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## Cultural Pluralism from Liberal Perfectionist Premises

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*This article offers a critical assessment of some recent liberal perfectionist arguments for the value of cultural identity and cultural membership, in particular the arguments of Joseph Raz and Will Kymlicka. Because these writers ask how cultural membership and identity may contribute to good lives—and think this a proper question for political philosophy to address—it seems possible that they may more readily contribute to strategies for securing respect and recognition for cultural minorities than other liberals. But although their acknowledgement of the value of cultural identity and membership represents an advance over neutral or political liberal approaches, liberal perfectionists are mistaken in viewing these features as important primarily insofar as they furnish agents with the capacities and contexts necessary for personal autonomy. While this argument may supply reasons for protecting vulnerable cultures that are liberal in character, it precludes the prospect of accommodating non-liberal cultural groups whose practices and beliefs conflict with liberal ideals and sensibilities.*

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Some of the most robust recent arguments in favor of collective rights and protections for cultural minorities in democratic states have come from proponents of a curious hybrid position in political theory: perfectionist liberalism.<sup>1</sup> Rejecting the suggestion by political liberals that questions of the good can and should be bracketed from politics, liberal perfectionists attempt to develop an account of liberalism that is more sensitive to the ways in which people's attachments and memberships contribute to their well-being. Unlike many other kinds of liberals, liberal perfectionists suggest that a concern with questions about the good life and its require-

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1. Here I adopt the political definition of (state) perfectionism suggested by Jeremy Waldron: "Perfectionism is simply the view that legislators and officials may consider what is good and valuable in life and what is ignoble and depraved when drafting the laws and setting the framework for social and personal relationships." See Waldron, "Autonomy and Perfectionism in Raz's *Morality of Freedom*," *Southern California Law Review* 62 (1989): 1102. What I call weakly perfectionist liberalism is the combination of the account of perfectionism offered by Waldron and (certain conceptions of) liberal commitments to personal autonomy, equal respect, and toleration.

ments leads us to appreciate the importance of cultural identity and cultural membership, and also to consider demands for certain forms of state protections for minority groups. There is of course something paradoxical about such claims. Perfectionist theories are by definition directed towards a particular conception of the good life (or of truth, or moral excellence); how, then, can they possibly point the way to the greater respect for and inclusion of citizens' moral, cultural and social *differences*? As liberals readily remind us, many perfectionist conceptions of the good are monistic in content and do not readily encourage (indeed, may refuse) respect for differing views of the good. Witness the wave of criticisms of virtue ethicists and communitarians, leading proponents of perfectionist moral theory, for emphasizing shared virtues, traditions, and moral beliefs at the expense of respect for social and ethical diversity (or even of acknowledgement of its importance and ubiquity).<sup>2</sup>

Paradox notwithstanding, some recent liberal writers have attempted to extend the scope of perfectionist thinking by asking how cultural identity and cultural membership may contribute to human flourishing. In addressing this question and the related matter of which social and political arrangements best protect cultural communities, some liberal perfectionists claim to offer a better response than neutral or political liberals—those who, like Rawls, conceive of a “merely” political liberalism, agnostic on all questions of the good. This paper assesses recent work by liberals who argue that the main value of cultural membership and identity derives from the role these features play in sustaining individual well-being. I address work by Joseph Raz, who explicitly endorses perfectionist liberalism, and Will Kymlicka, whose “comprehensive liberal” concerns (to use Rawls’s term) foreground the cultural requirements and preconditions of personal agency and choice. Both committed liberals, these writers nonetheless defend limited liberal protections for certain cultural minorities by citing perfectionist sorts of claims about the role of culture in people’s well-being and flourishing. Yet far from raising liberal objections to their views, I suggest that both Raz and Kymlicka adopt an overly liberal account of the significance of cultural identity and group membership, which locates the value of these features in their autonomy-enhancing role. This in turn leads these authors to delimit unnecessarily the *scope* of respect and accommodation for cultural minorities, and in particular, to reject formal protections for what they view as illiberal cultural groups, whose practices may not support or indeed may undercut members’ personal autonomy. A more adequate argument in favor of cultural recognition, I shall argue, must begin from a broader (and *less liberal*)—conception of the value to well-being of religious, ethnic, and cultural identities and memberships.

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2. Numerous such criticisms have been made of Alasdair MacIntyre’s discussion of shared goods and virtues in *After Virtue* (Notre Dame, IN.: University of Notre Dame University Press, 1981) and of shared ethical and normative traditions in *Whose Justice? Which Rationality?* (Notre Dame, IN.: University of Notre Dame University Press, 1988).

I begin from the provisional assumption that to articulate what is important about cultural membership and identity, if anything, we need to ask how these features contribute to people's well-being. Liberal perfectionist and comprehensive liberal approaches, like perfectionist perspectives more generally, inquire directly about the nature of the good and the requirements of human flourishing. In connection with issues of cultural pluralism, liberal perfectionists and comprehensive liberals may ask why a secure sense of cultural identity seems both emotionally and psychologically valuable for so many people, and whether membership in a stable cultural community is a central component of a good life (and if so, why?). These are questions that many contemporary liberals, most notably proponents of neutral or political liberalism, tend to dismiss as inappropriate subjects for liberal justice in plural societies. Rawls specifically eschews discussions of the good in setting out principles and procedures of justice, largely out of the conviction that in plural societies, no comprehensive agreement on the good life is possible.<sup>3</sup> While this is surely true, I try to show that we can make a case for the importance of cultural group identity and membership to many people's well-being without requiring or presupposing consensus on substantive norms and ideals. In response to political liberals' insistence that the state should be neutral on all questions of value, I shall argue that this form of state neutrality is problematic in view of increasing demands by cultural and national minorities in liberal democratic states for more formal political recognition and accommodation.

To lay the groundwork for a critical assessment of Raz's and Kymlicka's work, in section I, I take up some familiar liberal objections to moral and state perfectionism and discuss how liberal perfectionists respond to these. This section asks whether a philosophical commitment to perfectionism is compatible with respect for social diversity and cultural pluralism. In section II, I examine Raz's defense of value pluralism and the importance of cultural membership and argue that some aspects of his discussion gesture towards substantive respect and recognition for minority groups. However, as I shall show, Raz only presents *some* of the reasons why cultural membership and social diversity are valuable and worth protecting, and he links these too closely to the specific liberal ideal of a self-directed life. This in turn leads him to draw the limits of tolerance in the wrong place, and so cuts short the radical potential of his argument. In section III, I take up Kymlicka's "comprehensive liberal" defense of cultural membership rights, including both rights for national cultural minorities and polyethnic rights for other cultural groups. As with Raz, I question whether Kymlicka's account of the value of cultural membership captures the main reasons why cultural communities view these features as central to their well-being. I also ask whether the restrictions he seeks to place on "illiberal" minorities are justifiable. Throughout sections II and III, I introduce other reasons—

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3. John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), 15-16.

neglected by Raz and Kymlicka—why cultural minorities might merit respect and recognition. Section IV offers some concluding remarks on why perfectionist forms of liberalism may not present the best framework with which to understand the value of cultural identity and membership.

## I. Liberal Objections to Perfectionism

Contemporary, contractarian liberals reject both moral and state perfectionism, as exemplified by the diverse perfectionist doctrines of such thinkers as Aristotle, Aquinas, and Marx. Moral perfectionism—the idea that we should direct our lives towards the attainment of some determinate ideal of moral excellence, or of the good—is thought to be incompatible with liberal commitments to value pluralism and toleration. To the extent that a state pursues or imposes ideals of excellence, it is believed to jeopardize the personal autonomy of its citizens, or their freedom to form, revise and pursue their own conceptions of the good. Liberals who insist that the state should refrain from influencing citizens' diverse views of the good and life plans, whether through indirect or coercive means, usually argue in favor of some version of state neutrality. This neutral liberal model, as exemplified by Rawls's political liberalism and Charles Larmore's *modus vivendi* liberalism, requires that we work out principles and procedures of justice in abstraction from any comprehensive conception of the good.<sup>4</sup>

For political liberals, the idea that we can and should determine a single, objectively "best" conception of the good life—or that the state should direct our social, political, and economic institutions towards attaining this ideal—is fundamentally incompatible with commitments to toleration and pluralism. The familiar debate between liberals and virtue ethicists (including communitarians) about the priority of the right versus the priority of the good is the main manifestation of this central dispute in normative political philosophy. Many variants of moral and state perfectionism indeed fail liberalism's basic demands for individual freedom and toleration of diverse views and ways of life. But *liberal* perfectionists—in contrast to, say, many Aristotelian, Platonic, Thomist perfectionists—insist on specifically liberal ideals such as personal autonomy, ethical diversity and toleration. Crucially, liberal proponents of perfectionism (unlike these other kinds of perfectionists) do not believe that the state should impose on its citizens a single, overarching account of the good. Rather, they are careful to affirm that there are many different but nonetheless valid conceptions of the good, and that it is not within the proper purview of the state to impose any such conception (regardless of its content). Nonetheless, liberal perfectionists such as Raz part company with contemporary political liberals

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4. See especially Rawls, *Political Liberalism*, and Charles Larmore, *Patterns of Moral Complexity* (Cambridge: Cambridge University Press, 1987).

in suggesting both that the state should set constraints on *how* individuals pursue their own conceptions of the good and that it may legitimately invoke determinate moral principles in doing so.<sup>5</sup> As Raz puts it, “there is no fundamental principled inhibition on governments acting for any valid moral reason.”<sup>6</sup> Liberal perfectionists, quite unlike political liberals, also see value in the cultivation of shared goods, moral beliefs, and virtues, and some go so far as to suggest that the state should encourage practices and ways of life it deems valuable and discourage worthless ones.

A number of features, then, distinguish liberal perfectionists from recent neutral or political liberals. Perhaps most obviously, liberal perfectionists do not accept that a conception of justice must be worked out in abstraction from all comprehensive ideals and goods. Moreover, while they readily accept the fact of ethical diversity, liberal perfectionists reject the assumption by some political liberals that citizens’ moral and political ideals and values are oftentimes incommensurable. Indeed, they hold out the hope that our plural moral conceptions can cohere in a more substantive way than is supposed by normatively “thin” strategies, such as Rawls’s idea of an overlapping consensus. Moreover, liberal perfectionists normally endorse at least limited forms of state perfectionism that political liberals would reject as incompatible with respect for citizens’ autonomy. For instance, for many liberal perfectionists the coordination and shaping of citizens’ conceptions of the good is fully within the state’s purview. Raz, for instance, asks why “I should apply my beliefs about the good life to the conduct of my own life, but not to public policies which affect the fortunes of others,” and answers that I should apply them to both.<sup>7</sup>

An obvious liberal objection even to Raz’s moderate liberal perfectionism, with its emphasis on the ideal of personal autonomy, is that it introduces illegitimate forms of state interference in the lives of citizens. This criticism is best articulated by Rawls, who contends in *A Theory of Justice* that perfectionism is plainly at odds with plural democracies. Rawls rejects strict, teleological perfectionism on the grounds that it invokes highly contestable conceptions of human excellence and of the good life, and so poses a threat to the stability and legitimacy of liberal justice. Perfectionism also violates the precepts of rationality: rational choosers in the original position will reject perfectionist moral and political principles because they rec-

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5. As Raz writes, “people’s preferences should be freely pursued only within certain bounds. They should be free to engage in valuable activities, pursuits, and relationships within the limits set by consideration for the interests of others. They should be free to do so because activities, pursuit, and relationships contribute to their well-being. Thus the function of government, besides the provision of a minimal protective net guaranteeing the satisfaction of basic needs, is to demarcate the boundaries of such freedom of action so as to enhance, inasmuch as is in its power, the quality of the options it makes available to people.” From “Liberalism, Scepticism, and Democracy,” in his *Ethics and the Public Domain: Essays in the Morality of Law and Politics* (Oxford: Clarendon, 1994), 108.

6. Joseph Raz, “Facing Up: A Reply,” *Southern California Law Review* 62 (1989): 1230.

7. Raz, “Liberalism, Scepticism and Democracy,” 103.

ognize that “they have (or may have) certain moral and religious interests and other cultural ends which they cannot put in jeopardy,” and “have no way of knowing that their claims may not fall before the higher social goal of maximizing perfection.” Rawls’s view allows that the desire to pursue their conception of moral excellence will be among *some* agents’ highest order interests, but rejects the suggestion that it is (or should be) everyone’s ideal.<sup>8</sup>

The claim that perfectionism is incompatible with neutral liberal justice is, however, more often expressed pointedly in terms of the irreconcilability of perfectionism and pluralism;<sup>9</sup> this is the view with which I am most concerned here. To respect citizens’ diverse moral views and also to fulfil the requirements of justice, publicly binding principles must not incorporate any particular comprehensive accounts of the good.<sup>10</sup> But while liberal perfectionists agree that many variants of perfectionism do not respect citizens’ different ethical and social beliefs and values, they do not view it as a criticism to which their own theories are vulnerable. To demonstrate why, they employ three main (though not necessarily compatible) strategies, each of which is central to understanding how it is even possible to combine liberal and perfectionist perspectives. The first strategy is to claim that neutral liberals misunderstand what is entailed by perfectionism, as revealed by their readiness to impute coercive tendencies to the perfectionist state—even the liberal perfectionist state. Liberal perfectionists deny that coercion is a necessary feature of perfectionism; they attempt to play up the liberal aspects of their position while distancing it from stricter, hierarchical (and more coercive) forms of perfectionism, such as those concerned with the pursuit of a single or particularly intolerant conception of human excellence and virtue.<sup>11</sup> A second, somewhat contradictory strategy is to offer “corrected” versions of some key liberal conceptions, particularly identity and autonomy, with the partial aim of falsifying neutral liberals’ view that citizens’ different moral comprehensive views cannot be integrated into political principles and institutions, and so should be set aside.<sup>12</sup> William Galston, a liberal perfectionist, argues that liberals misperceive the nature and potential of liberal community and shared goods, and that citizens in liberal states share much more in the way of public goals than neutral liberals typically admit: “Despite the pluralism of liberal societies, it is perfectly possible to identify a core of civic commitments and competencies the broad acceptance of which undergirds a well-ordered polity. The state has a right to ensure that this core is generally and effectively dissemi-

8. John Rawls, *A Theory of Justice* (Cambridge, MA.: Harvard University Press, 1971), 327.

9. See for instance Rawls, “The Priority of the Right and Ideas of the Good,” *Philosophy and Public Affairs* 17 (1988): esp. 269.

10. See, Rawls, *Political Liberalism*, 38.

11. For an example of this strategy, see Raz, “Facing Up,” 1231.

12. The contradiction lies in the fact that the first strategy is an attempt to show that liberal perfectionists can comply with such key liberal principles as respect for personal autonomy, while the second presents a case for reformulating certain liberal goods, including autonomy.

nated.<sup>13</sup> A final strategy is to try to show that neutral liberals themselves covertly rely upon a comprehensive conception of the good—that they don't succeed in securing a "value-free" or neutral account of justice.<sup>14</sup> On liberal perfectionists' view, debates about whether *ever* to endorse ideals in political life are misguided, since political institutions and practices already reflect certain norms and ideas of the good.<sup>15</sup> Some versions of this claim assert that it is impossible to devise social, economic and political institutions and practices that do not express views about what is valuable about human life, or that do not indirectly favor certain ideals.<sup>16</sup> Instead of seeking ever more neutral premises, some argue that we should seek to establish in an open, democratic fashion which ideals and values we want to shape our social and political arrangements—particularly with respect to questions of social and economic distribution.<sup>17</sup>

These three responses by liberal perfectionists to neutral liberals' criticisms of perfectionism form part of the backdrop to Raz's liberal perfectionist defense of rights and protections for cultural groups. To a lesser degree, they also inform Kymlicka's comprehensive liberal defense of collective rights for national minorities and some ethnic minority groups. I now turn to a closer examination of their arguments.

13. William Galston, *Liberal Purposes: Goods, Virtues, and Diversity in the Liberal State* (New York: Cambridge University Press, 1991), 255-56.

14. It is important to note that contrary to the picture drawn by Raz and some other liberal perfectionists, liberals who reject perfectionist arguments do not rule out the introduction of perfectionist ideals altogether; rather, they believe that these should be restricted to our social and individual activities, not introduced into public life. This is why Kymlicka views the opposition between perfectionism and neutral liberalism as mistaken: "the dispute should perhaps be seen as a choice, not between perfectionism and neutrality, but between social perfectionism and state perfectionism—for the flip side of state neutrality is support for the role of perfectionist ideals and arguments in civil society." Similarly, he writes, "Liberal neutrality does not restrict the scope of perfectionist ideals in the collective activities of individuals and groups." Kymlicka, "Liberal Individualism and Liberal Neutrality," *Ethics* 99 (1989): 895 and 897.

15. For example, J. Donald Moon makes this point in *Constructing Community: Moral Pluralism and Tragic Conflicts* (Princeton, NJ: Princeton University Press, 1993), 70-71. Vinit Haksar argues that liberalism presupposes the presence of perfectionist views, especially about human nature and the intrinsic value of some forms of life (especially rational human lives) over other life forms, in his *Equality, Liberty and Perfectionism* (Oxford: Oxford University Press, 1979).

16. For instance, Michael Walzer asserts that "unless we can identify a neutral starting point from which many different and possibly legitimate moral cultures might develop, we can't construct a proceduralist minimum. But there is no such starting point." Walzer, *Thick and Thin: Moral Argument at Home and Abroad* (Notre Dame: University of Notre Dame Press, 1994), 14. Another way of expressing this point is suggested by George Sher, who argues that "no government can avoid either nonrationally shaping its citizens' preferences or providing them with incentives. Even if governments do not try to produce these effects, they are bound to occur as unintended consequences of many political arrangements." Sher, "Liberal Neutrality and the Value of Autonomy," *Social Philosophy and Policy* 12 (1995): 154.

17. Martha Nussbaum's work provides an example of this position: she rejects the neutral liberal assertion that liberal governments are or can ever be neutral vis-à-vis conceptions of the human good, and suggests that such conceptions already inform most decisions in political life; since this is so, we would do better to think about what the requirements of human flourishing are, and to take steps to support these. Nussbaum, "Aristotelian Social Democracy," in *Liberalism and the Good*, ed. G. M. Mara et al. (London and New York: Routledge, 1990), 212.

## II. Raz's Liberal Perfectionist Defense of Pluralism and Cultural Membership

In *Ethics in the Public Domain*, Raz argues that a liberal perfectionist conception of the good can fully account for the importance of cultural identity and membership in ways that neutral or political liberalism cannot. I want to take a closer look at Raz's claim here. Before doing so, it is worth briefly reviewing his account of moral pluralism, which provides the basis for his arguments for state protection of cultural identity and membership. In an earlier book, *The Morality of Freedom*, Raz makes a strong case for the compatibility of a limited, liberal perfectionism with *moral pluralism*, which asserts "the existence of a multitude of incompatible but morally valuable forms of life." Unlike Rawls, however, Raz thinks moral pluralism is best secured not via state neutrality but rather through a form of liberal state perfectionism—"for it is the goal of all political action to enable individuals to pursue valid conceptions of the good and to discourage evil or empty ones."<sup>18</sup> This position invokes both Millian and Aristotelian ideas: like Aristotle and Mill, Raz believes that some social diversity is a requirement of human flourishing; following Mill, he suggests that the value of diversity derives primarily from the fact that it supplies agents with worthwhile or "valid" options and choices, whose value is determined according to whether they contribute to human excellence or good.

Much of Raz's argument for liberal perfectionism of course turns on the question of what constitutes a good life, and whether people can come to agree on some of its basic components. If Raz were merely to assume that citizens shared goods and moral norms, this would of course signal a fatal weakness in his argument. But it would be a mistake, at least at this juncture, to foist this criticism upon Raz. A brief comparison of his position with that of certain virtue ethicists and communitarians (such as Alasdair MacIntyre and Amitai Etzioni) demonstrates why. While the latter freely endorse a determinate conception of moral truth or of the good life, Raz rejects the superiority of any single account of moral excellence or good, and seeks to secure tolerance for a plurality of values and goods.<sup>19</sup> In his view, one of the most important ways in which social practices or arrangements can contribute to human excellence, and to good lives, is by fostering personal autonomy. So valuable is autonomy that Raz suggests we should devise public policies to secure its necessary conditions. Its exercise furthermore requires the availability of a plurality of options—or diverse ways of life, goods, and opportunities from which to choose. Since many of these goods are public or collective in nature, they require the support

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18. Joseph Raz, *The Morality of Freedom* (Oxford: Clarendon Press, 1986), 133.

19. Similarly, whereas many communitarian and Aristotelian writers emphasize the "discovery" and preservation of common values, shared virtues, and traditions, Raz views these features not so much as pre-existing, but rather as goods that we cultivate through particular social and political arrangements and civic practices.

of the state. It is this thought that forms the basis of Raz's arguments for moral pluralism, limited state perfectionism, and eventually, for cultural membership rights.

What drives Raz's defense of moral diversity—and ultimately, cultural membership rights—is his (Millian) view that personal autonomy is a central feature of a flourishing life.<sup>20</sup> There are three main components to autonomy, as conceived by Raz: “appropriate mental abilities”; “independence”; and “an adequate range of options.”<sup>21</sup> Each of these requirements is further supported in different ways by circumstances of social diversity and toleration. A context of diversity helps us to be reflexive and aware of our choices, and supplies us with the necessary options for exercising autonomy. For Raz, as for contemporary liberals generally, personal autonomy requires that we be free to form, revise and pursue our own conception of the good; but unlike neutral liberals in particular, Raz also insists that such autonomy is not possible unless agents have an array of different goods and options from which to choose. Likewise, he emphasizes that the exercise of autonomy gives rise to a plurality of values, for familiar Millian reasons to do with the diversity of individual thought and opinion. All of these factors stand behind Raz's conclusion that “valuing autonomy leads to the endorsement of moral pluralism,” and that “autonomy . . . requires pluralism but not neutrality.”<sup>22</sup>

In order to ensure that we all have the means to live self-directed lives, Raz argues that the state must help to ensure the availability of worthwhile options and goods. This claim comprises two thoughts. First, autonomy is *valuable* only insofar as it is directed towards *worthwhile* choices: “freedom consists in the pursuit of valuable forms of life.”<sup>23</sup> Conversely, autonomy that is directed towards worthless pursuits has no place in a flourishing life. As we shall see, Raz's failure to problematize the question of how we determine what counts as valuable causes difficulties for his otherwise robust defense of cultural identity and membership rights. But for present purposes, suffice to say that Raz views his position as pluralist insofar as it acknowledges that morally “worthwhile choices” include a number of “different and incompatible *valuable* ways of life,” and does not suggest that we should be limited by a single good.<sup>24</sup> This move distances Raz's approach from fully perfectionist theories—such as those propounded by virtue ethicists—which do not normally speak of plural conceptions of the good life, but rather presuppose a more monistic account of the good. The second aspect of Raz's argument for state sup-

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20. Raz employs the term autonomy in the sense of a capacity, one which “admits of various degrees”; he is not especially concerned here with moral autonomy, in the sense understood by Kant. See *The Morality of Freedom*, 6.

21. Raz, *The Morality of Freedom*, 372.

22. Raz, *The Morality of Freedom*, 399, and Raz, “Liberalism, Autonomy, and the Politics of Neutral Concern,” in *Midwest Studies in Philosophy* 7, ed. Peter French et al. (Minneapolis: University of Minnesota Press, 1982), 324.

23. Raz, *The Morality of Freedom*, 395.

24. Raz, “Liberalism, Scepticism and Democracy,” 103.

port of “worthwhile goods” is his claim that because such goods are typically public, they cannot be sustained without the assistance of the state. Collective goods are not adequately secured by liberal neutrality or non-interference in social and political arrangements, but instead require public (e.g. legal and economic) forms of assistance: “supporting valuable forms of life is a social rather than an individual matter.”<sup>25</sup> Construed in a general way, it is the task of the state to create an “autonomy-supporting environment” by “providing individuals with the means by which they can develop, which enable them to choose and attempt to realize their own conception of the good.”<sup>26</sup> More specifically, the state must help to secure the availability of *valuable* options.<sup>27</sup>

Raz has recently extended his thesis that worthwhile forms of personal autonomy require the support of the state to argue for the protection of cultural group rights. Here he posits that a sense of cultural identity and membership in a thriving cultural community are crucial to individual autonomy and to human flourishing more generally. These help to secure people’s sense of dignity and self-respect, both of which are necessary if one is to form, revise, and pursue a conception of the good. Membership in a cultural group supports the development of our normative and decision-making capacities, and furnishes us with the opportunities necessary for personal autonomy. By contrast,

Those who belong to none [i.e. no group] are denied full access to the opportunities that are shaped in part by the group’s culture. They are made to feel estranged, and their chances to have a rewarding life are seriously damaged. The same is true of people who grow up among members of a group so that they absorb its culture, but are then denied access to it because they are denied full membership of the group.<sup>28</sup>

Raz’s view that membership in a cultural community supplies its members with a normative context without which they could not even form a conception of the good has an affinity with recent arguments by Charles Taylor. Like Raz, Taylor suggests that a thicker form of liberalism should acknowledge the importance of cultural membership to human flourishing. Liberalism directed towards what Taylor calls the “politics of equal respect” is “grounded very much on judgments about what makes a good life—judgments in which the integrity of cultures has an important place.”<sup>29</sup> For Raz, as for Taylor, “one’s cultural membership determines the

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25. Raz, *The Morality of Freedom*, 199, 203 and 162.

26. Raz, *The Morality of Freedom*, 133.

27. Raz, *The Morality of Freedom*, 205

28. Joseph Raz and Avishai Margalit, “National Self-Determination,” in Raz, *Ethics and the Public Domain*, 115.

29. Taylor, “The Politics of Recognition,” in *Multiculturalism: Examining the Politics of Recognition*, ed. A. Gutmann (Princeton, NJ: Princeton University Press, 1994), 61.

horizons of one's opportunities"; accordingly, this provides us with reasons to protect the collective good of cultural membership, and so to heed basic demands for cultural respect and recognition within the broader political framework.<sup>30</sup> If, as Raz suggests, "individual freedom and prosperity depend on full and unimpeded membership in a respected and flourishing community," then liberal perfectionist principles demand that the state help to secure such membership by introducing forms of accommodation for some cultural minorities. These might range from subsidies for cultural community centers and funds for minority first-language education to special group rights for certain national (e.g. ethnic and linguistic) minorities who have established a moral claim to the right to self-determination.<sup>31</sup> Indeed, Raz's argument connecting cultural membership to autonomy and well-being yields two broad sorts of policy positions: first, territorially concentrated cultural groups have a right (though not an absolute right) to self-determination; and second, in plural, liberal-democratic states, it is the duty of the state to introduce certain cultural rights and protections for viable but vulnerable cultural communities—in other words, to pursue a policy of multiculturalism.<sup>32</sup> Hence Raz's endorsement of polyethnic rights for certain cultural groups and a right of self-determination for national minorities goes a considerable distance in proposing ways to meet demands for cultural recognition.

Whether or not Raz can support these proposals depends in part on whether he can make good the claim that cultural membership and identity are valuable for the sorts of reasons he cites. The value of cultural identity, in his view, derives broadly from its role in fostering individual well-being, but it is especially critical to the development of self-respect—so much so that people's dignity and self-respect are "affected by the esteem in which these groups are held."<sup>33</sup> By contrast, however, Raz deems cultural membership in what he calls "encompassing groups" (cultural groups in which important areas of life are shared) valuable primarily because it provides members access to goods and opportunities. As Raz writes, "membership in such groups is of great importance to individual well-being, for it greatly affects one's opportunities, one's ability to engage in the relationships and pursuits marked by the culture."<sup>34</sup> This is a similar but perhaps somewhat narrower account than that offered by some liberal perfectionists and communitarians, such as Charles Taylor, who see cultural membership as furnishing a normative context within which agents acquire values and ideals, develop life goals, and form capacities for choice.<sup>35</sup> In any event, the case Raz presents for the importance of cultural membership and cultural

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30. Raz, "Liberalism, Autonomy," 330.

31. Raz, "Multiculturalism: A Liberal Perspective," in his *Ethics and the Public Domain*, 159.

32. Raz, "National Self-Determination," 130, and "Multiculturalism," 171-72.

33. Raz, "National Self-Determination," 119.

34. Raz, "National Self-Determination," 119.

35. Taylor, "The Politics of Recognition."

identity reflects, as he readily admits, an “instrumentalist and pragmatic” approach; that is, the value of groups lies in their benefit to individual members.<sup>36</sup> Nonetheless, Raz insists that an instrumental approach to the value of culture in no way neglects or denies the beneficial “subjective aspects” of cultural identity and membership, such as the importance of one’s feeling at home in a community.<sup>37</sup> This seems to be true of Raz’s account of the significance of cultural identity, but his discussion of cultural membership points to more narrowly liberal—and I suggest, contentious—reasons for valuing culture. In particular, Raz stresses the connection between cultural membership and *personal autonomy* (both opportunities and capacities for autonomy) in such a way as to make it difficult to appreciate these other aspects, especially those that may interfere with agents’ independence.<sup>38</sup> Raz emphasizes the role of culture in securing valuable forms of autonomy much more so than does Taylor, who asserts the equal moral worth of all cultures, even those for whom autonomy is not a cherished good.

Raz’s attempt to ground his argument for the value of cultural membership in an ideal of personal autonomy determines, to a large extent, the kinds of communities that he views as meriting the support of the liberal perfectionist state.<sup>39</sup> This is because his defense of policies to foster multiculturalism “emphasizes the role of cultures as a precondition for, and a factor which gives shape and content to, individual freedom.”<sup>40</sup> Yet cultural communities may also need to restrict their members’ horizons and choices: witness the Amish, who sought special dispensation from the U.S. Supreme Court to end compulsory education for their members at the age of 15, in order to ensure the survival of their community’s ways of life.<sup>41</sup> Or we might consider the recent example of aboriginal Canadians, who in the early 1990s, requested exemption from the Canadian Charter of Rights and Freedoms—which guarantees individual rights—on the grounds that it poses tensions for collective rights and sovereignty, and to the authority of traditional Aboriginal law. By linking the value of cultural identity and membership closely with agents’ capacities and opportunities for choice and freedom, Raz may overlook valuable aspects of cul-

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36. Raz, “National Self-Determination,” 120.

37. Raz, “National Self-Determination,” 123.

38. This criticism would not have the same force if Raz understood personal autonomy as acting from our deepest values and convictions, rather than as merely the capacity to make independent choices about one’s life; however, I believe there is little evidence that Raz employs autonomy in the former, broader, sense.

39. Raz might reject this reading of his work, but in my view he has no effective way out of this dilemma short of modifying his accounts of either autonomy or the value of culture. In an attempt to preempt just such a criticism, he writes, “Valuing autonomy and accepting moral pluralism does not . . . entail that forms of life are good because they are chosen. On the contrary, they are chosen because they are thought to be good.” Nonetheless, it seems undeniable that one consequence of Raz’s understanding of autonomy is that it tends to trivialize the content and objects of our actual choices, practices, beliefs, and so forth. See Raz, “Liberalism, Autonomy,” 348-49.

40. Raz, “Multiculturalism,” 163.

41. *Wisconsin v. Yoder*, 406 U.S. 205 (1971).

tural membership which not only do not necessarily enhance individual autonomy, but may actually stand in tension with it. An important consequence of this move is that Raz's "instrumentalist and pragmatic" approach delimits or restricts unnecessarily the range and kinds of social and cultural differences that liberals will have reason to recognize politically. In particular, groups that are often referred to as non-liberal or illiberal are more likely to be dismissed as not meriting special accommodation or protections within the liberal state, since they frequently do not contribute to their members' capacities and opportunities for autonomous agency. There are of course good reasons to deny many oppressive illiberal minorities exemption from prevailing liberal laws, and to refuse demands for special forms of accommodation. But membership in traditional cultural communities that are merely non-liberal in their beliefs system—and which restrict the scope of individual choice in social and domestic arrangements—may well be valuable for reasons overlooked by liberals like Raz. Consider, for example, the sense of emotional security and well-being that can come from being a member of a collectivity with clearly defined norms and roles. Traditional cultural communities can be a source of comfort and refuge to members, providing direction and a sense of place, and delimiting social and personal options experienced by many as disorienting and burdensome. Some younger members of traditional immigrant groups in democratic states, such as South Asians in Britain and the United States, willingly opt for a life closely tied to their traditional community (by embracing religious customs, marrying within their culture, etc.). Restrictions on social arrangements and one's choice of marriage partner and career may well be a valuable *benefit* of cultural membership for some members of traditional cultures.

The instrumentalist case for the value of cultural membership asks what membership can provide individuals with, and sets aside more evaluative questions about the specific kinds of goods and benefits such belonging provides. Yet without such a discussion, it is difficult to assess whether certain traditional, nonliberal cultural minorities merit formal accommodation and protection. What is valuable on Raz's view is not so much the *content* of particular cultural identities nor the specific beliefs and traditions they encompass—and for which cultural groups demand recognition and respect—but rather the role of cultures in supplying us with certain key requirements of a good life, conceived in more or less liberal terms. Our values, practices and beliefs are thus in some sense instrumentally, but not intrinsically, valuable: "Freedom of religion, freedom of speech, freedom of association, of occupation, of movement, of marriage, and the like, are all important not because it is important that people should speak, should engage in religious worship, should marry or travel, etc., but because it is important that they should decide for themselves whether or not to do so."<sup>42</sup> Here my objection

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42. While it is not my intention to argue that cultural identity and membership must be viewed as intrinsically valuable—the very distinction between intrinsic and instrumental value being a thorny issue in

is not to Raz's presumption that cultural membership supports human flourishing nor indeed that such membership is instrumentally and not intrinsically valuable, but rather to the *aspects* of flourishing that he emphasizes. In locating the value of cultural membership in its autonomy-enhancing role, Raz thus tends to restrict the range of groups that can expect to receive positive support from the liberal perfectionist state to groups that do not challenge liberal sensibilities.<sup>43</sup> To be clear: Raz's position represents a considerable advance over liberal approaches that advocate cultural assimilation, or mere tolerance; he goes so far as to say that, for instance, "there were, and there can be, non-repressive societies, and ones which enable people to spend their lives in worthwhile pursuits, even though their pursuits and the options open to them are not subject to individual choice."<sup>44</sup> Yet Raz tends to assume that such societies fall outside the boundaries of contemporary liberal states, as his reference to cultures that are "pernicious, based on the exploitation of people . . . or on the denigration and persecution of other groups" seems to suggest.<sup>45</sup> Perhaps as a consequence, he neglects to discuss whether and why membership in such nonliberal groups might be valuable, and what forms of institutional protection and support such groups might deserve.

In discussing the problem of illiberal (as opposed to merely nonliberal) cultural groups, Raz invokes several aspects of liberal perfectionist reasoning.<sup>46</sup> His rejection of such groups seems to entail the following steps or moves. Illiberal communities, on his view, do not foster the autonomy of their members, nor, consequently, contribute to their well-being or flourishing. The goods and options that these cultures secure are therefore in some sense morally worthless, in that they do not contribute to valuable forms of autonomy. Since the state is only bound to protect and support morally valuable options or ways of life, under no circumstances should the state accord positive forms of assistance to these illiberal minorities (though they may still merit tolerance). Raz makes the further assertion that liberalism, especially perfectionist liberalism, is not committed to tolerating all forms of diversity—especially illiberal cultures—and that we should therefore not judge the justice and success of liberalism on whether or not it endlessly accommodates diverse ways of life.<sup>47</sup> These thoughts lead Raz to the conclusion that illiberal cultures do not merit the support or protection of the liberal state: "A difficulty arises for those *who believe the illiberal culture to be inferior to theirs*. Should they tolerate it? The perfectionist princi-

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philosophy—I suggest there's an inconsistency in Raz's attempt to ground an argument for what he argues is the *intrinsic* value of cultural membership by showing that it *instrumentally* supports other goods, especially autonomy. Raz, "Rights and Individual Well-Being," in Raz, *Ethics in the Public Domain*, (Oxford: Clarendon Press, 1994), 34.

43. Yael Tamir makes a similar criticism of Raz with regard to his emphasis on autonomy. See her *Liberal Nationalism* (Princeton: Princeton University Press, 1993), 31.

44. Raz, "Facing Up," 1227.

45. Raz, "National Self-Determination," 119.

46. For the most part, Raz does not distinguish between anti-liberal and merely non-liberal cultures.

47. Raz, "Liberalism, Scepticism," 108.

ples espoused in this book suggest that people are justified in taking action to assimilate the minority group, at the cost of letting its culture die or at least be considerably changed by absorption.”<sup>48</sup> Significantly, Raz does not explain how we might determine which options and which cultures are valuable, and which worthless (i.e. other than by appealing to the norm of autonomy). Taken in tandem with his perfectionist belief that there are determinate moral truths and goods, and that a self-directed life is one of the most important of these, the limits of Razian pluralism come into clearer focus.<sup>49</sup>

My interest here is not to offer a blanket defense of cultural communities that impose restrictions on their members, illiberal or otherwise; surely there are limits to the sorts of practices that democratic states can countenance (as I discuss below). But Raz’s account of the value of cultural membership and cultural identity, and his liberal perfectionist view that only “worthwhile” cultural goods and options merit the protection of the liberal state, raises important questions. In particular, Raz moves too rapidly from establishing a link between personal autonomy and the good of cultural membership to the claim that this relationship provides the best basis for a defense of multicultural policies and state support for cultural groups. He rightly reminds us that “the provision of many collective goods is constitutive of the very possibility of autonomy,” and also that personal autonomy requires some form of cultural membership, broadly understood.<sup>50</sup> But it does not therefore follow that the sole or even primary value of culture is to be found in its capacity to enhance or secure individual choice and access to opportunities.

Raz’s view of the benefits of cultural membership leads him inexorably to the conclusion that the liberal state should not extend positive support, nor, under certain circumstances, tolerance, to illiberal minorities. While Raz thinks his defense of cultural membership is compatible with toleration of some nonliberal groups, he places the onus on them to demonstrate that they deserve this support: they must show that they preserve their members’ well-being in ways that mesh with norma-

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48. Raz goes on to say that this assimilation strategy applies primarily to those communities which are not self-sustaining, and that in other cases toleration should be encouraged. *The Morality of Freedom*, 423-24. Emphasis added.

49. Raz writes, “both in fostering a common culture and in providing access to its opportunities, one should act with discrimination to encourage the good and the valuable and to discourage the worthless and the bad.” See “Liberalism, Scepticism and Democracy,” 107-8. Raz’s perfectionist agenda is all the more worrying given that he is also adamant that justice should, above all, be truth-directed (see “Facing Diversity,” 55). Moreover, despite Raz’s assurances that perfectionist liberalism merely sets constraints on how we each pursue our individual account of the good, then, he gives us no grounds for confidence that the state’s evaluations of the good can be restricted to this more limited role. As Waldron has noted, the scope of permissible state action (for Raz’s ostensibly limited perfectionism) extends beyond a seemingly innocuous account of the good life to a number of moral directives on personal and social relationships; this sets his perspective off from liberals like Rawls. See Waldron, “Autonomy and Perfectionism,” 1133.

50. *The Morality of Freedom*, 207.

tive liberal commitments.<sup>51</sup> His position is problematic in a number of respects, not least because it represents an attempt to set the limits of tolerance and inclusion of diverse cultural groups without any attempt to engage these groups in political deliberation. Moreover, although it is not his explicit intention, Raz's argument is biased in favor of cultural groups that fit a liberal profile. His view that liberal democracies should on no account offer protections for illiberal minorities also belies the extent to which modern, constitutional democracies can (and do) negotiate special arrangements for some cultural communities—such as the Amish—without necessarily jeopardizing core democratic principles or eroding individual rights and liberties.

I'd like to contrast Raz's perfectionist liberal account of why we should protect cultural membership with a more robust picture of the demands of cultural recognition, one that is neither strictly liberal nor strictly perfectionist. Cultural recognition, as I understand it, in no way requires that we accept or support any and all cultural beliefs and practices irrespective of their content, nor does it entail the relativistic view that different ideas of the good and ways of life are of equal merit or value. But though judgments may be made, cultural membership is surely important for reasons irreducible to the role that cultures may play in fostering the personal autonomy of group members. Pace Raz, it is not clear why nonliberal cultural minorities should not be entitled to respect and recognition even if their ways of life stand in tension with liberal intuitions and certain core liberal beliefs. The assertion that equal concern and respect is owed to cultural groups is in large part a liberal insight, and derives from the Kantian principle of respect for the dignity of all rational moral agents. Applied to the issue of cultural diversity, Charles Taylor's view of the presumption of the equal moral worth of cultures approximates this idea, as does James Tully's notion of intercultural respect.<sup>52</sup> Of course, the proposal that we accord basic respect to different cultural groups raises the problem of setting critical standards for supporting or condemning specific beliefs, arrangements, and practices. A broadly Kantian account of respect, however, involves reciprocal duties, including the duty not to hamper or impede another agent's dignity. This implies, for instance, that groups will not merit respect or support if they seek consistently to harm their members. This includes not merely outright harm, but also undercutting agents' abilities to refuse certain arrangements and practices.<sup>53</sup> Surely it is *this* criterion, and not the fact that groups do or do not actively encourage their mem-

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51. Raz writes, "The preservation of [a] culture is justified only in terms of its contribution to the well-being of people. This requires an adjustment of each of the cultural groups to the conditions of a relatively harmonious coexistence within one political society." From "Multiculturalism," 171-72.

52. Taylor, "The Politics of Recognition," and James Tully, *Strange Multiplicity: Constitutionalism in an Age of Diversity* (Cambridge: Cambridge University Press, 1995).

53. What I have in mind here is Onora O'Neill's suggestion that "principles of action that hinge on victimizing some, so on destroying, paralyzing, or undercutting their capacities for action for at least some time

bers to pursue their own account of the good, or to live fully autonomous lives, that should determine whether liberal states limit or restrict certain cultural practices. While coercive cultures are probably also cultures that do not foster the independence of some of their members, nor afford them opportunities that liberals deem adequate, the converse is not necessarily true.

Although Raz recognizes some of the ways in which cultural membership and social diversity might be valuable, his theory cannot help us to grasp, much less meet, non-liberal cultural groups' claims for adequate recognition and concrete rights. The problem is not so much that Raz argues for a morally determinate view, but that the one he does put forth is so steeped in assumptions about the value of personal autonomy and the derivative or instrumental value of cultural membership that it is of limited use in precisely those societies Raz seeks to address—culturally diverse states. Nor can Raz's argument supply us with adequate critical, conceptual tools with which to give serious consideration to the question of whether to accept or reject specific nonliberal cultural practices and ways of life.

### III. Kymlicka's Comprehensive Liberal Justification of Cultural Rights

In his earliest discussions of cultural membership and cultural identity, Will Kymlicka argued that Rawls and other neutral liberals should concede that cultural membership is a primary good (in the Rawlsian sense), and deserves the protection of the liberal state:

Liberal values require both individual freedom of choice and a secure cultural context from which individuals can make their choices. Thus liberalism requires that we can identify, protect, and promote cultural membership, as a primary good. . . . It is the existence of a cultural community viewed as a context of choice that is a primary good, and a legitimate concern of liberals.<sup>54</sup>

By expanding Rawls's list of primary goods to include the good of cultural membership, Kymlicka tried to show that cultural minority rights can be justified within mainstream liberal theory. A pre-"political liberal" conception of liberal justice that acknowledges the importance of personal autonomy to human flourishing will concede the significance of membership in one's own cultural group: "Cultural membership affects our very sense of personal identity and capacity," helps to provide

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and in some ways, can be adopted by some but cannot be adopted as fundamental principles by any plurality." In "Justice, Gender, and International Boundaries," in *The Quality of Life*, ed. Martha Nussbaum and Amartya Sen (Oxford: Clarendon, 1992), 315. Also see her "Constructivisms in Ethics," in *Constructions of Reason: Explorations of Kant's Practical Philosophy* (Cambridge: Cambridge University Press, 1989) and "Rights, Obligations, and Needs," *Logos* 6 (1985): esp. 43-44.

54. Will Kymlicka, *Liberalism, Community, and Culture* (Oxford: Clarendon Press, 1989), 169.

“meaningful options for us,” and fosters “our ability to judge for ourselves the value of our life plans.”<sup>55</sup>

In more recent work, Kymlicka, like Raz, continues to emphasize the importance of cultural membership to the formation of agents’ life plans and their capacities to evaluate and pursue their own conceptions of the good. But whereas Raz develops this point in a more explicitly liberal perfectionist direction—viewing the support of cultural groups as the responsibility of the perfectionist liberal state—Kymlicka defends a “comprehensive liberal” argument from equality and autonomy. This view claims that if liberals are concerned to secure equal regard or consideration for citizens and to foster peoples’ opportunities and capacities for choice to an equal degree, then they must support the introduction of special rights and arrangements for certain historically disadvantaged cultural minorities in plural, democratic states. Kymlicka’s defense of cultural minority rights thus combines some perfectionist liberal concerns with a strong liberal equality argument; as he writes, “members of minority cultural communities may face particular kinds of disadvantages with respect to the good of cultural membership, disadvantages whose rectification requires and justifies the provision of minority rights.”<sup>56</sup> While he agrees with political liberals that a conception of justice for pluralistic democracies should be in some basic sense neutral vis-à-vis conceptions of the good, Kymlicka denies that this requires the bracketing of all substantive ideals from liberal political deliberation and liberal principles. Indeed, he criticizes Rawls’s argument for a merely political liberalism on the grounds that it is both inadvisable and futile to try to restrict the ideal of autonomy to the political realm: liberals need (and, Kymlicka asserts, Rawls’s theory covertly depends upon) a conception of the autonomous person in both public and in private life.<sup>57</sup>

Kymlicka’s assertion that liberals cannot dispense with certain ideals and goods seems at first glance a promising move. Without appealing to some rough idea of what a flourishing life might consist in, it is difficult to imagine how we might come to appreciate the value of cultural identity and membership. However, like Raz, Kymlicka links the value of cultural identity and membership with the ideal of personal autonomy without sufficient warrant or justification. While he stops short of endorsing an overarching liberal conception of the good, Kymlicka’s liberalism remains firmly committed to an ideal of human flourishing that emphasizes individuals’ capacities to form, revise and pursue an independent conception of the

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55. Kymlicka, *Liberalism, Community, and Culture*, 175, 168, and 166.

56. Kymlicka, *Liberalism, Community, and Culture*, 162. Kymlicka refers to his own position as a comprehensive liberal view. His response to Rawls’s failure to supply strategies for meeting cultural minorities’ justice claims is that liberals should “continue to defend comprehensive liberalism, but to recognize that there are limits to our ability to implement and impose liberal principles on groups that have not endorsed those principles.” See his “Two Models of Pluralism and Tolerance,” *Analyse und Kritik* 14 (1992): 54.

57. Kymlicka, “Two Models of Pluralism and Tolerance,” and *Multicultural Citizenship* (Oxford: Clarendon Press, 1995), 158-62.

good. Kymlicka's criticisms of Rawls, as well as his own proposals for group-differentiated cultural rights, reflect his belief that we cannot achieve the conditions for individual autonomy, nor the extensive equality demanded by comprehensive liberalism, unless citizens enjoy secure membership in one or another flourishing cultural community.

Since Kymlicka does not have a general theory of the good to underpin his proposals for cultural rights, the scope and content of his argument for cultural minority rights are directly shaped by the few liberal ideals that he *does* endorse. Whether Kymlicka's approach can help to secure substantive respect, recognition, and concrete rights and provisions for a wide range of cultural groups thus rests squarely upon his interpretation and application of the norms of autonomy and equality. Before turning to a discussion of the merits of his strategy, it is instructive first to consider Kymlicka's concrete political proposals and his views on perfectionism. He considers group-specific rights and "external protections" for otherwise viable ethnic and cultural minority communities as necessary to secure equal chances for minority citizens to pursue their own conceptions of the good, and proposes a wide range of measures aimed at achieving social, political and economic equality.<sup>58</sup> Indeed, Kymlicka derives a wider range of cultural rights from his comprehensive liberal view than does Raz, identifying three types of external protections that plural, democratic states might introduce: special group representation rights (e.g. within mainstream political institutions); self-government rights to transfer power to local units on such issues as language and culture; and "polyethnic rights" to protect religious and cultural practices, especially of immigrants (who, as recent rather than long-standing and/or founding communities, do not merit self-government rights). At the forefront of Kymlicka's mind is the example of Canada, which in recent years has seen the introduction of special French-language laws, the return of lands to some Aboriginal peoples, and calls for special representation rights for groups underrepresented in inter-governmental bodies.<sup>59</sup>

Despite the fact that Kymlicka justifies his extensive political proposals for "group-differentiated rights" by pointing to the role of cultural identity and membership in human flourishing, his argument is only weakly liberal perfectionist. He believes liberals should appeal freely to certain comprehensive goods, notably autonomy, to justify social and political arrangements that will give vulnerable cultural communities equal chances of survival.<sup>60</sup> However, unlike Raz, Kymlicka does

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58. *Multicultural Citizenship*, 36-37.

59. *Multicultural Citizenship*, 37-38. Kymlicka draws several kinds of distinctions here, with national minorities such as Aboriginal groups at one end of the spectrum, deserving land concessions and self-government rights, and recent, recent immigrants at the opposite end, deserving fewer protections. He also attaches the important proviso that to merit state protections and support, cultural groups must be deemed essentially viable but "unequal" or vulnerable due to past or present state actions.

60. As Thomas Hurka notes, Kymlicka's argument is an odd admixture of egalitarianism and indirect perfectionism: "Kymlicka is . . . a philosophical perfectionist, believing that some lives are intrinsically higher

not think the state's role should extend to encouraging worthwhile ways of life nor discouraging worthless or repugnant ones (though, as we shall see, he draws the limits to liberal toleration in much the same place as Raz does). Rather, he sees perfectionism as fundamentally about the ranking of ideals and conceptions of the good, and believes that since no acceptable procedures for ranking can be found, we should reject an overall strategy of state perfectionism. Instead, it is in virtue of the importance of culture for individuals' capacities for choice, and the principle of equal regard for citizens, that the state has positive duties to protect the conditions of choice for members of all cultures.<sup>61</sup>

Kymlicka shares Rawls's view that hierarchical forms of perfectionism are destructive of cultural diversity and individual liberty, but for pragmatic rather than for philosophical reasons. He is particularly concerned about the practical consequences that state perfectionism might hold for cultural minorities, who are often less able to defend their particular conceptions of the good within mainstream institutions. Even a "democratic" perfectionism—which Kymlicka defines as "the public ranking of the value of different ways of life . . . through the collective political deliberation of citizens, rather than through the secret or unilateral decisions of political élites"—poses unacceptable threats to equal justice. This is because it would require that those groups who wish to demand support or special recognition from the government first "publicly formulate and defend their conception of the good" according to liberal-defined standards and styles of political engagement, and to convince others of the merits of their cases. Due to social, economic, and political marginalization, many cultural minorities may be particularly ill-equipped to do this. Kymlicka is thus worried that overt state perfectionism would unfairly discriminate against cultural minorities, and so violate liberal principles of equal justice.<sup>62</sup> As this brief sketch suggests, Kymlicka rejects monistic and hierarchical forms of perfectionism in favor of a more moderate, Millian perfectionist liberalism that foregrounds individual liberty. His thesis that special rights for cultural minorities are required so as to secure the circumstances for personal choice (and to make good on the promise of liberal equality) invokes the more specific and controversial ideal of autonomy. Like Raz, Kymlicka is faced with the challenge of providing a strong

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or finer. . . . But he does not endorse state perfectionism; on the contrary, he defends state neutrality. Though the best state is the one that most promotes good lives, the state should not aim at this goal directly." See his "Indirect Perfectionism: Kymlicka on Liberal Neutrality," *The Journal of Political Philosophy* 3 (1995): 38.

61. Kymlicka, "Liberal Individualism," 902-03.

62. Specifically, Kymlicka is concerned that even "democratic perfectionism" would require that cultural groups operate like "interest groups," and that this in turn would require a more intensive form of promotion than minorities are necessarily capable of: "state perfectionism raises the prospect of a dictatorship of the articulate and would unavoidably penalize those who are inarticulate." More generally, he worries that "state perfectionism would in fact serve to distort the free evaluation of ways of life, to rigidify the dominant ways of life, whatever their intrinsic merits, and to unfairly exclude the values and aspirations of marginalized groups within the community." See "Liberal Individualism," 900.

argument to defend the claim that cultural identity and membership are valuable primarily insofar as they support individual members' capacities and opportunities for independence and choice; and he must furthermore show why groups which do not help to secure members' independence forfeit the support and protection of the liberal state.

For reasons similar to those encountered by Raz, Kymlicka faces considerable difficulties at this juncture. Certainly, both writers are correct to suggest that membership in a secure cultural group fosters individual members' capacities for personal independence in a general sense, by educating and socializing them into adulthood. Kymlicka insists that "liberals should recognize the importance of peoples' membership in their own societal culture, because of the role it plays in enabling meaningful individual choice and in supporting self-identity."<sup>63</sup> But does his account of the value of cultural membership support this conclusion? And does it mesh with cultural groups' own accounts of why their cultural identities and forms of community are essential to their well-being? Rather than citing "meaningful individual choice" as the most important benefit of cultural membership, members of cultural minority groups might stress the ways in which membership provides a sense of place and belonging—a secure and stable context that provides emotional and psychological stability partly by *delimiting* the chaotic and confusing array of lifestyle choices in the modern world. Cultural membership may provide members with opportunities for living a self-directed life, or for making independent life choices; but equally, it may not. But cultural membership does far more than this: it instills members with a sense of collective identity and belonging, and may also help to temper the emotional and psychological difficulties associated with making major life choices. This (admittedly partial) account of the value of membership is compatible with some aspects of Kymlicka's and Raz's liberalism, but it sits uneasily with the emphasis both writers place on the value of individual freedom and choice.

There are at least two further reasons to resist Kymlicka's "autonomy argument" as shorthand for why cultural identity and membership are central to people's well-being. First, it is important that an account of the value of these features should resonate with the reasons that cultural minorities themselves would give. As I've suggested, members of minority groups (especially more traditional ones) by no means unanimously affirm the ideal of personal autonomy, nor would they necessarily accept it as the overriding reason for introducing special political arrangements to support their ways of life. More typically, such groups appeal to the identity and autonomy of their community as a whole, and to the importance of preserving distinctive practices and traditions. They may offer these sorts of reasons, for example, in defending customary marriages, career choices, and a range of

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63. *Multicultural Citizenship*, 105.

social arrangements. Second, we should reject aspects of Kymlicka's account of the value of cultural identity and membership because it leads to unjustified and very possibly unnecessary restrictions on the range of social differences liberals will have reason to recognize and support. Kymlicka's liberal perfectionist principles impose two limits on minority rights, limits that derive from the priority he assigns to personal autonomy: (i) these rights cannot include "internal restrictions" applied by minority group leaders that destroy certain members' abilities to make choices about their lives, or which violate the basic civil and political liberties of their members; and (ii) "external protections are legitimate only in so far as they promote equality between groups."<sup>64</sup> There are of course good reasons to endorse these limits in many cases where groups impose serious internal restrictions on their members. However, as with Raz, Kymlicka's argument cannot help us to distinguish between overtly illiberal groups that restrict their members in coercive ways (which democrats cannot support) and merely non-liberal communities with more heteronomous ways of life (which democrats could potentially support). It is because Kymlicka cites support for personal autonomy as foremost among the reasons to introduce special arrangements and rights for minority groups that he must take a rather narrow view of the range of cultures the state should assist, and a rather broad view of those which it must restrict.<sup>65</sup>

The limitations of Kymlicka's perspective come into clearer focus when we consider the case of demands in Britain for state support for sex-segregated Muslim schools (Protestant, Catholic and many Jewish schools currently enjoy state funding). In important ways, this form of schooling might diminish students' personal autonomy as defined by Kymlicka, since children educated in a traditional religious environment would be discouraged from taking up other lifestyles or mores that conflict with Islam. However, there are certainly other individual and collective benefits to be gained: a sense of place and belonging; reprieve from the constant sense of being culturally different (and perhaps from harassment by teachers and classmates); and in some instances, improved academic performance. Based on Kymlicka's account of the value of cultural membership and the central importance of members' personal autonomy, liberals would have to reject the demand for Muslim schools, if this form of schooling indeed hampers the development of students' independence. Indeed, this is just the position Kymlicka takes: demands for state funding for independent Muslim schooling reflect attempts by illiberal minority leaders to gain "the legal power to restrict the liberty of its own members, so as to preserve its traditional religious practices."<sup>66</sup> In rejecting state-supported Muslim schools out of hand, however, Kymlicka has ranked the ideal of personal autonomy

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64. *Multicultural Citizenship*, 152-53.

65. A laissez-faire approach is precluded by Kymlicka's welfarist commitments.

66. "Two Models of Tolerance," 39.

over other possible goods—especially collective goods—without adequate defense.<sup>67</sup> While there may be good reasons to consider rejecting proposals for state-maintained Muslim schools, it is surely wrong to view such requests as necessarily outside the scope of liberal justice.<sup>68</sup>

The difficulty with Kymlicka's liberal argument for the value of cultural membership is that it insists unreasonably (though quite deliberately) upon the priority of personal autonomy as a regulative ideal for diverse citizens and communities living within plural, democratic states.<sup>69</sup> A broader account of the value of cultural membership, incorporating some of the aspects I've discussed here, accepts that the value of membership does not reduce to the ways in which groups foster their members' personal independence. Indeed, the best account would not emphasize any *single* reason for valuing cultural identity and membership, for it would appreciate that reasons can differ across cultures. Nor need it imply a position of cultural relativism. Rather, this approach suggests that cultural groups that seek specific social and political rights and arrangements within democratic states must have a hand in articulating why it is that their cultural identities and memberships are important to them and also deserving of protection. Similarly, much more emphasis needs to be put on *internal political criticism* in deciding whether to permit or restrict certain traditional practices that offend liberal sensibilities, in addition to the importance of debate, discussion, and dissent within and between cultural communities.<sup>70</sup>

#### IV. The Limits of Perfectionist Reasoning

My critical discussion of Raz and Kymlicka yields two conclusions. First, a defense of cultural rights that views cultural identity and membership as important mainly insofar as these support the development and exercise of individual autonomy fails to capture much of what is valuable about these features. Although cultural membership no doubt supplies members with rudimentary capacities for

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67. Margaret Moore also criticizes Kymlicka for adopting a conception of community that emphasizes individual choice over collective goods. She suggests that as a result, Kymlicka dismisses internal restrictions in cultural minority communities without adequate consideration. See Moore, "Liberalism and the Ideal of the Good Life," *Review of Politics* 53 (1991): 685.

68. For a critique of Kymlicka's view, see Tariq Mohood, "Kymlicka on British Muslims," *Analyse & Kritik*, 15 (1993): esp. 90.

69. At times, Kymlicka appears to concede that not all cultural minority groups can be expected to adhere to liberal norms. However, his concession amounts to the problematic view that liberals should allow the ideal of *equality* to be interpreted less strictly in cultural minority communities. He views equality *between* the minority and majority groups as essential, but not necessarily *within* cultural communities. See *Multicultural Citizenship*, 113, 152, and 169.

70. For a useful discussion of the issue of "internal criticism" see Martha Nussbaum and Amartya Sen, "Internal Criticism and Indian Rationalist Traditions," in *Relativism: Interpretation and Confrontation*, ed. Michael Krausz (Notre Dame, IN: Notre Dame University Press, 1989).

independence and choice, Kymlicka and Raz make the stronger—and I believe, undefended—claim that the main benefit of belonging to a cultural group is the access to opportunities and options that it provides. There are good reasons to think that this view does not fully reflect communities' own views about why cultural membership and collective identity is important. Ethnic, religious, and linguistic groups may furnish members with a sense of collective identity and belonging, and help them to negotiate their way through fractured social worlds. Just as members of a dominant culture may seek psychological and emotional security in their families or local communities, members of cultural minorities may look to their group's mores, traditions, and beliefs to achieve some sense of security and normative grounding. They may well also reject the liberal view that a valuable life consists in forming, revising, and pursuing one's own conception of the good.

Second, by reducing the value of cultural identity and membership to the roles that these may play in fostering individuals' autonomy and self-identity, both Kymlicka and Raz restrict the range of cultural groups that liberal societies have reason to recognize politically, and which may deserve certain cultural rights and forms of constitutional recognition. While communities that consistently jeopardize or restrict their members' capacities and opportunities to make any decisions about their own lives (and those of their immediate families) violate democratic principles and so forfeit the protection of the liberal state, many traditional religious and ethnic communities that do not actively encourage or foster their members' capacities to form and pursue independent life plans may still deserve respect and accommodation. As the examples of Muslim schools and Amish opting out of mainstream education showed, there are reasons to support some traditional cultural structures that sit uneasily with liberal sensibilities. At the very least, there are no good grounds for rejecting such practices in advance of extensive public deliberation with the cultural groups concerned.

Kymlicka's and Raz's strategy for dealing with conflicts between individual rights and freedoms on the one hand and demands for collective, cultural provisions rights on the other is to suggest that where these clash, the former trump the latter. Their justification for this move, however, reflects a normative ranking of ideals that seems inappropriate for plural liberal states, and which many cultural minority communities could not accept (nor do Kymlicka or Raz provide good reasons why they should). We need of course to consider carefully whether to discourage or restrict certain social practices and to balance the rights and liberties of individuals against calls for collective cultural rights by some cultural groups. However, an adequate approach to cultural diversity must do more than simply apply existing liberal norms and ideals to dilemmas in culturally plural societies. Working out equitable arrangements that will enable cultural groups to preserve their identities, language, and ways of life—and in the case of territorially concentrated national minorities, to enjoy some measure of self-determination—surely cannot be accomplished without the direct participation, and where possible agreement, of those groups.

Insofar as Kymlicka and Raz appeal to certain comprehensive and perfectionist liberal goods to determine where to draw the limits of liberal tolerance and inclusion of group differences, they encounter difficulties in justifying their positions. This is not to suggest that these writers should substitute a thin conception of the good for a thick one, however. Both thin and thick conceptions may fail to capture some of the reasons that cultural membership and identity are vital to different communities and individuals, and foreground other factors (such as the ideal of a self-directed life) that some groups could not readily endorse. In different ways, even the moderate perfectionist and comprehensive liberal approaches examined here presuppose widespread agreement on norms and goods without sufficient warrant. Appeals to an insufficiently plural conception of the good or human flourishing can too easily lead to restrictions on minority cultural practices that may deserve respect and assistance, as evidenced by Kymlicka's rejection of state-supported Muslim schooling. All liberal political theories that recognize the social and political importance of cultural identities and attachments face the serious difficulty of setting critical standards for the acceptance and protection of cultural beliefs and practices. Liberal perfectionists, however, face an additional set of difficulties in virtue of the fact that their moral conception may readily incorporate undefended ideals of excellence and flourishing. Raz and Kymlicka are surely right to suggest that we cannot begin to understand claims about the value of cultural identity and membership without reflecting upon the requirements of well-being, but they need to ensure that at least some of these components are also ones valued by diverse cultural minority communities. In overlooking the claims of non-liberal minorities for respect and recognition, as well as the likely dissent of certain groups to ideals of personal autonomy and choice, these liberal writers fail to take account of the requirements of liberal principles of respect and consent.