

*Nations, Boundaries and Justice:
on Will Kymlicka's Theory of
Multinationalism*

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ABSTRACT. Will Kymlicka's theory of minority rights has been most influential. Kymlicka distinguishes two types of ethnocultural minorities: national groups in a multinational state and ethnic groups in an immigrant society. This article focuses on the 'multinational' aspect of this paradigm. It investigates the extent to which Kymlicka's justification of self-government rights for nations can offer a just guideline for the way in which we should accommodate cultural diversity generated by a plurality of national groups within one state. Should we regulate the cultural and linguistic market-place, and, if so, should we justify a right for all nations to a distinct societal culture with its own political and territorial boundaries?

The answer the article develops is a moderate 'yes, but'. We should recognize and protect cultural identities, since, as Kymlicka rightly argues, cultures provide us with constitutive contexts of choice. But there seems to be an inability in Kymlicka's theory to deal with strongly multinational and multilingual situations. Kymlicka explicitly recognizes the fact that national cultures can be pluralistic (i.e., diverse with regard to beliefs), but he neglects diversity within the cultural structure itself. Nevertheless, our cultural world is full of such instances of vague boundaries, gray zones, minorities within minorities, bi- and multilingualism, etc. Consequently, the article attempts to supplement Kymlicka's mosaic form of multiculturalism with a hybrid extension. It is highly commendable to recognize and protect cultures, provided we incorporate cultural hybridity into our multicultural theory.

KEYWORDS. nationalism, minority rights, Kymlicka, multiculturalism, boundaries, self-government.

Over the last decade, political philosophers have struggled with issues surrounding the just political accommodation of cultural diversity. In this paper I will take a close look at one part of a dominant answer to these questions. This is the answer developed by Will Kymlicka,

the most influential theorist of multiculturalism in political philosophy today. In numerous articles and books, Kymlicka has devised a valuable and carefully-considered political philosophy that offers normative justification for a number of extant practices for dealing with diversity.

The part of his theory that will be dealt with here is the normative response to the sort of cultural diversity generated by the existence of more than one nation within a state. Kymlicka distinguishes different sets of minority rights for national and immigrant groups. In this paper, I propose to focus on the model he designs to deal with the multinational sort of diversity, leaving the issue of immigration aside. Kymlicka argues in favor of the right of nations to have their cultures protected by territorial and political boundaries. He believes that we should grant self-government rights to national groups within nationality-based units that are monolingual and that have territorial autonomy.

In this text, I try to show that Kymlicka's philosophical project, though impressive, faces an important problem. In making the case for the rights of nations to autonomy in self-governing mononational territories, Kymlicka drastically reduces the complex cultural hybridity that structures today's multinational cultural diversity. He treats the world as a large mosaic of mononational blocks that have a distinct language and homeland, inhabited by monolingual and monocultural speakers. This mosaic picture is both his starting-point (we live in the mosaic) as well as his normative conclusion (we should live in the mosaic).

But our world is full of much more complicated cultural identities, such as binational or bilingual cultural affiliations, and of gray zones, minorities within minorities, etc. This category of cases tends to be reasoned away by the mosaic methodology Kymlicka employs as a tool for showing the justice of minority rights for national groups. I wish to show here that Kymlicka tends to neglect this diversity and that this is due to a monocultural understanding of the structure of cultural membership that lies at the core of his theory. Secondly, I argue that this neglect results in an inability to deal with more complicated cases as well as in a certain

injustice done to those whose lives do not exhibit transparent monocultural identity structures.

In order to do justice to such instances of cultural hybridity in the identity structure of non-immigrant groups, an alternative theory of multinationalism needs to be constructed. In this article, I try to contribute to the development of this alternative project, and I argue that it should in some places complement Kymlicka's own theory of mosaic multinationalism. Interestingly, some such alternative theories have been put forward (see Waldron 1995 or Kukathas 2003), but many of them tend to solve the question by arguing that the diversity problem should be solved by adopting a neutral hands-off approach to cultures, avoiding a debate over cultural rights.

But in a convincing reply to this, Kymlicka's theory has shown that this idea of ethnocultural neutrality is simply a fiction, since one cannot be neutral in the fields of language and culture. This article therefore agrees with Kymlicka's view on the justice of cultural recognition and protection, but argues against the specific mononational conclusions he ends up with. I believe this endeavor to be worthwhile, since it may help people to see that their possible disagreement over the normative conclusions of the most successful theory in the field should not lead them to abandon the idea of cultural protection itself in favor of a false belief in the merits of cultural neutrality.

I try to do this in three steps. In the first part of this paper, I attempt to construct Kymlicka's normative justification for protecting nations in self-governing and mononational territories and I distinguish it from his accommodation of immigrant multiculturalism. In the second part, I analyze a range of ideal-typical cases in which the application of Kymlicka's theory would have undesirable consequences. I argue that the reason for this can ultimately be found in Kymlicka's underlying view of the nature of cultural membership. While Kymlicka adequately recognizes pluralism with regard to the cultural content (the *what* of culture), he does not pay attention to diversity within the cultural structure of a national

group (the *that* of culture). In the third part I argue why I think this objection need not warrant a rejection of the idea of granting nations cultural protection. Here an attempt is made to formulate the contours of an alternative theory of multinationalism.

I

Kymlicka starts with the observation that cultural neutrality is impossible: every education, language or immigration policy and every preservation of national identity are inevitably imbued with a particular language or culture. “In the areas of official languages, political boundaries, and the division of powers, there is no way to avoid supporting this or that societal culture” (Kymlicka 1995: 113). Although separating the state from the church may be possible, an equivalent separation of state and culture, is simply a fiction. The implication of this is that we cannot but intervene in the cultural marketplace.

Kymlicka consequently maintains that, in addition to rectifying unchosen social and natural inequalities, an egalitarian theory should equally strive to compensate those who face inequalities due to the fact that they belong to a *cultural* minority. A just policy will therefore grant minority rights to groups who face unequal circumstances which put their members at a systematic disadvantage in the cultural market-place (Kymlicka 1995: 113).

The justification for this egalitarian prescription lies in the constitutive ontology of the subject that underlies Kymlicka’s theory. Kymlicka realizes that freedom is always embedded within a cultural context of choice wherein the individual is immersed. In order to realize individual choice, people not only need information about the topics of choice, but they primarily need the disposition of the cultural *context* that discloses these choices. Kymlicka understands this context as a *societal culture*. Societal cultures are contexts of choice that “provide [their] members with

meaningful ways of life across the full range of human activities, including social, educational, religious, recreational and economic life, encompassing both public and private spheres” (Kymlicka 1995: 76). They tend to be territorially concentrated and based on a shared language.¹

Now, the cultural inequality that arises when a minority culture is not able to provide its members with their own context of choice cannot be rectified by remaining neutral with regard to cultures, since that is shown to be impossible. It can also not be compensated by assimilating minority members into the majority culture since that would be to treat cultures as mere instrumental and conventional means to certain non-cultural ends, whereas the idea of embedded freedom articulates the fact that the cultural context constitutes who we are, that cultures are more than external conventions. The only way to justly remedy this form of cultural inequality is by granting the minority a right to its own culture.

Now what is the concrete form of these minority rights? From the outset of his theory, Kymlicka makes an important distinction between two sorts of cultural minorities, national minorities and ethnic groups, who are entitled to different sets of rights. National minorities are distinct and potentially self-governing societies incorporated into a larger ‘multi-national’ state (Kymlicka 1995: 19). They form historical communities with their own homeland, and with a distinct language and culture. They are potentially capable of sustaining their own societal culture.

Ethnic groups are basically “immigrants who have left their national community to enter another society” (Kymlicka 1995: 19). In opposition to what Kymlicka calls the ‘Anglo-conformity’ model, which assumed that immigrants should abandon all their previous cultural features in order to assimilate to the mainstream cultural norms and practices, immigrants have increasingly asserted their right to express their ethnic difference. However, “in rejecting assimilation, they are not asking to set up a parallel society, as is typically demanded by national minorities” (Kymlicka 1995: 15). Ethnic groups mainly demand recognition within the societal culture of the mainstream society.

Kymlicka argues that his belief in the justice of minority rights as a means of compensating the cultural inequalities unprotected cultural minorities face should result in the endorsement of self-government rights for national minorities, and in polyethnic rights for immigrants. Whereas the first are intended to enable a nation to govern itself and maintain its own societal culture, the second are offered to help ethnic groups to express their cultural particularity while becoming full and equal members of the societal culture of the majority, in other words to “promote integration into the larger society, not self-government” (Kymlicka 1995: 31). After all, most immigrants “choose to leave their own culture. They have uprooted themselves, and they know when they come that their success, and that of their children, depends on integrating into the institutions of English-speaking society” (Kymlicka 1995: 96).

Many commentators have criticized this distinction, which in fact becomes a sort of moral hierarchy between two groups – the first being native and therefore having more rights than the immigrants who chose to immigrate and thereby waived their right to a societal culture of their own (see Carens 2000, Choudhry 2002). However, criticizing this distinction is not the intention of this paper. In what follows, I intend instead to focus exclusively on Kymlicka’s normative treatment of the first group, the natives. Let us, for the sake of simplicity, accept Kymlicka’s statement that immigrants’ rights must be less extensive than the self-government rights that national groups enjoy. The question this paper tries to answer then is: suppose that immigrant groups succeed in integrating into the societal cultures they chose to belong to, does Kymlicka’s theory offer a just and desirable paradigm for treating national groups? The concrete empirical cases mentioned below are thus unified in the fact that the diversity to which they give rise is not generated by immigration. The groups I focus on have lived on their territories for centuries but, as will be argued, are still not appropriate candidates for self-government rights that would enable them to maintain a distinct societal culture of their own in their own language and on a territory of their own.

To this end, in the remainder of this paper, I will use two terms in a rather specific way. The term ‘native’, though often restricted to indigenous peoples, will be used here in a wider sense and will be understood to refer to those peoples who live in their own homeland and who never immigrated. The term ‘native’ then becomes synonymous with ‘non-immigrant’. Secondly, the term ‘multiculturalism’ in this paper will refer not to immigrant multiculturalism but uniquely to the political response to the cultural diversity generated by natives, such as in situations where the coexistence of two native groups on the same territory generates a multicultural state of affairs.

II

Kymlicka designs his theory of multicultural justice as a form of liberal justice. He largely endorses the liberalism of Rawls and Dworkin, but he criticizes them for neglecting the importance of the right to cultural membership. Unlike communitarians like Sandel, however, Kymlicka (1989: 177) does not think this shortcoming is due to an unattractive underlying atomism of their theories:

“The answer, I think, lies not in any deep foundational flaw in liberalism, but simply lies in the fact that Rawls and Dworkin, like most post-war political theorists, work with a very simplified model of the nation-state, where the political community is co-terminous with one and only one cultural community.”

This ‘nation-state assumption’ is, of course, unproblematic as long as state and culture *do* coincide. But maintaining this premise in a *multinational* state is inaccurate and unjust. So Kymlicka’s theory begins where the nation-state assumption has become anachronistic. Kymlicka rejects this assumption, and develops a liberal theory of *multinationalism*, which starts with the awareness that the homogeneous nation-state is a thing of the past.

Precisely because of the ambition to get past this assumption, it is particularly surprising to realize that, in a sense, Kymlicka himself is rehabilitating this anachronistic nation-state assumption. Kymlicka's doctrine grants self-government rights to national groups, enabling them to maintain their own societal culture, which, as we saw above, comprises a comprehensive context of choice as well as a distinct language and territory.

“Self-government rights (...) are the most complete case of differentiated citizenship, since they divide the people into separate ‘peoples’, each with its own historic rights, territories, and powers of self-government; and each, therefore with its own political community” (Kymlicka 1995: 182).

Interestingly, this nation-state tendency seems to be particularly present in his later works. In *Can Liberalism be Exported*, for instance, he explicitly adds the idea of ‘territorial autonomy’ to the sort of minority rights national minorities are entitled to and recommends a policy based on it to Eastern European Countries (see Kymlicka 2001c: 361-369). And in *Politics in the Vernacular* he argues that federal politics should not only be ‘monolingualized’ but also ‘nationalized’ in the language and the nation of the national group, all of which leads to a politics in and through one's own nation (Kymlicka 2001a: 317-326; 2001b).

For Kymlicka, it is nationality that is the relevant unit of membership and protection. Kymlicka argues that, after all, the sort of freedom and equality that matters most to people is freedom and equality within their own societal culture (i.e., their nation), which requires the disposition of a full-fledged context of choice in all domains of human activity (2001a: 216).

Kymlicka thus tries to extend liberalism by recognizing that there are more nations than states and by formulating an accurate response to that fact. In the end, however, the monocultural assumption he blames traditional liberals for is still operative here: Kymlicka offers no alterna-

tive to the decline of the nation-state, but is only shifting the problem. He is just, in a sense, miniaturizing the state by providing national groups with a ‘proto-independence package’:

“In crossing from one region of the country to another, one is not only subject to different laws, but also to different institutions operating in different languages, and perhaps even different legal systems, so that passing from one region to another is, in important respects, like *entering another country*” (Kymlicka 2001b: 256, italics mine).

It may be clear, of course, that Kymlicka’s theory is not advocating secession to create really independent nation-states (although he also does not reject secession). He explicitly endorses the idea of *multinational states* that would “enable national groups to exercise territorial self-government within a larger state” (Kymlicka 2001b: 267).

But his policy goals do fit the definition of nationalism of Ernest Gellner, as “the political principle, which holds that the political and the national unit should be congruent” (Gellner 1983: 1). Kymlicka provides room for a multinational state, but not without relegating the heart of politics to the nations that make up the multinational state. In the end, Kymlicka’s multinational level comes down to a mere co-operation between two self-governing nations. With Joseph Carens (2000: 64-69), we can therefore say that Kymlicka does invoke the ‘logic of the nation-state’, even though he remains silent on the issue of secession itself.

Let us recapitulate. So far, we have seen how a multicultural theory that starts with a critique of existing nation-state models for neglecting cultural diversity and falsely assuming that ‘the political community is co-terminous with one and only one cultural community’ may still end up as a very nation-state-like theory that defends a political, national and territorial co-terminacy. But why is this so? How did it happen? How is it possible to justify the convergence of the political and the national in the name of the principle that prompts us to question that very convergence?

I think the reason for this apparent contradiction has to be located in Kymlicka's view of the nature of cultural membership, which lies at the core of his theory. As mentioned above, the basis on which Kymlicka builds to claim that not protecting cultural minorities would be unjust is his understanding of freedom. This freedom-argument states that we are subjects who are embedded in a cultural context of choice. Upon closer examination, this freedom-argument appears to consist of two steps, the first of which clarifies the idea of embeddedness, whereas the second is concerned with the concrete outlook of this embeddedness.

The idea of embeddedness consists of the insight that "freedom involves making choices amongst various options, and our societal culture not only provides these options, but also makes them meaningful to us" (Kymlicka 1995: 83). In this respect, Kymlicka approvingly quotes Dworkin's statement that our culture not only provides options, but also "the spectacles through which we identify experiences as valuable" (Kymlicka 1995: 83). The self-government rights to which national groups are entitled are then understood as a measure to secure and protect this cultural context of choice.

Secondly, the concrete outlook of this embeddedness is simply that of the nations' cultures. Here Kymlicka is clearly searching for a sort of outlook that might truly recognize people's embeddedness but that would at the same time prevent him from opening a communitarian Pandora's box. The solution Kymlicka comes up with is the idea of a societal culture. We can understand a societal culture as a cultural structure (a term he later rejects, see Kymlicka 1989: 165 versus Kymlicka 1995: 83), that might be contrasted with the values or customs of a culture (Kymlicka 1989: 166-167). "I call it a *societal* culture in order to emphasize that it involves a common language and social institutions, rather than common religious beliefs, family customs, or personal lifestyles. Societal cultures within a modern liberal democracy are inevitably pluralistic. (...) This diversity, however, is balanced and constrained by linguistic and institutional cohesion" (Kymlicka 2001a: 25).

Realizing this should warn us that the above-mentioned, and surprising, consequences for the nation-state of Kymlicka's multicultural theory do not make him an old-fashioned monocultural theorist who wants to deny cultural pluralism. I think Brian Barry incorrectly suggests that Kymlicka defends a romantic and illiberal form of nationalism (2001: 137; 309). It is important to realize that Kymlicka's rejection of the ideal of ethnocultural neutrality does not amount to a rejection of the ideal of state neutrality with regard to diverse conceptions of the good (Kymlicka 2001a: 330). In this respect, Kymlicka remains a true liberal. He believes it is a natural state of affairs if the *character* of a culture changes as a result of choices made by its members, who have the freedom to choose their own way of live and, consequently, to question their beliefs (and those of the culture to which they belong). Therefore, Kymlicka's theory legitimates the protection of the cultural *context* of choice (i.e., the existence of culture, which is to say culture as a vehicle or structure), but strongly disapproves of publicly regulating the *content* of culture (Kymlicka 1995: 35-44; 104-105). Rights that allow us to speak the language of our group in interactions with public services are justified. But it would be illegitimate for instance to legally prohibit homosexuality on cultural grounds.

So, far from postulating the homogeneity of the *character*, the *content* of culture, Kymlicka provides ample room for cultural pluralism and content-based cultural variety. But this liberal solution comes at a certain price. When cultures are understood as inherently pluralistic, the only way left open to save the idea of 'culture'-protecting minority rights is to draw a distinction between, on the one hand, the content, which is supposed to be pluralistic and vague, and, on the other hand, the form of culture, the vehicle which contains the pluralistic content, the existence of a culture itself, which is then supposed to be clear and transparent. That is why Kymlicka can say that societal cultures are 'inevitably pluralistic' while still attributing to them substance and cohesion.

Yet I think it is important to cast doubt not only on the homogeneity of the *character* of culture (which is Kymlicka's point), but also on the

homogeneity of culture as *vehicle*, which is an underlying assumption of Kymlicka's theory. The idea of a 'societal culture' in itself reveals the idea that the culture in question is complete (both institutionally and in terms of offering a way of life), distinct and territorially concentrated (see Kymlicka 1995: 76-77, 25; 2001a: 25, 269). As may be clear now, there is a tendency here to take as a starting-point a picture of the world as a transparent mosaic cultural landscape, where clear and stable boundaries mark off homogeneous monocultural societal cultures. Similarly, when Kymlicka applies – contra Rawls – the theoretical device of the veil of ignorance to the issue of boundaries, the underlying empirical assumption is that people value their nations, which are monocultural, territorially-concentrated and distinct entities. Kymlicka consequently believes that, when people are asked to choose a principle for the drawing of boundaries in a Rawlsian-like original position – not knowing their race, class, ethnicity, or language – they will choose to draw, wherever possible, territorial and political boundaries around their nations (Kymlicka 2001b: 267-269). The normative guideline to draw boundaries in such a way that they mark off 'national linguistic/territorial political communities' (Kymlicka 2001b: 269) is therefore the solution that Kymlicka advocates. This allows him to conclude – in a very nation-state fashion – that we should (re)draw political boundaries in such a way as to match them with national ones (Kymlicka 1995: 71, 112-113; 2001a: 75; 2001b) and that "territorially bounded national communities will, and indeed should, continue to serve as the primary locus for the exercise of collective autonomy and self-government" (Kymlicka 2001b: 270).

But is this picture correct? Would people behind a veil of ignorance choose territorially distinct societal cultures? To start answering this question, we need to find out whether the assumption is correct, that the cultural context of choice of members of national cultures is characterized by monolingualism and territorial concentration. If the underlying empirical starting-point (of a mosaic cultural world composed of homogeneous cultural blocs) of this argumentation were correct, then a norma-

tive nation-state theory would perhaps not be inappropriate. In other words, solving the multinational challenge by invoking the nation-state logic may be appropriate as long as the homogeneous and monocultural assumption (on the level of culture as vehicle) is true of cultural reality.

But this is not always the case. The cultural landscape we inhabit is imbued with multiculturalism, multilingualism, and cultural hybridity and opacity. It is always characterized by vague boundaries, gray zones, minorities within minorities, bi- and multilingualism, etc. Neglecting this by taking a very homogeneous and monocultural perspective, both as an empirical starting-point and as a normative conclusion, is problematic for at least two reasons.

The first reason is that the homogeneity strategy is characterized by an inability to handle situations adequately in which two or more national groups are territorially mixed. Take for instance those conflicts where two groups lay claim to the same land. This is illustrated by the Aboriginal claim, mentioned by Kukathas (1997: 423), to territory currently in the hands of the authorities, but also by what lies at the heart of, among many others, the conflicts in Jerusalem, Northern-Ireland, and, to a lesser extent, Brussels. Or take ethnodemographically heterogeneous and culturally intermixed situations where there is no mosaic of distinct and territorially-concentrated cultural blocs but rather a hybridity of native cultural contacts, such as in, among many others, cities like Brussels or Bloemfontein (Prinsloo 1999), Romanian regions with intermingling Hungarian and Romanian groups (see Brubaker 2002), or many African countries, where language contacts have generated a vastly complex and intermingling linguistic diversity.

In fact, any situation in which there is not *already* a more or less one-to-one correspondence between a nation and a territory is problematic for Kymlicka, since his theory stipulates that justice entails granting such groups self-government and political autonomy in linguistic and national units, around which territorial boundaries should be drawn³.

The second reason is that it will result in a certain injustice. Basing a normative theory on a monocultural empirical understanding of nations

will result in the inability to make room for instances of multinational cultural opacity or hybridity. This, in turn, will lead to an inappropriate reduction of the cultural reality. Maintaining the monocultural normative devices based on this monocultural empirical assumption in a very multicultural context will squeeze each native multicultural hybridity into a monocultural frame. Things that do not fit very well into this frame (such as cultural overlap, bilingualism, cultural diffusion, diglossia, minorities within minorities, etc.) are then treated as insignificant and vague details, which are to be smoothed away, again by monocultural and monolingual solutions (self-government rights, territoriality, or monolingual politics). This results in a certain *injustice* done to anyone who finds himself in such a hybrid cultural situation, such as native bicultural bilinguals who do not consider themselves to be rooted predominantly in one group or another. Kymlicka assumes that societal cultures are the cultures of territorially concentrated, monolingual members of mononational groups. He never considers the idea that societal cultures may be binational or even multinational, that two previously separated cultures who live on the same territory may in due time develop a sort of common loyalty and identity or even a shared choice context. By taking the concept of a societal culture (with monolingual speakers on a mononational territory) as the empirical and normative starting-point, Kymlicka tends to homogenize cultures through a rather dubious and biased bottle-neck. As a result he defines away multinational and multicultural societal cultures, that derive their context of choice from more than one original culture.

Apart from assuming away bi-or multinational societal cultures, there is equally no mention of the mere possibility that natives might experience cultural membership in two societal cultures. Of course, Kymlicka does mention the fact that this may happen to immigrants, who are then asked to join the societal culture of the country of arrival, since after all they chose to immigrate. But what if there are people who never immigrated (take, native bilinguals in Brussels, Montréal or Wales) and still experience a double cultural context of choice? What if the world is not predomi-

nantly a mosaic of mononational territories? What if it exhibits a intermingling and overlapping picture of cultural membership?

By not considering the idea of a binational societal culture, Kymlicka tends to homogenize cultural contexts of choice through a mononational lens. But assuming away the experience of being part of more than one societal culture results in a homogenization of cultural identities. This may in fact make the injustice involved more evident, in two senses. Kymlicka homogenizes *individual* cultural identities by not taking into account the fact that some people may have a context of choice that is not co-terminous with one and only one mononational frame. But he also homogenizes cultural identities on a more *collective* level, by neglecting intra-group diversity with respect to the issue of ‘identity’. Kymlicka seems to believe that all members of a certain national group are united in the identical way they adhere to their context of choice. He attributes a shared cultural identity (membership of a distinct societal culture) to all the members of a certain group, and then bases his normative political conclusion on this seemingly shared form of identity.

But this may be an over-simplification. In a critique of Kymlicka’s theory Laitin and Reich (2003: 90) argue that, in the case of Welsh parents, Cuban refugees in Florida, Italian Swiss or Hungarian Slovaks, Kymlicka’s tendency to refer to groups as monolithic, having unified ‘national identity’ preferences, is wrong and inappropriate. A similar thing, I believe, can be said with regard to the Belgian case. Kymlicka (2001b: 256) understands most people in Flanders to have Belgian citizenship but a Flemish national identity. In other words, their constitutive context of choice is not Belgium but Flanders, which then explains why Flanders is entitled to receive self-government rights in order to provide its members with their own context of choice. However, when probed for their national identity feelings, 42.2% of Flemish respondents in a 1999 survey answered that they identify themselves as much as Flemish as as Belgian, whereas only 7% answered ‘only Flemish’ and 22.4% ‘more Flemish than Belgian’ (Meersseman, Billiet and Depickere

2002: 20-21). And in a study of the national identities of Belgian citizens (based on 1991 and 1995 data), the researchers concluded that, throughout Belgium, citizens experience a ‘double national identity’, and that in Flanders, the strength of both national identities (Belgian *and* Flemish) are in balance (Maddens, Billiet and Beerten 1999). Thus, it is certainly highly questionable to understand people in Flanders to refer collectively to Flanders instead of Belgium as their national identity. Even more, when pressed to make a choice between Flanders and Belgium as the relevant source of national identity, more people in Flanders opt for Belgium than for Flanders (Maddens, Billiet and Beerten 1999). In other words, there is much less intra-group homogeneity with regard to cultural issues than Kymlicka assumes.

The claim I want to make here is that such instances of ethnic, cultural and linguistic intermingling, of the absence of territorial concentration and of mixed or multiple identity structures should not merely be understood as exceptions but as key examples with which multicultural constellations confront us. Therefore, an authentic policy approach to cultural diversity should not perceive whatever does not fit the homogeneous assumption to be mere ‘noise’, or insignificant irregularity. Maybe we ought not to think of instances of cultural heterogeneity as distractions to ignore but rather as cracks in the old bastion of the nation-state assumption.

III

Yet, there is no reason to think that these shortcomings are destructive of the whole theory, or that they make cultural protection unjustifiable. On the contrary, the critique of Kymlicka that has been developed in the previous section is grounded in the moral importance of cultural membership and the correlating justice of cultural protection. I believe mononational normative conclusions may be undesirable for members of nation-

al groups precisely because such native groups do not always have transparent monolingual and monocultural contexts of choice.

There is however a certain tendency among those who would emphasize – as I did – cultural hybridity and heterogeneity at the level of the structure of culture itself, to be reluctant and even unwilling in the face of claims for cultural protection. Such authors (I am referring here to a very diverse group, including writers such as James Johnson 2000, Chandran Kukathas 2003, Laitin and Reich 2003, Waldron 1995 and, to a certain extent, Brian Barry 2001⁴) seem to believe that safeguarding a sparkling multicultural hybridity implies a hands-off approach to cultures or an approach that privatizes cultural identities.

However, as has been mentioned above, Kymlicka's theory has taught us that a policy of political neutrality towards cultures is a fiction since acultural or alinguistic policies are impossible, and that failing to protect constitutive linguistic and cultural identities therefore gives rise to a certain inequality and injustice. I am inclined to think that Kymlicka's normative concern here is entirely justified and that his justification of minority rights is very useful. To say so is not in contradiction with the critique developed above of Kymlicka's conclusions about the monocultural nation-state. Where monolingual and monocultural natives have a right to their own cultural context of choice, this should equally be the case for those natives who happen to be born in a hybrid or multicultural environment. If justice towards monocultural or mononational settings implies giving monocultural rights, then there should be an equivalent package of rights designed for those natives whose cultural belonging is structured in a more hybridized way.

So, rather than dismissing the whole theory, we can use Kymlicka's own normative justification to criticize as well as to overcome his monocultural tendency in protecting national identities. However, if we want to ground an argument in favor of the normative recognition of hybrid cultural choice contexts in Kymlicka's justification of minority rights, we have to be able to show that the monoculturality of Kymlicka's

minority rights is not an intrinsic feature of minority rights as such (as some critics would argue).

It is possible to grant minority rights to national groups, while, at the same time, respecting culturally heterogeneous and hybrid situations, because self-government rights for separate territorially-autonomous societal culture are not the only means to protect cultural choice contexts. For Kymlicka, both (self-government rights in separate units and cultural protection) logically cohere. Given the fact that an individual needs membership in his own societal culture (with stable linguistic and cultural boundaries, on a well-delineated territory), self-government rights are justifiable for those natives who – due to circumstances beyond their control – are not able to live in their own societal culture. So, if we want to make cultural recognition less monocultural and, in addition to that, if there is a need to develop an argument which legitimates another kind of (more hybridity-oriented) political minority rights, then we will have to start from a more adequate understanding of culture and its constitutive role for individuals, one that provides room for instances of cultural overlap, vagueness or hybridity. Such an alternative empirical starting-point will then allow us to develop a conception of minority rights that will better protect hybrid situations. The normative conclusions will protect hybridity because of Kymlicka's own argument which stipulates that unprotected minorities face inequalities which ought to be compensated. If the unprotected minority's choice context is structured by hybridity or multiculturalism, then that context should be the relevant unit of protection.

To be sure, it would not be wise to consider such hybrid situations as the only legitimate norm, and, consequently, to perceive each monocultural situation in terms of a multicultural straitjacket. Doing so might entail less injustice than the reverse combination. But we would be better-served by limiting the 'hybrid normative conclusions' to situations where the homogeneous congruence between nation, identity and territory does not apply (such as in bilingual contexts of choice, see the injustice-argument above), or where it would be clearly unworkable (such as in the

mixed-territories case discussed above). In other words, the hybrid approach is more adequate to those groups whose members do not have unified cultural identities or do not live in monolingual and monocultural homelands. Kymlicka's model, then, is more adequate where cultural homogeneity is predominant⁵. So the hybrid approach for multicultural contexts should not be formulated as an alternative, but rather as an addendum to Kymlicka's theory, an additional starting-point, which might change the normative conclusions of the theory in some cases.

In opposition to Kymlicka, this model does not give the political assurance to people that they will be able to experience freedom and equality exclusively within a distinct, complete and monolingual societal monoculture. Where it is reasonable to expect that the cultural context of choice will be modified because of the presence of cultural diversity, a just policy will strive towards the creation of the necessary preconditions to enable people to demolish walls around cultures and to engage in multicultural participation. In a multicultural context, a just policy will strive towards a shared public space and shared political institutions, in which members from different cultures participate together.

This public endorsement of what we might call a multinational societal culture, seeks to stimulate multinational participation but is nonetheless based on the recognition of cultural particularities by means of minority rights. It is not based on a dubious separation between the private and the culturally neutral public, but it will uphold a pluralism in which each language and culture has a place. Minorities *and* majorities are entitled to protection for their language and their culture, as a result of the constitutive embeddedness of their members in a cultural context of choice. Bilingual and bicultural schools, police services, political parties, hospitals or clubs, are paradigm examples of how participation can go hand in hand with cultural recognition, and they seem realizable in many of the above-mentioned bi-or multicultural worlds like Brussels, Montréal or post-Soviet regions where newly created nation-states still contain large and often territorially-dispersed ethnic Russians. Of course, some

juxtaposition will be unavoidable, as it will be difficult for certain institutions (such as cultural centers for the benefit of a particular language) to operate in more than one language. However, this is not a problem: the model can accommodate monolingual and monocultural mechanisms, as long as they are compatible with a general policy that aims to overcome the *monoculturalization* of identities and choice contexts.

Such a bi- or multinational societal culture not only does more justice to the nature of the cultural context of choice of hybrid members, but it is also more just on the whole because it creates a space for multiple loyalties and hybrid choice contexts⁶. It also engenders more stability. In Kymlicka's model, self-governing national groups hardly have good reasons to stay together in such a multicultural 'union-without-unity' (Chaerle and Van de Putte 1997: 242). Because of its commitment to multiple and multilayered identities, the hybrid alternative for multicultural environments seems better equipped to help solve this lack of stability. For these reasons, the hybrid model presents itself as a complement to and, in some situations, a replacement of Kymlicka's mosaic multiculturalism.

In this paper, only the bare contours of such a multicultural societal culture have been formulated. Of course, many further issues and details need to be sorted out. One problem might be how to determine in which cases this model would be preferable to Kymlicka's way of organizing native cultural diversity. To answer this problem one would need to conduct a detailed study of statistics and historical factors, and of the empirical possibility of developing shared choice contexts as well as of the capacity of groups to maintain a distinct societal culture. The result of this will certainly depend on the specific case at hand.

One might also question, for instance, whether this alternative way of dealing with multinational diversity can do justice to the smallest cultures, which risk not being full players in the larger multinational societal culture (which may evoke the spectre of a monocultural *melting-pot*). Minority rights are should be precisely to avoid this. But one might ask if that is

enough. Is it not for instance more just to incorporate the real pattern of the cultural distribution by, for instance, aiming for equal satisfaction of cultural preferences (and thus to add elements of a welfare-based model to a paradigm which seeks only to provide equal resources)? Or should we distribute the cultural richness according to a Rawlsian difference-principle, grounded on a cultural maximin-strategy? These are difficult questions which go beyond the scope of this article. But I hope the general direction has been clear. Many people do not live in monocultural national blocs, and there is no reason why political theory should coerce them to do so.

IV

Let us come to some conclusions. Should our treatment of multiculturalism of the multinational kind be based on a policy of dividing the cultural landscape in territorially-autonomous self-governing national groups?

A first answer in the negative is to abstract from cultural attachments in the culturally neutral political field, thereby allowing cultures and languages to dominate and assimilate others. This proposal aims to provide ample room for the cultural and linguistic marketplace.

Kymlicka convincingly argues that this ideal of cultural neutrality is a fiction. Therefore, Kymlicka suggests a second response, which having perceived the cultural choice context of members of national groups in monocultural and territorial contexts of choice, aims to give national groups the right to their own organization of public life by enabling self-government in their own monolingual and monocultural societal culture and, if necessary, by (re)drawing boundaries in order to make that possible.

However, in hybrid situations where national and territorial boundaries do not completely coincide or where native people have divergent identities or choice contexts, such a strategy is often politically and

technically very difficult, if not impossible. It is also unable to make room for multiple identities, culturally hybrid choice contexts or multinational territories. That is why Kymlicka may be credited with a critique of monoculturalism, though this critique is subject to two conditions: (i) the monoculturalism is one with regard to the form or the structure, not the content, of culture and (ii) it is a monoculturalism with regard to the form of (native) societal cultures, not with regard to the culture of immigrants, whose multiculturalism is explicitly acknowledged in the theory.

Yet this weakness in Kymlicka's theory should not cause us to turn our back on his insight that regulation of the cultural market-place is justified. The alternative approach for multilingual and multinational constellations therefore seeks to provide the monocultural assumption with a hybrid extension. A combination of Kymlicka's justification of cultural recognition and the insight that multiculturalism should not be cashed out in homogeneous blocks may therefore lead us to consider publicly supporting multinational societal cultures in some cases.

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NOTES

1. In this text, unless explicitly mentioned otherwise, the terms ‘culture’ and ‘nation’ are interchangeable, as they are in Kymlicka’s texts: “I am using ‘a culture’ as synonymous with ‘a nation’ or ‘a people’ – that is, as an intergenerational community, more or less institutionally

complete, occupying a given territory or homeland, sharing a distinct language and history” (Kymlicka 1995: 18).

2. In a discussion with David Held, Kymlicka understands this as a legitimate counter-argument against the idea of ‘democratizing’ the European Union by conferring shifts of power from the Council to the Parliament. This shift of power would presuppose the existence of a sort of transnational democratic citizenship. But that is not what citizens want. [C]itizens in each country want to debate amongst themselves, in their vernacular, what the position of their government should be on EU issues” (Kymlicka 2001a: 324). As a result of this, “there is no meaningful forum for democratic deliberation and collective will-formation above the level of the nation-state.” (Kymlicka 2001a: 325). “[T]here are good reasons to think that territorialized linguistic/national political units provide the best and perhaps the only sort of forum for genuinely participatory and deliberative politics” (Kymlicka 2001a: 324).

3. In *Can Liberalism be Exported?*, in which the implications of Kymlicka’s theory in the Eastern European context are analyzed (Kymlicka 2001c), many commentators criticize this preference for territorial autonomy as inadequate, because of the intermixed nature of many of the groups present in that region. Yet, in his reply, Kymlicka continues to defend his policy of territorial autonomy, even for intermixed contexts by referring to the fact that there is also a lot of intermixing in the West, and by attributing the resistance to territorial autonomy to the omnipresent fear for secession and to a certain unwillingness to share power with a minority (see Kymlicka 2001c: 345-415).

4. Brian Barry is not really an advocate of cultural hybridity. Yet he does criticize Kymlicka and the multiculturalists for justifying cultural protection and minority rights and he is a fervent proponent of the privatizing hands-off approach towards cultural identities.

5. It is of course very difficult to decide whether or not cultural homogeneity is predominant for a certain group or in a certain territory. I cannot pursue this question here but I will just mention the fact that there is no reason to think that existing multinational states with self-government rights for its minorities – typically through a policy of federalism – should be thought unjust simply because they attribute a common cultural identity to the members of the self-governing nations. As showed above, the impossibility of neutrality implies that the medium through which politics occurs will always be situated, and thus choices will have to be made. Yet, what the more hybrid perspective might add here is that federalism should perhaps not merely be understood as a mechanism for nations’ self-government, but also (or rather) as a fair solution to groups whose members have multiple identities. In the first view (see Kymlicka 2001a: 94), there is ultimately no reason for the nations not to secede, which Kymlicka himself seems to recognize as a weak point (Kymlicka 1995: 173-192; 2001a: 118-119). The second understanding of federalism will be able to provide some federal glue, since, just as self-government rights are required here by cultural justice, so is the federal level, since it equally provides a cultural context of choice for many members.

6. This is good news for – among others – the bilinguals in cities like Montréal (9%) and Brussels (10%) who, when they are surveyed about their cultural and linguistic situation, consistently name both traditions (see Canadian Statistics 2001; Janssens 2001: 50). In a monocultural policy, these bilinguals are constantly forced to choose one ‘root’ group, in their professional life, in their political voting behavior, in their spare time, etc.