not, does this mean that the American and Canadian 'nations' are the same? Again the answer must be in the negative. Moreover, perhaps this growing cultural homogenisation is the advanced form of a more general process which many associate with the increasingly post-national character of capitalism. As Benjamin Barber explains in *Jihad versus McWorld* (1995), the expansion of global capitalism goes hand-in-hand with, and is mediated through, American popular culture as it is information technology and systems of mass communication that drive new forms of post-national capitalism. Barber terms this phenomenon 'McWorld'. If he is right, then there is an emerging global 'societal culture' disconnected from any one ethnic nation.

In the case of a country like South Africa the legacy of colonialism and the advent of McWorld interact in a way which further disrupts the isomorphism of societal culture and ethnic nation. For example, despite official policy that delimits no fewer than eleven official languages, English is the unofficial 'official' language, and American accents are the vogue among many young, black, middle-class kids. Further, regardless of their mother-tongue the vast majority of parents desire that their children learn English at school. Relatedly, colonialism has spawned

similar antinomies between white and black in many parts of the world to the extent that the notion of a black Diaspora is taken seriously. Indeed, the rise of new systems of mass communication have made this kind of post-national politics possible in a way unimaginable before. Simply put, at the interaction of the post-colonial and the post-national, societal culture and ethnic nation do not seem to meet.

If we explore Kymlicka's isomorphism of societal culture and nation from the other direction, mapping from nation to culture, similar problems arise. More specifically, Kymlicka's assumption of the isomorphism of ethnic nation and societal culture lead him to an unsatisfactory definition of what a nation is. As noted above, he defines a nation as 'a historical community, more or less institutionally complete, occupying a given territory or homeland, sharing a distinct language and culture', adding that in multicultural societies patriotism to the state should not be read as true nationalism. Simply put, the real nation is founded in culture. However, by defining the nation in terms of objective criteria of institutions, territory and culture, Kymlicka excludes the self-understanding of the people involved themselves. Thus, on these grounds, one can argue that the Zulu are a nation when most Zulu people do not believe that they should have the right to self-government or their own territory (Piper 2000). In fact, Kymlicka makes almost exactly this claim in *Liberalism, Community and Culture*: 'Why should the blacks be viewed as a single people when they are in fact members of different nations, each with its own language and political traditions'(1989:248).

In my view, such ascriptive grounds are insufficient for national identity. While it may be sufficient for a category of people that they share certain 'objective' characteristics which an

observer can identify, group identification requires an additional feature, namely, that the people so named embrace the identity themselves. This, after all, is the critical difference between a category and a group. Thus, a nation can be distinguished from an ethnic group when the people themselves claiming their identity as a nation and the right to self-government. This is the only way we can make sense of the fact that the Zulu may meet the objective criteria for nationhood as neatly as the Scottish and yet the former do not regard themselves as a nation whereas the latter do. Indeed, a key feature of anti-apartheid politics was the resistance of most black South Africans to the ascription of ethnic nationality by the apartheid state. The subjective moment of national identity means it is a particularly fluid, contested and political type of peoplehood which can wax and wane far more easily than ethnic identity.

In sum then, in *Multicultural Citizenship*, Kymlicka attempts to link individual autonomy to rights for groups via the notion of a societal culture. While there is much to recommend this notion, not least the recognition of a historically contingent link between culture and identity, Kymlicka's account fails to recognize its particularities. Consequently Kymlicka overstates the depth to which societal cultures reach into the individual, and he overestimates the breadth of the coincidence between societal culture and ethnic nation. Consequently, in many parts of the world, and arguably less every day, access to a societal culture has little to do with membership of an ethnic nation, or vice versa.

Conclusion

Kymlicka looks to link individual autonomy to group rights through culture. If culture is a

condition for individual autonomy, and culture comes from group membership, then in certain contexts, these groups may deserve rights to protect the autonomy of their individual members. In this paper I problematise the notion that having a culture necessarily comes from membership of a cultural group. In *Liberalism, Community and Culture* my critique works due to an (acknowledged) essentialist reading of culture structure that wrongly glues cultural attributes to group identity. This is simply unsustainable in the face of cultural change. *In Multicultural Citizenship* Kymlicka looks to redress this through defining a contingent relationship between culture and group membership due to the institutionalization of a 'societal culture' with modernization. Here I make the empirical argument that Kymlicka significantly overstates the correlation between societal cultures and nations.

Where does this critique leave Kymlicka's theory of multicultural citizenship? Does it render the argument for certain minority rights invalid? The short answer is no. Kymlicka can still make the argument for minority rights, but if he wants to do so in the terms outlined in *Multicultural Citizenship*, then he must acknowledge the historical and spatial particularity of his claims. As illustrated in *Finding Our Way* Kymlicka's argument is well-suited to the Canadian context, but less so elsewhere, especially in the developing world. Let me use the example of South Africa to illustrate this claim. As suggested above, there is no neat co-incidence between societal culture and ethno-national identity in South Africa. Indeed, somewhat ironically, the language needed to succeed in the state and business is English, but one would probably need at least one other so-called 'African' language depending on the region. Further, the values, aesthetics and practices are, at least in part, the same as propagated by McWorld. In fact, it seems safe to say that the societal culture of the state and market is weakly developed in South Africa, and does not

penetrate most South Africans very deeply. To some extent then one could argue that the cultural requirements of modernity are still in the process of being constructed, but they are non-ethnic and post-national in character. The problem with this conclusion is that it leaves Kymlicka's liberalism, as a political theory, bereft of a substantial reply to the communitarian critic. While Kymlicka has shown that culture is an important part of the context of individual choice, he has failed to show that ethnic or national identity is the most important source of this culture.

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