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Source: *Public Affairs Quarterly*, Oct., 2003, Vol. 17, No. 4 (Oct., 2003), pp. 291-318

Published by: University of Illinois Press on behalf of North American Philosophical Publications

Stable URL: <https://www.jstor.org/stable/40441362>

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KYMLICKA, MULTICULTURALISM, AND NON-WESTERN NATIONS: The Problem with Liberalism

Ashwani Kumar Peetush

In the last ten years, theorist Will Kymlicka has been at the leading forefront of developing a broader Western liberal perspective from which to approach issues of cultural diversity and, in particular, the self-determination of Aboriginal peoples world wide (1989, 1995, 1998, 2001). This paper will argue that there are serious problems with his approach, specifically with regard to how cultural membership is integrated into liberal theory and how the relationship between Western and non-Western nations is conceived.

Kymlicka's theory of cultural pluralism intends to be a response to "the challenge of multiculturalism" from a Western liberal basis (1995, 2, 9). He is specifically interested in how liberal theorists should respond to non-Western "national groups and ethnic minorities." It is noted that the demands of these groups "raise a deep challenge to all Western political traditions" (130) but that such traditions have "been surprisingly silent on these issues." In fact, "Western political theorists" have worked with "an idealized model of the polis in which fellow citizens share a common descent, language, and culture" (2). In particular, Kymlicka is concerned with the Aboriginal peoples of North America. He desires to emulate a "treaty ideal," which requires that nations "treat each other as equals and respect each other's right to speak for and govern themselves" (vii) and that relations be "determined by dialogue" (171).

It will be argued that, ironically, although Kymlicka is specifically interested in how "Western liberals" ought to respond to non-Western groups, from a normative philosophical perspective, his account is theoretically constructed for mostly Western cultural groups. This becomes evident in the manner that Kymlicka incorporates cultural membership into the liberal framework. His main argument for why cultural membership ought to matter from a theoretical perspective is that it provides the social context in which liberal self-understandings of agency and individual

autonomy may be developed. But since cultural membership matters to this degree, the liberal has no *principled* reason to be concerned with cultures that do not happen to provide such a context. Since many non-Western cultures, such as the Aboriginal peoples of Canada, do not organize themselves around these understandings, and do not provide such a context, they are *already* excluded from this theoretical perspective.

As problematic is, it will be argued, Kymlicka's view of the relationship between liberal and non-liberal cultures. He makes no distinction in kind between "non-liberal" and "illiberal" or oppressive cultures (or aspects thereof). This puts communities that are non-liberal, i.e., may be organized around more communal or religious ways of life, in the same conceptual category as those that are illiberal or oppressive. However, being from a non-liberal community does not logically or causally entail being from an illiberal or oppressive one. Furthermore, the characterization of the relationship between liberal and non-liberal cultures (most of whom happen to be non-Western) in terms of a morally progressive continuum, with liberal nations at the just end of the spectrum, also inhibits cross-cultural dialogue.

This is additionally true of Kymlicka's views about "reforming," "liberalizing" and "modernizing" non-Western non-liberal nations. It will be contended that the underlying supposition behind these views about liberalizing non-Western nations is that Western liberal self-understandings represent the authoritative principles that ought to govern any just societal organization. Unless a society organizes itself around these it cannot be considered an acceptable societal order. Such views fail to treat non-liberal nation as equals or with respect.

I. LIBERALISM, CULTURAL MEMBERSHIP, AND FREEDOM

Liberalism's Concern for Cultural Membership: Individual Autonomy

Kymlicka wants to develop a distinctively liberal approach to collective rights designed to accommodate and protect those minorities who are unfairly disadvantaged with respect to their cultural membership (1995, 75). But Kymlicka is upfront and clear that: "the principles of liberalism, of course, are principles of individual freedom"; and therefore, "liberals can only endorse minority rights in so far as they are consistent with respect for the freedom or autonomy of individuals" (75; see also 2001, 53, 59–60, 208–209; 1995, 80–84, 87–89, 101; 1989, 162–167; 177, 197, 253). His main task involves showing why cultural membership is important to liberalism, and how it may thus be accommodated.

According to liberalism as a “political morality,” Kymlicka explains, “our essential interest is leading a good life, in having those things that a good life contains” (1989, 10). This requires a commitment to individual autonomy or the idea that each person in a community be able to choose and revise her own individual conception of the good life (1995, 80–81; 1989, 10–13). For, there are “two preconditions for leading a good life,” in having those things that such a life contains. The first is that a person be able to lead a life that is individually chosen by herself (“a life lead from the inside”). The second is that a person be able to individually revise these plans (1995, 81). Autonomy is important to a person because individual “choice enables us to assess and learn what is good in life. It presupposes that we have an essential interest in identifying and revising those current beliefs about value which are mistaken” (213).¹

Kymlicka argues that the reason that civil and political liberties are important to liberalism is that they provide the social conditions under which such a view of the individual as autonomous may be realized. Liberals, such as Rawls, are concerned with granting individuals certain rights and liberties since “the freedom to form and revise our beliefs about value is a crucial precondition for pursuing our essential interest in leading a good life.” These basic liberties of citizenship provide the social conditions that make possible an autonomous life (1989, 164).

So what does cultural membership have to do with a person’s essential interest to choose and revise her conception of the good life? Kymlicka explains that cultural membership plays a crucial role in the development of a person’s capacity for individual autonomy; it essentially enables or makes possible individual autonomy. It does this in two ways. (a) To be able to make a choice about a good life, one needs to have options. If there are no options, then one cannot be said to have any choice. A cultural structure provides one with various options that one can choose from. (b) But one cannot simply be said to have choice by having options, these have to be meaningful options. A cultural structure makes these options meaningful, it places them in a context of significance. In the above sense (a, b), culture provides a social context *for* individual autonomy or a “context of choice” (1995, 82–84; 1989, 164–165).

The form of the argument then is this: Individual autonomy or freedom is the defining feature of liberalism.² It is its core value. Cultural membership is important *because* it provides the social structure without which individual autonomy could not otherwise be realized. If liberals are concerned with the autonomy of each member in a community to pursue her own good, then they have to be concerned with cultural membership.

As Kymlicka remarks: “I believe that societal cultures are important to people’s freedom, and that liberals should therefore take an interest

in the viability of societal cultures” (1995, 80). For, “freedom involves making choices amongst various options, and our societal culture not only provides these options, but also makes them meaningful to us” (83). And that, “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 (1995, 126).

The second and final step in Kymlicka’s argument is that since liberalism is committed to equality, a national culture that is arbitrarily disadvantaged with respect to the good of cultural membership must be granted cultural protections in some form of collective rights (1995, 108–116; 1989, 183–189). Collective rights and cultural protections can thus be seen as a response to unequal circumstances that national minorities may face.

But, Kymlicka argues, since culture matters to liberals in its capacity to enable “meaningful” individual choice, they will only be able to provide “external protections.” That is, liberals can only endorse those measures designed to protect a group from the destabilizing impact of external decisions of the larger society (1995, 35–44). They cannot provide protections to groups who desire “internal restrictions” or who limit their members’ from questioning and revising traditional ends (37).

The reason for liberals to support external protections is the same as to deny internal restrictions: a cultural structure is important because it enables and contributes to individual freedom, it provides the necessary social context *so that* each person in a community can choose and revise her own conception of the good (44).³ Providing external protections restores a context of options which individuals ought to be able to choose from. Kymlicka says:

In so far as polyethnic rights for immigrants or self-government rights for national minorities help secure access to a societal culture, then they can contribute to individual freedom. Failure to recognize these rights will create new tragic cases of groups which are denied the sort of cultural context of choice that supports individual autonomy. (1995, 101)

One must note here minority rights are supplied for “the sort of” cultural context of choice that supports or contributes to individual autonomy—not just any cultural context. And while Kymlicka also notes that cultural membership is integral to a person’s well-being, evidently, liberals can only accommodate this relationship “in so far as” collective rights support individual freedom. On this view then, the concern for culture is filtered through or mediated by the overriding value of individual autonomy. The value of cultural membership in a liberal society is therefore, in effect, of *instrumental* worth to the reproduction of autonomy.⁴

II. AUTONOMY AND EXCLUSION

My objection is this: If the main or distinct reason that liberals ought to be concerned with societal cultures is that they enable or make possible individual autonomy, then this would exclude some of the non-liberal communities that Kymlicka is himself most concerned with. Many of these groups may organize themselves around more communal ends or shared substantive values and desire collective rights in order to promote these. At the least, *in principle*, this view would be in tension with accommodating some of their crucial interests. Given the emphasis on individual autonomy, this approach would thus inhibit recognition and dialogue in an important manner.

The problem is that non-liberal communities may not provide the sort of cultural context that makes possible individual choice in significant respects. Some of the traditional or shared ends that a group may want to organize itself around may not be matters of individual choice. For example, this is the case with Tibetan Buddhist views of *ahimsa* (the absence of a desire to harm) or *karuna* (compassion) and Aboriginals' views regarding their relationship to the Earth and land. These self-understandings are thought to be an integral aspect of these peoples' more substantive views of the individual and human flourishing. They are a central and defining feature of their cultural identity and what makes them distinct. A crucial reason that such groups may desire cultural rights is so that they are able to promote some of these distinct views and have them survive.

Take the Buddhist example first. The notions of *ahimsa* and *karuna* are a central and defining feature of many such communities; they are an intimate part of their self-understandings and ways of life. But that a person ought to aspire to live a life of non-harm and compassion, along with the usual practices that go along with these notions, i.e., regarding the prohibition against killing animals, are not considered matters of individual choice. Although these people do not certainly believe in "forcing" someone to lead a life of compassion and they value tolerance highly, they certainly *do* desire to promote this way of life in their communities. From *their* perspective, *ahimsa* or *karuna* are not perceived as "shared or communal ends," but rather, they are a part of the definition of what it means to be the sort of thing, the "individual," who chooses in the first place. They are a central and defining feature of their self-understandings of what constitutes a person and one of the aspects that makes their cultures distinct, something they would like to promote and have survive.

This is similar to Aboriginal self-understandings regarding their spiritual relationship to the Earth and land. As many Aboriginal spokespersons

explain, this relationship is integral to their conceptions of the self and human flourishing. They explain that land is intrinsic to their identity, it defines their sense of self. For example, in *Iyani: It Goes This Way*, Paula Gunn Allen writes:

We are the land. To the best of my understanding, that is the fundamental idea embodied in Native American life and cultures. . . . More than remembered, the earth is the mind of the people as we are the mind of the earth. The land is not really the place (separate from ourselves) where we act out the drama of our isolate destinies. It is not a means of survival, a setting for our affairs, a resource on which we draw in order to keep our own act functioning. It is not the ever-present "Other" which supplies us with a sense of "I." It is rather a part of our being, dynamic, significant, real. It is ourselves, in as real a sense as such notion as "ego," "libido" or social network, in a sense more real than any conceptualization or abstraction about the nature of human being can ever be. The land is not an image in our eyes but rather it is as truly an integral aspect of our being as we are of its being. . . . Nor is this relationship one of mere "affinity" for the earth. It is not a matter of being "close to nature." The relation is more one of identity, in the mathematical sense, than of affinity. The Earth is, in a very real sense, the same as ourself (or selves). (1980, 191)

The crucial importance of land is widely shared amongst many Aboriginal peoples.⁵ Elder Alex Skead in Winnipeg similarly remarks that "this is my body when you see this mother earth" (Royal Commission on Aboriginal Peoples, Canada, 435). Oren Lyons also describes the relationship between oneself and the land in terms of the relationship between mother and child: "without this earth, without your mother, you could not be sitting here" (1980, 173). Turpel argues that the main ethical principles in Aboriginal communities are derived from their spiritual relationship and responsibility for "Mother Earth" (29). Little Bear, Boldt, and Long contend that the reason that Aboriginal peoples demand self-determination is that they demand the power to define and reestablish their "spiritual" relationship to the environment. Taiiake Alfred argues that "responsibility to all of creation" is among the traditional values for which his community demands self-determination (1999, 22; see also 61–62).

Such views of the land are a central and defining characteristic of many Aboriginal ways of life that they desire to promote and have cultural protection for. From their perspective, these self-understandings and ways of life are *not* a matter of individual choice for them, nor do they believe that they ought to be. From their perspective, land is not the kind of thing that you can choose to buy or sell, but an intimate aspect of what constitutes the sort of thing, the individual, that chooses to buy and sell in the first place. As Henderson explains:

To speak of modern legal notions of “ownership” and “property” rights in the context of Aboriginal languages or worldview is very difficult, if not impossible. . . . The Aboriginal vision of property was ecological space that creates our consciousness, not an ideological construct or a fungible resource. (217)

Turpel similarly explains that “the prototype of right of individual ownership of property is antithetical to the widely shared understanding of creation and stewardship responsibilities of First Nations Peoples for the land, for Mother Earth” (29). Indeed, for many Aboriginal peoples, one is as “free” to sell the land as one is free to sell one’s right arm or people’s lives. As a Blackfoot Chief puts it, “we cannot sell the lives of men and animals; therefore we cannot sell this land” (Henderson 1995, 218).

Kymlicka’s view has a difficulty in accommodating these more substantial or traditional self-understandings. In fact, there is no reason to do so on his main argument. If the Kymlickian liberal is (and ought to be) concerned with culture insofar as it enables each person in a community to choose and revise her own conception of the good life (apart from respecting others’ such right), then, in this regard, in promoting communal conceptions or shared ideals any such community may be thought to limit one’s individual autonomy.

With respect to *ahimsa* or *karuna*, this may even be considered, as Kymlicka says, an “enforcement of morals” (1995, 81) and may be seen as an infringement on one’s privacy. This is certainly *not* to say that liberals are opposed to such values, but in an important sense, these are optional from such a liberal perspective, they are left to individual choice. The liberal is committed to an individual’s freedom to choose whichever values she wants, not to substantial moral values themselves.⁶ And as Annette Baier (1994, 25) points out, individual freedom is as compatible with an ethic of egoism as it is with an ethic of care or compassion. However, to the extent that a Buddhist community sees such a value as an integral aspect of their cultural identity that they want to promote in their institutions, as an ideal that *all* members should aspire towards, they may be thought to be infringing on their member’s personal freedom.

The case of Aboriginal views of the Earth and property is similar, but more difficult to accommodate for the Kymlickian in that, unlike compassion or the prohibition against killing animals, it is opposed to most liberal views regarding an individual’s freedom to own private property and land. But, for the sake of argument, let us ignore this and assume that liberals no longer value the right to own land as a precondition for individual freedom.⁷

The problem still persists: If cultural membership matters to one because it allows one to choose whichever conception of the good that one wants, then an Aboriginal community would infringe on one’s personal

and private freedom by promoting within their public and governing institutions what appear to be rather religious views regarding their relationship to *Mother Earth*. As a liberal convinced by Kymlicka's arguments founded on autonomy, why should one accommodate or recognize any such demands when the whole point of these arguments was to show how access to a cultural structure contributes to the individual autonomy of each member in a community, not diminishes it? As a Kymlickian one understands that "societal cultures are important to people's freedom, and that liberals should therefore take an interest in the viability of societal cultures" (80). One understands that "failure to recognize these [collective] rights will create new tragic cases of groups which are denied the sort of cultural context of choice that supports individual autonomy," not simply any cultural context. Cultural membership is important to one *because* individual freedom is important. It is *therefore* that one is concerned with it.⁸

The criticism is this then: If Kymlicka is right that liberalism is and ought to be defined by a commitment to individual autonomy as *the* core value, and if Kymlicka is right and liberals ought to be concerned with cultural membership insofar as it contributes to the individual autonomy of each member in a community, then one cannot see how Kymlickian liberals can (or ought to) accommodate the demands of these communities for the power to be able to organize themselves according to their more communal self-understandings.

Yet the accommodation of such demands *is* the crucial reason that many of these groups, such as the Aboriginal peoples of Canada, seek cultural recognition. As Turpel argues, that there are deep differences between Aboriginal forms of social organization and Canadian individualistic society is the key reason that Aboriginal peoples in Canada seek cultural recognition and self-determination. They seek self-rule because they seek "*self-definition*" (1989–1990, 38). They desire the freedom to be able to live and organize themselves according to their *own* self-understandings and views of life (30). As Little Bear, Boldt, and Long explain in *Pathways to Self-Determination: Canadian Indians and the Canadian State*:

Self-government is seen by Indians as necessary to preserve their philosophical uniqueness. They seek self-government so that they can develop their own institutions and shape laws to reflect and enhance their traditional cultural values. They do not want merely a European-Western model of government that is run by Indians; rather, they want an Indian government that operates in accordance with traditional principles and customs, one that rests on a spiritual base. . . . They want a government that will restore their relationship with the natural environment rather than try to assimilate them into the dominant society. (Little Bear, Boldt, and Long, 1984, xvi)

If Aboriginal communities are to be considered as true equals, as Kymlicka intends, then why should the model of a Western individualistic culture be held as the standard that they ought to be judged against in order to qualify for collective rights, from within liberalism itself? Placed against such a model, most of these communities do not qualify for such rights.

In sum then, although Kymlicka is specifically interested in how “Western liberals” ought to respond to non-Western groups, from a normative philosophical perspective, his account is theoretically constructed for mostly Western cultural groups. This becomes evident in the manner that Kymlicka incorporates cultural membership into the liberal framework. His main argument for why cultural membership ought to matter from a theoretical perspective is that it provides the social context in which liberal self-understandings of agency and individual autonomy may be developed.⁹ But since cultural membership matters to this degree, the liberal has no *principled* reason to be concerned with cultures that do not happen to provide such a context. Since many non-Western cultures, such as the Aboriginals of Canada, do not organize themselves around these understandings, and do not provide such a context, they are *already* excluded from this theoretical perspective.

As such, one does not see how their demands for cultural recognition can in principle be taken into account on this view. Nor does one see how cross-cultural dialogue or negotiations, mutual accommodation and understanding, can fully proceed on this position, since it fails to provide sufficient reason for liberals to be concerned with the self-understandings of those other than Western liberal cultures (since the key motivation for such a concern is the development of autonomy). In other words, if one were to adopt this position, one would have little reason to dialogue or negotiate with non-liberal cultures, since they may not develop their members’ capacity for individual autonomy in significant respects. Indeed, this view actually provides liberals good reason to *exclude* non-Western communities from dialogue or negotiations in the first place: Not only do such groups not provide a context for the development of autonomy, their motive for seeking cultural recognition (i.e., the promotion of traditional or shared ends) may in fact limit autonomy.

A theory of “multi”-cultural diversity that is theoretically constructed for mostly Western cultural minorities is insufficient as a response to the challenge of cultural pluralism that faces contemporary societies. While this position is more open than of theorists such as Jeremy Waldron or Brian Barry (i.e., since cultural membership is of at least limited relevance) it still does not provide an adequate basis for liberals to accommodate the demands for recognition by non-Western non-liberal peoples, nor does it provide them with sufficient reason to engage in cross-cultural dialogue

or negotiations. Kymlicka's theory does not meet his own "challenge of multiculturalism" and thus fails by its own standards.

III. DISCUSSION

3.1 *Human Rights and Dissent*

Now consider some ways in which one might attempt to defend Kymlicka's view. One might argue that he requires less than this paper has made out. One might object: "If you argue just that dialogue and recognition are inhibited because members of some traditional groups do not share the liberal's value of autonomy, then Kymlicka can reply that they do not need to share it so long as they do not restrict autonomy, and also that it takes two to dialogue, and since (as he claims) liberals most highly value autonomy, this must be acknowledged, as he does in his defense of multiculturalism from within liberalism." The only prerequisite for collective rights is that a group not restrict its members' basic civil and political rights, and that it *permit* dissent.

Kymlicka might then reply that as long as Buddhists or Aboriginal peoples do not limit or restrict members from questioning their traditional views, or, as long as they allow members to reject these views and *permit* dissent (which they do), this still "supports" (1995, 101), "enhances" (92),¹⁰ or "promotes" (153), or is "consistent with" (75) individual choice. All he requires is this weak sense of "supporting," "enhancing," "promoting" or being "consistent with." The fact that Buddhists and Aboriginal peoples do not coerce their members into these traditional self-understandings and permit dissent is enough for liberals, even if these are held as ideals that all members should aspire towards.

At times, it does appear that this is what Kymlicka is indeed saying. This is especially true in chapter three of *Multicultural Citizenship*. Here he simply seems to be stating that as long as a group does not restrict the basic civil and political liberties of its members, even if it wishes to promote certain shared communal ideals that all members ought to aspire towards, it can be granted minority rights. So long as these more communal Buddhist or Aboriginal self-understandings can converge with the underlying principles of a human rights ethic (which one could argue they can), they can be granted minority rights.

If this is indeed Kymlicka's view, then he faces a serious problem. To the extent that he adopts such a response to accommodate non-liberal groups (which he must if he wants to include Aboriginal communities), he departs from his *principled* argument that cultural membership ought to matter to liberals because it provides the necessary social basis for the *development* of individual autonomy. He is now

offering a justification of collective rights *not* on the basis of autonomy but more along the lines of a value such as tolerance. He accepts that liberals should acknowledge that a community may legitimately aspire towards certain shared substantive ideals that may restrict individual choice in an important manner but which may be central to its cultural identity. Even if such groups do not provide a context *for* the development of individual choice in significant respects, tolerance requires that they be accommodated, as long as their substantive views are compatible with the underlying principles of a human rights ethic and they permit dissent.

This would be similar to Charles Taylor's position: one needs to proceed case by case, aspect by aspect, and as long as the shared understandings of a community are compatible with, as long as it can secure for each of its members, especially those who have been historically oppressed (such as women, gays and lower castes), and especially those who do not share its collective goals, the underlying principles of a human rights ethic (even if these are not expressed in the language or philosophy of rights) and as long as such a community allows for the possibility of meaningful dissent, then it ought to be recognized as an acceptable form of social organization worthy of respect and protection (1999, 133–137; 1994, 51–61).

A liberal approach founded on such a suggestion would allow a wider basis for dialogue with non-liberal groups. The idea is not that liberals have to abandon the commitment to individual autonomy, rather, it ought not to be thought of as *the* basic core commitment. For example, along Rawls's view of liberalism (1999, 59–88), one may perhaps draw more heavily on the principle of tolerance, which also occupies a central place in liberal theory. And while it is true that a group needs to be committed to minimum moral norms or basic human rights, one acknowledges that these may be justified from the perspective of more substantive conceptions of human flourishing that may be integral to a community's identity and which they may seek to promote (e.g., *ahimsa*, *karuna*). The principle of tolerance allows the liberal (or any other) to accommodate and give due respect to such a community. It allows for a wider range of what may be considered an acceptable form of social organization. In this sense, it is a more universal and inclusive principle for an intercultural dialogue and thus provides a more secure basis for unity in diversity.

However, if the whole point of Kymlicka's account is to make minority rights acceptable to those liberals committed to autonomy as *the* core value of liberalism, then one does not see why they ought to accept his implicit appeal to tolerance. Even if a community permits its members to reject traditional views and even if these views are compatible with human rights norms, in promoting their shared substantive ideals

they are *still* limiting members' individual freedom and this was the distinctly liberal reason to be concerned with cultural membership in the first place.

In other words, if one argues that liberalism is defined by a core commitment to the individual autonomy of each person in a community, if one argues that cultural membership ought to matter to liberals because of this—it provides the necessary social context *so that* each person in a community can choose her own *individual* conception of the good—then there is no reason, at least *in principle*, why one ought to be more accommodating of groups that limit autonomy by organizing themselves around shared substantive ideals, even if these ideals are indeed non-discriminatory towards women, homosexuals or lower castes.¹¹

In sum then, if Kymlicka is offering the view described above, which on occasion it seems he is, then there is a serious problem with his view. On the one hand, his principled argument asserts that cultural membership ought to be important to liberals *because* it provides the social basis for the development of individual autonomy. On the other, he seems to acknowledge that even though a group may not provide such a basis in significant respects, it ought to be tolerated as long as it does not restrict autonomy and permits dissent. To the extent he supports the latter view, he departs from his principled argument. Indeed, his defence of cultural rights for disadvantaged minorities would appeal *more* to an ethic of toleration than to individual autonomy with respect to the communities he is most sympathetic towards.

If Kymlicka does indeed intend to support such a view, which he must if he wants to include Aboriginal peoples, he has to abandon his commitment to individual autonomy as *the* core value of liberalism, or at least the distinct principled reason that liberals ought to be concerned with cultural membership. Moreover, his implicit appeal to an ethic of tolerance in these cases ought to be made explicit.

But he is unwilling to do either. In fact, autonomy occupies such a crucial position in his defence of cultural rights that he objects to any theory of diversity not premised on the foundational status ascribed to it (1995, 154–163). For example, he forcefully attacks Kukathas' liberal theory which “downplays” autonomy (154), and he forcefully attacks Rawls's recent attempts to distance “himself from a commitment to individual autonomy” (158); both rely more on the value of tolerance. Indeed, Kymlicka makes the incredible claim that liberal tolerance itself has historically really been a concern for individual autonomy all along: “what distinguishes liberal tolerance is precisely its commitment to individual autonomy” (158). The accuracy of such a claim cannot be examined here, but even if it were true, would this

restrict liberals here and now to such a limited interpretation of tolerance? This is not withstanding that prominent liberals, such as Rawls, do not abide by any such view.

3.2 Well-Being, Equality, and Self-Determination

One might contend that this paper has simply ignored the fact that Kymlicka also emphasizes that people are deeply connected to their cultures. This would supposedly allow a wider basis from which to accommodate non-liberal groups.

This is also mistaken. It is certainly true that Kymlicka emphasizes the importance that culture has to a person's well-being. But he argues that liberals can only endorse collective rights to the degree that they provide "the sort of cultural context of choice that supports individual autonomy," not just any context (see, e.g., 1995, 75, 101). The relationship of cultural membership to well-being therefore becomes subservient to autonomy. This response will not help Kymlicka here.

Or, one might object that this paper has not taken into account the fact that Kymlicka argues that (i) cultural protections ought to be provided as a response to unequal circumstances that national minorities may face, and (ii) liberals ought to respect Aboriginal peoples' right to cultural self-determination. Either factor would allow Kymlicka to include the non-liberal groups he most desires to include.

It is acknowledged that Kymlicka thinks that since liberalism is also committed to equality, a national culture that is arbitrarily disadvantaged with respect to the good of cultural membership should be granted cultural protections in some form of collective rights. But it should be pointed out that equality considerations can only apply to those groups that provide the requisite social context for the development of autonomy, since this is the reason for endorsing such rights in the first place.

Furthermore, it is acknowledged that Kymlicka certainly desires to recognize the right of Aboriginal communities to self-determination, but it is argued that there is little reason to do so on his principled arguments. Kymlicka sets himself the task of showing fellow autonomy-liberals why in fact they should be willing to recognize such a right. This happens to turn on the importance that cultural membership has in the development of autonomy.

3.3 Degrees of Liberality: Liberalizing and Reforming Non-Liberal Nations

One might point out against this argument that, as Kymlicka argues, he is not claiming that only "purely" liberal nations should be respected, this would be completely "ludicrous." "Liberality" is a matter of degree

and no culture is completely “liberalized” or “reformed” as yet. Indeed, he argues that even though Aboriginal cultures may not provide the sorts of social contexts that enable individual autonomy, this does not mean they cannot be liberalized and reformed to do so. It is “ahistorical” to think otherwise; “it is important to remember that existing liberal nations were all once quite illiberal” (1995, 235, 171; 94; 1989, 180–181).¹² And what does liberalization require for Kymlicka? Among other things, he links it to modernization, which involves becoming “more like” other Western liberal cultures in terms of “basic moral” and “political values.” This means becoming more individualistic and secular (87–89). For, “as cultures liberalize, people share less and less with their fellow members of the national group, in terms of traditional customs or conceptions of the good life, and become more like members of other [liberal] nations, in terms of sharing a common [Western] civilization” (88).

The First Peoples of Canada can thus be seen to be progressing in degrees beyond their non-liberal/illiberal religious ways of life and becoming more like secular Western liberal nations (104). They can be seen, by liberals, as on the historical and moral path of Western liberal progress, in virtue of which Canadians may now grant them collective rights.

Such a view cannot accommodate Aboriginal demands in Canada. As Turpel; Little Bear, Boldt, and Long; and others have argued, Aboriginal communities do not desire to progress beyond their spiritual views of the land, so that they can become more like Western liberal nations. They do not desire to be “reformed,” “liberalized” or “modernized,” nor should they be required to do so. In fact, the reason they want collective rights is so that they do not have to organize themselves according to individualistic and secular ways of life.

Indeed, Turpel argues the idea that Aboriginal cultures are “in lesser states of historical development than the dominant European culture” is one of the *main* reasons that Aboriginal peoples, and their differing self-understandings and ways of life, are not given serious recognition in Canada. These self-understandings are not seen as genuine experiences of the world but rather as views that are yet to be fully “developed” and “transformed” into European “individualistic” belief systems and ways of life. Instead of genuinely recognizing cultural differences as legitimate, Western cultures have usually responded with plans of sameness, assimilation and transformation. What is presupposed in these theories of historical, moral and civilizational progress is that, Turpel argues, “one culture (European or European influenced) is the measure of all others.” It is authoritative and provides the standard to which all other cultures must be “transformed” to:

I would argue that from early colonization until the present time, no government or monarch has ever genuinely recognized Aboriginal peoples as distinct peoples with cultures different from, but not inferior to, their own. Aboriginal peoples have not been viewed by the dominant cultures as people whose ways of life should be tolerated or respected except in the most paternalistic and oppressive terms. The reasons are varied. . . . However, my impression, developed through my own experiences and work, as well as through formal education, is that Aboriginal cultures have been and still are presumed to be primitive, premodern, or inferior in the sense of being at a lesser states of development than the dominant European culture. . . . This is disturbing because it effaces cultural differences by presuming that cultures are basically the same, but at various historic levels of civilization. The narrative of cultural progress is antithetical to the idea of cultural difference. The theory of progress, or stories about development to a higher state of knowledge and cultural experience, is a product of an ethnocentric predisposition. It presupposes that one culture (European or European influenced) is the measure of all others. Therefore, the primitive is just a nascent, evolving or disintegrating, state of cultural existence that needs to be “rationalized” and developed to progress beyond its folklore origins. If I extend this line of criticism to the Canadian constitutional system, one can see why it was, and still is, considered important for the colonial government to take jurisdiction over Aboriginal peoples in order to guide them to a more rational or civilized state of being where these ‘others’ can be assimilated into the yardstick culture. . . . Instead of responding to departures from the culturally acceptable with a cultural self-analysis, European-based cultures have reacted to difference with plans of civilization, sameness, domination, and control. (520)

Although Kymlicka is deeply sympathetic to the plight of Aboriginal communities and does not characterize Aboriginal peoples in any such demeaning manner as “primitive” or needing to be “civilized,” his project of “reforming” and “liberalizing” non-liberal nations, nevertheless, as Turpel may assert, also responds to Aboriginal nations (and other non-liberal cultures) with plans of sameness and transformation to Western liberal ways of life. Such views do not foster dialogue nor do they treat these communities as equals or with due respect. They do not emulate a treaty ideal. One wonders how Kymlicka would respond if the First Nations of Canada argued that liberals need to first *Aboriginalize* before they are allotted any legitimate space in their views, and that it is liberals who, for example, need to adopt more spiritual views of the land—as liberal views are “historically prior” to Aboriginal views.¹³

Liberal and Non-liberal Nations

Now Kymlicka’s view of the relationship between liberal and non-liberal cultures will be examined in more detail. One of the problems with Kymlicka’s argument is that he makes no distinction in kind between

“non-liberal” and “illiberal” or oppressive cultures (or aspects thereof). This puts communities that are non-liberal, i.e., may be organized around more communal or religious ways of life, in the same conceptual category as those that are illiberal or oppressive. But why should being from a non-liberal community mean being from an illiberal or oppressive one. Furthermore, Kymlicka characterizes the relationship between liberal and non-liberal cultures in terms of a morally progressive historical continuum, with liberal nations at the just end of the spectrum.

Kymlicka uses “non-liberal” or “illiberal” interchangeably (e.g., see 1995, 154, 155, 158, 164–165). In one sense, he uses these terms in the context of communities or views that are not liberal and may be more “communal,” or “traditional,” or “religious,” or be based on differing belief systems from secular Western liberal perspectives. At the same time though, he uses these terms to refer to human rights violations or to describe views or practices that are oppressive in some manner.

For example, in the first sense, he uses “non-liberal” in the context of the Métis’ arguments that their cultures are more “communal,” “spiritual” and “less individualistic” than liberal society (1989, 243). On another occasion, “non-liberal arguments” refer to “claims that aboriginal peoples have a different value system” or that “communities themselves have rights” or that these groups have prior occupancy rights (153–154; see also 1995, 94, 153).

In the sense of violations of human rights, some cases of non-liberal or “traditional” or “religious” demands Kymlicka discusses are: Pueblo Indians and religious intolerance (1995, 153, 165); Islamic fundamentalists in Iran and their demand to restrict basic freedoms (1989, 167–168), Lord Devlin’s England and restrictions on homosexuality (168); Muslims, the Ottoman Empire and restrictions on individual freedom of conscience (1995, 156–158); Saudi Arabia and the oppression of women (165); former Communist countries, liberal reform, and Mexico and human rights violations (168); Germany’s practice of not allowing Turks citizenship (165); the Hutterites and the lack of private property rights (161); the Amish and the withdrawal of children from public school before the age of 16 (162); Mennonites, Hasidic Jews and illiberal institutions (170);¹⁴ certain Aboriginal cultures that may not provide conditions for individual autonomy (1995, 235; 1989, 180).

The general implication appears to be that if a group desires to organize itself around “traditional non-liberal lines,” (1995, 153) this usually involves a violation of human rights and oppression. Sometimes, Kymlicka makes this explicit: “A national minority which rules in an illiberal way acts unjustly. Liberals have a right, and a responsibility, to speak out against such injustice” (168).¹⁵

And although Kymlicka acknowledges and cites Bhikhu Parekh's insight that no culture values individual autonomy completely and thus it is misleading to speak of "liberal" and "illiberal" cultures "as if the world was [neatly] divided" into these two categories (1995, 171; see also 94), he fails to note the other crucial idea that Parekh discusses this in relation to. This idea is that a culture may understand and define autonomy differently from liberal societies, locate it in different areas of life, not place as much emphasis on it (be "non-liberal"), but these facts do not mean that it is an unjust societal order (or "illiberal"). Parekh argues that because a culture may not understand agency according to distinctly Western liberal individualistic interpretations does not necessarily mean that it is somehow predisposed to various forms of extreme oppression (1995, 12; see also Parekh's recently path-breaking work, 2000, 110–111).

But the extent of such oppression is a matter of degree for Kymlicka. As is noted above, no group is completely illiberal or liberal, all cultures have "illiberal strands," and "liberality is a matter of degree." Liberal nations were also once historically non-liberal and thus there is no reason to think that non-liberal nations cannot be liberalized:

The aim of liberals should not be to dissolve non-liberal nations, but rather to seek to liberalize them. This may not always be possible. But it is worth remembering that all existing liberal nations had illiberal pasts, and their liberalization required a prolonged process of institutional reform. To assume that any culture is inherently illiberal, and incapable of reform, is ethnocentric and ahistorical. Moreover, the liberality of a culture is a matter of degree. All cultures have illiberal strands, just as few cultures are entirely repressive of individual liberty. Indeed, it is quite misleading to talk of 'liberal' and 'illiberal' cultures, as if the world was divided into completely liberal societies on the one hand, and completely illiberal ones on the other. The task of liberal reform remains incomplete in every society, and it would be ludicrous to say that only purely liberal nations should be respected, while others should be assimilated. (94)¹⁶

Even if liberality is thought of in degrees, then this still means there is no distinction *in kind* to draw between non-liberal and illiberal or oppressive communities (or aspects thereof). One does not see why being from a non-liberal community should mean being from an illiberal or oppressive one, even if it is in degrees. Whether a non-liberal community is in fact oppressive, in which regards it is oppressive, is a contingent matter. It is unfair to make it one of logical or causal necessity.¹⁷ Why should being from a non-Western or religious community automatically mean, or ought to mean, that one is, in some way, to some degree, already oppressive, as a matter of *definition* (given that these are the two groups that "non-liberal" mostly refers to here).¹⁸

In other words, why is it that communities that may be organized around more communal or religious ways of life be put in the same conceptual category as those that are oppressive—from the perspective of ideal theory—even if we nuance this with the notion that these non-liberal groups are oppressive only in varying degrees. Is it not possible that a society may be organized around shared ideals without being considered, at least to some degree, illiberal and oppressive, or yet to be fully liberalized? Is it not possible that a non-liberal culture might be considered an acceptable form of social organization, without thinking that it is acceptable to the degree that it is on its way of being reformed?

And, is it not possible that it may be certain liberal tenets that might be considered illiberal in virtue of some of the perspectives that these societies might have to offer, in accordance with world views (e.g., the moral standing and treatment of animals or the environment)?

The manner in which Kymlicka conceptualizes the relationship between these groups makes these possibilities difficult to conceive, as it is non-liberal nations that are in varying degrees illiberal, or, yet to be fully liberalized. A fully liberal nation, in theory, is at the just end of the moral and political spectrum.

Nor is this conceptualization helpful in dialogue with these other cultures. It does not handle their self-understandings with equal regard and implies that liberal understandings represent the authoritative standard that others must reform to in order to be thought of as acceptable. This is problematic in the context of a multicultural society with a colonial history, where different communities, such as the Aboriginal Peoples of Canada, have historically resisted and continue to resist such reformation.¹⁹

And while it is true that certain liberal self-understandings represent historical and moral progress in crucial respects, e.g., the emphasis on human rights, these ideas do not alone represent progress, which this view of the relationship between liberal and non-liberal groups implies. This conceptualization makes it difficult to think that there can be progress except in terms of one's liberal views. But if one were to take another standard (other than individual freedom) such as the health and welfare of each person, or the treatment of animals, or one's relationship to the environment, as the terms by which to measure progress, then perhaps some non-liberal culture might fair better than a liberal one.

A key problem with Kymlicka's view then is that it is in tension with the idea that an acceptable societal organization can be arrived at by means other than those embedded in a Western philosophical framework which stresses the importance of individual autonomy. But it is quite possible for a community to value tolerance and be compatible with some of the underlying principles of a human rights ethic, without placing such an emphasis on individual autonomy. This primarily depends

on the particular substantive conception. For example, respect for life, bodily integrity, gender equality, etc., can be equally as well justified on the basis of Aboriginal spiritual ideals as they can on liberal secular views about the centrality of human freedom. Or, for instance, Buddhists are quite tolerant but this has more to do with a communal way of life based on principles such as *ahimsa* and *karuna* rather than the emphasis on individual freedom.

Kymlicka fails to sufficiently acknowledge that minimum moral norms can be justified from the perspective of differing shared conceptions of human flourishing that may be integral to a non-liberal peoples' identity and which they may seek to promote in their governing institutions but which they do not desire to be liberalized or reformed out of.

In addition, note that the discourse of Western "reform" and "modernization" is part and parcel of the discourse of Western colonialism that has been historically used to exploit weaker non-Western nations. And although one may legitimately attempt to convince and persuade others through dialogue, one should *also* oneself be open to being persuaded and convinced. However, it is difficult to find any such humility on this approach. While non-Western non-liberal nations should be open to, and indeed welcome liberal reform (as they are historically behind), Western liberal nations appear to have nothing to learn from these non-Western others. The West, once again, represents the fully just and impartial of history.

Instead of conceptualizing the relationship between liberal and non-liberal cultures in terms of a linearly (morally) progressive continuum, a more fruitful model to think about these cultures and their similarities or differences is in terms of overlapping circles, as in a Venn diagram in set theory. The mathematical relationships of intersection, union, and difference in a set present useful parallels to the relationship between different cultures. This model would allow one to explain communities which may be non-liberal, may revolve around more substantive communal ends, without being lead to the conclusion that they are always, to some degree, illiberal or yet to become fully liberalized. On this more perspectival view, one could explain similarities between liberal and non-liberal societies with respect to certain norms of "just" behavior or basic freedoms, without interpreting these overlaps as appearances of *yet to be fully developed* "liberal strands" or the result of liberal reform and modernization (which they may or may *not* be). Indeed, there may be significant differences in terms of the philosophical justifications of these norms, as this model would allow one to capture.

Moreover, where there is a lack of convergence on norms of acceptable behavior, this approach would not immediately lead to the conclusion that it was liberal tenets that were independently correct.

Apart from being able to better explain similarities and differences, the perspectival view is also normatively better. It is much more conducive to dialogue, communication and understanding between different cultural groups. The basic difference between the two approaches involves a sort of paradigm shift, that is, a shift in one's perceptions and understandings of not only other cultures but of one's own.

How we perceive ourselves and others, how we think or *philosophize* about such issues, has a definite effect on the relationship with these others. In the context of a colonial history and many years of built up distrust and resentment, as is the case with the Aboriginal peoples of Canada and the US, this is especially crucial. With regard to Aboriginal peoples in Canada, the issue is not simply of providing them cultural or economic protections, but, as so many have explained, it is one of respecting or *recognizing* their modes of existence as worthwhile ways of living in the world. For, as Said and Taylor have pointed out, colonial subjugation has worked not merely in economic terms, but in "cultural" and psychological terms, that is, in terms of denigrating a peoples' self-understandings and self-esteem. Indeed, it is most effective when it is able to make the colonized see themselves, for example, as inheritors of an inferior way of life. Yet eventually it destroys the bonds of trust between nations and peoples, as is the case in Canada.

If cultural respect or recognition is what is required to restore these bonds, and if what it means to respect another's cultural norms and practices is to give due or serious consideration to these, then the perspectival approach is better. According to this, one's liberal cultural perspective is not seen as the standard that other societies need to emulate in order to receive protection, but rather as one mode of existence among many, which ought to, in the best possible scenario, be in a relationship of equality with these others.

Adopting this approach does not mean that one need not insist on fundamental principles or guidelines on certain norms of behavior in one's relations to others. It does not imply that liberals ought to abandon the insistence on basic human rights. But this model lends easily to the view that as an empirical and conceptual matter, acceptable norms of behavior, or the underlying principles of a human rights ethic, basic freedoms, need not necessarily be (and in fact are not) justified in terms of Western philosophical views concerning the importance of individual freedom and the accounts of the self that these may presuppose, or even in terms of the language of rights. In addition, this approach is open to the idea that there may be valuable insights that non-liberal cultures might also have to offer, in virtue of their accounts of human flourishing.

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NOTES

The author wishes to acknowledge Vimlesh and Tulsi-Ram Peetush; Frank Cunningham; James Graff; Aroon Yusuf; Robert Crouch; Audra Simpson; Joe Heath; Dan Rakus, and Vince Scelfo for discussion.

1. While it may seem unproblematic that a person's essential interest requires a critical emphasis on individual autonomy from a Western liberal perspective, such as the one Kymlicka presents, this may not be self-evident from the perspective of many non-Western peoples. This view itself presupposes a certain conception of human flourishing that is particular to Western liberal societies and that may not be found in many other cultural traditions. For example, from a Buddhist perspective, while autonomy is important, one's "essential interest in leading a good life" requires a commitment to, above all, the ideal of a compassionate life. Or, from the perspective of many Aboriginal cultural communities, the good life requires that one cultivate a certain kind of spiritual relationship to the environment. Again, this is not to say that autonomy is not important to these other cultures. They also value it, yet, they define, interpret and prioritize it differently. How a culture understands autonomy is intimately related to its other values and its understandings of notions such as the self and human flourishing. Kymlicka's claim about what "our essential interest in leading a good life" commits "us" to is therefore not as "banal" or "unobjectionable" or universal as he makes out.

2. Kymlicka uses "autonomy" and "freedom" interchangeably, e.g., see (1995, 75, 101).

3. "Supporting the intolerant character of a cultural community undermines the very reason we had to support cultural membership—that it allows meaningful individual choice" (1989, 197).

4. Nor does Kymlicka broaden the liberal normative base for the concern for cultural membership beyond individual autonomy in *Finding Our Way* (1998). Although this work is not primarily intended to be a theoretical investigation of cultural diversity from the perspective of liberal theory, some of these issues could have been addressed in his discussion of the similarities and differences between Aboriginals' and Quebecker's demands for sovereignty. Yet his specific discussion of the Aboriginal case is brief (two pages 144–146) and he says that the Aboriginal case is more "complicated" than the Quebec case. But the reasons he gives for why the Aboriginal case is more complicated leave out the crucial complication from a liberal perspective. Aboriginal peoples of Canada may not share Western liberal self-understandings or "promote liberal values," whereas Quebec shares in Canada's wider liberal culture. He acknowledges that "the extent to which these values are shared among Aboriginal peoples varies from group to group and is a separate issue" (151). But he does not discuss this separate issue anywhere in this text. In addition, there are no changes to this argument in his most recent collection, *Politics in the Vernacular*, see e.g., (2001, 53, 59–60, 208–209).

5. This paper does not claim that all Aboriginal peoples of North America share the same traditional views of the land, which are closed, homogenous, unchanging and so on. Nevertheless, there are still certain distinct pervasive ideas about the land that continue to flourish in Aboriginal communities or certain family resemblances among these views. For the purposes here, this paper is *specifically* concerned with

these distinct *traditional* views of the land, since it is these that present a challenge for an approach to multiculturalism. In addition, it is not claimed that Aboriginal peoples do not use Western concepts of property or that they should not be allowed to do so, or anything of the sort.

6. As Jay L. Garfield (1998) argues: “Central to liberalism is the protection of the private, and central to that protection is the protection of individuals from obligations to undertake any particular attitudes or visions of the good life. And compassion is nothing if not a very particular moral attitude, and an embodiment of a very particular vision of the good life. Liberalism essentially makes compassion optional” (122).

7. C. B. Macpherson contends that liberalism’s core concept of the individual is conceptually linked to private (exclusive) property in terms of Lockean arguments about the exclusive ownership of one’s labour (1973, 129–130). However that may be, it should be pointed out that the crucial difference between Aboriginal and liberal views with respect to the land cannot be captured in terms of the difference between private versus communal ownership of property. The conflict is at a more fundamental or basic level. First, for many Aboriginal peoples, their relationship to the land is defined in spiritual terms and not in secular and instrumental terms. Secondly, as a consequence of these religious views, the very idea that land can be (and ought to be) thought of as property in the sense of an alienable commodity is problematic. The idea of ownership itself (whether private or public) is in tension with many of their views.

8. To be clear, the inability to accommodate Aboriginal views of the land here does not have to do with the simple fact that these are in opposition to private ownership (or the very idea of ownership itself, private or public). This inability stems from the more general problem of not being able to accommodate any so called substantive moral values, whether they are in opposition to liberal views or not (e.g., *ahimsa*). As such, one can grant liberals that they no longer value the right to privately own land as a social precondition for individual freedom, but this does not effect the above objection. The promotion of these religious and substantive values in Aboriginal governing institutions violates other critical social conditions required for individual freedom as defined by a liberal, such as the opposition to the political endorsement of substantive moral values (Kymlicka, 1995, 81); or the division between religion and politics; and the distinction between the private and the public. The political endorsement of these views certainly does not contribute to the individual freedom of each member in a community.

9. In his recent collection, Kymlicka himself notes that “it is the instrumental, not the intrinsic value of culture that grounds claims for political powers and resources in my liberal theory” (2001, 62).

10. “The liberal view I am defending insists that people can stand back and assess moral values and traditional ways of life, and should be given not only the legal right to do so, but also the social conditions which enhance this capacity (e.g., a liberal education)” (92).

11. In fact Brian Barry (1996), who is likewise committed to individual autonomy as the core value of liberalism, argues against Kymlicka precisely on the grounds that his ethic of toleration is *unprincipled* and “subverts” his original liberal project: “Kymlicka seeks to impart a liberal twist to his romantic nationalism by

saying that the importance of preserving the national culture lies in its contribution to the development of a capacity for individual autonomy. But even if we were to give credence to that claim, it would lead to the endorsement of only the relatively few national cultures that actually do foster individual autonomy. Thus, we would have to conclude that the principled liberal argument for permitting special measures to enable national minorities to maintain their own culture is valid only when the culture of that national minority is itself liberal. Yet, as we have seen, when it comes down to a choice between individual autonomy and almost unconditional collective autonomy for national minorities, Kymlicka comes down unhesitatingly on the side of the latter. Nothing could show clearly the subversion of Kymlicka's original liberal project by subscriptions to the doctrines of romantic nationalism" (155). It is very difficult to see how Kymlicka "comes down unhesitatingly" for the collective autonomy of national minorities. However that may be, Barry exemplifies our main point from within Kymlicka's own autonomy camp: If individual autonomy is the core value of liberalism, and if the liberal concern for cultural membership is primarily grounded on this value, then there is no principled reason to be concerned with cultures who organize themselves around more communal views.

12. Kymlicka states: "Joseph Raz, for example, seems to assume that most indigenous cultures are inherently illiberal, and so incapable of liberalization. Speaking, *inter alia*, of indigenous communities which do not give their members the conditions of autonomous choice, he says we face the choice of 'taking action to assimilate the minority group', or of accepting their illiberal ways. He says that the 'break-up' of these communities is the 'inevitable by-product' of attempts to liberalize their institutions. But he gives no reason for thinking that indigenous cultures are less capable of liberalizing than other cultures. As I noted in Ch. 5, it is important to remember that existing liberal nations were all once quite illiberal. To assume that any culture which is now illiberal is therefore inherently illiberal, and incapable of reform, is ahistorical" (1995, 235; see also 1989, 180–181).

13. Kymlicka implies that Aboriginal cultures are really "liberal in substance," but that these liberal "strands," as he calls them, have yet to be fully developed. He says that "if we examine the way that minority cultures actually treat their members, in terms of respect for civil liberties and tolerance of dissent, they are often just as liberal as the majority cultures" (171–172). In addition, Kymlicka points out, "indeed, many observers have noted that indigenous cultures are often quite individualistic in their internal organization," and that they "display a profound antipathy to the idea that one person can be another's master." Moreover, he notes that like Quebeckers, Aboriginal peoples are going from a religious and rural society to a secular and urban one, which he surprisingly attributes to the desire of Aboriginal peoples' themselves, in the same breath noting that "every nation in Western society has undergone the same transition" or "process of modernization" (104). The author acknowledges Jennifer Gibson for pointing this out.

14. In terms of Hutterites, the Amish, the Mennonites, and Hasidic Jews, Kymlicka argues that "we may now regret" some of the historical exemptions that they received from Canada and the United States, and had "those assurances not been given, these groups might well have emigrated to some other country" (170). One wonders where these communities would "emigrate to," if everyone were to adopt Kymlicka's view of "the just society," as he urges us to do.

15. It is not claimed that various oppressions do not exist in “non-liberal nations” or that they ought not to be discussed. Nor is it suggested that we ought not to criticize or even condemn certain practices. And it is recognized that there are and will be genuine conflicts between different communities and ways of life. The issue here is how Kymlicka seems to use these cases of oppression to illustrate and define the nature of the conflict between Western liberal cultures and “non-liberal nations.” The use of these cases serves to create an implicit identification with Western “liberal values” and ways of life with justice and civilization and “those sorts of cultures that do not promote liberal values,” or non-Western nations, with injustice and oppression. However, it does not seem that the various forms of oppression that Kymlicka discusses are unique to non-liberal forms of societal organization. The oppression of women, for example, also exists in liberal individualistic nations. And, although Kymlicka acknowledges that the stereotypical association of gender oppression with non-liberal societies is often unfair as such cases may be extreme (36, 203), he himself resorts to the idea that there is something *peculiar* to non-liberal ways of life that somehow makes them disposed to such oppression. This assumption becomes apparent in the manner in which Kymlicka responds to non-liberal nations or those not “governed by liberal principles.” Whenever he considers *the* crucial issue of whether liberals ought to broaden the *theoretical* concern for cultural membership beyond liberal principles, his strategy is to point to “the real aims” of “non-liberal minorities,” or to various forms of oppressions (e.g., gender oppression) that, indeed, exist in these non-liberal societies (152–172). To expand the liberal theoretical basis beyond liberal individualistic principles, it is implied, would be to open the theory to such cases of oppression. The underlying assumption appears to be that unless a society is governed by secular “liberal values,” it cannot be considered a just societal order. But, secondly, this paper takes issue with the idea that a culture must organize itself around secular liberal individualistic self-understandings of social and political organization to be considered a just societal order.

16. If what Kymlicka means by “liberalization” or “reform” is that non-liberal nations ought to meet certain minimum moral norms or basic human rights, then, this is a reasonable expectation. But evidently he means more. For instance, he also describes the process of “liberalization” as connected to the development of a modern individualistic secular culture in which members are not likely to share a common or traditional conception of the good: “The same process [liberalization] is at work throughout Europe. The modernization and liberalization of Western Europe has resulted both in fewer commonalities within each of the national cultures, and greater commonalities across these cultures. As Spain has liberalized, it has become both more pluralistic internally, and more like France or Germany in terms of its modern, secular, industrialized, democratic and consumerist civilization. . . . As cultures liberalize, people share less and less with their fellow members of the national group, in terms of traditional customs or conceptions of the good life, and become more like members of other nations, in terms of sharing a common civilization” (1995, 88). Kymlicka apparently thinks that the development of such a individualistic secular or “liberalized” culture is the *unavoidable* consequence of permitting members to reject traditional conceptions or reforming these conceptions along non-discriminatory lines (87). But this need not be the case. One may consider various Hindu communities, who, although having reformed their traditional views along non-discriminatory lines, still form communities that live according to shared Hindu ideals.

17. Nor does Kymlicka change his view of the relationship between liberal and non-liberal and illiberal groups in his most recent collection of revised essays (2001). In his discussion of “liberal” and “illiberal” nationalisms, he argues that there are several distinctions between these, and each one is a “matter of degree” (41). And while he is more careful about interchanging the terms “non-liberal” and “illiberal” (although he does at 64), he still conflates their use at various places. For example, he describes “non-liberal” nationalisms as revolving around a “thicker” form of cultural integration based on a common conception of the good, “religion, ritual, and lifestyle” (40); see also (311). In various other places, “illiberal” is used in the same sense. For example, at (257) illiberal refers to the desire of a community to move towards “a more closely-knit and intense communal life, based on shared ethnicity, history and religion”; see also (246). In addition, he maintains that liberals should seek to “liberalize” illiberal groups (55). These views again imply that liberal notions are at the just end of a spectrum and that there is no distinction in kind to be made between the concepts of non-liberal and illiberal. If Kymlicka does intend to distinguish these (he is never explicit on this point), the distinction would be, again, a matter of proportion for him: now from illiberal to non-liberal to liberal. For example, while he acknowledges (in a footnote) that some “non-liberal” Indian tribal constitutions provide meaningful checks on “political authority” and preserve “the basic elements of natural justice,” he nevertheless argues that they are “inadequate from a human rights point of view” since they are “not fully liberal or democratic” (86).

18. Rawls attempts to capture such a distinction by differentiating between those whose traditional ideals are compatible with basic human rights and those whose are not, or between what he calls “decent” non-liberal peoples or states and outlaw states (1999, 4).

19. Of course, there may be oppressive aspects to non-liberal cultures, just as there may be oppressive aspects to individualistic liberal societies. But these aspects ought *necessarily* to be interpreted as the result of being insufficiently individualistic or not having been liberalized yet, as Kymlicka’s linearly progressive model suggests. It is not necessarily because these cultures have yet to be reformed or modernized that they ought to be considered illiberal. But if “justness” is linearly proportionate to the degree of “liberality” which a culture has attained, which in turn is associated with views of agency and society that originate in a Western context, one cannot but be lead to such conclusions. For example, the most powerful philosophical arguments used to challenge the caste system in Hindu cultures are not necessarily grounded in a Western liberal tradition concerning the importance of individual freedom and its views of agency. This practice has been challenged on the notions of equality inherent in *Advaita Vedanta* and the fundamental principle of *ahimsa*. This practice was, and is, conceived within Hindu society as oppression because it is in tension with its own central tenets and not simply because it does not respect liberal norms. There is a similar case to be drawn with respect to the issue of oppression of women in Hindu communities.

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