Amartya Sen's Identity Pluralism Applied to Will Kymlicka's Liberal Multiculturalism

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Abstract

Multicultural theory pays surprisingly little attention to the plurality of identity. In addition, there is still dissatisfaction with Will Kymlicka's distinction between polyethnic groups and national minorities and the rights they deserve, as well as continued criticism of liberal multiculturalism more broadly. I revisit this distinction based on Amartya Sen's recent effort to introduce the notion of identity pluralism into liberal debates. In *Identity and Violence*, Sen stresses the importance of maintaining political stability through individuals' plural identities mainly in relation to religious divides and global conflict. Sen's theory is criticised for being too abstract, but I interpret these abstract ideas to criticise Kymlicka's distinction between polyethnic groups and national minorities and strengthen liberal multiculturalism. I argue that the notion of identity pluralism implies that a state must promote multicultural 'participation rights' for all minority identities, rather than 'accommodation rights' for polyethnic groups and 'self-government rights' for national minorities as Kymlicka contends. Consequently, regions like Quebec, Flanders and Catalonia would not merit the level of autonomy they currently enjoy, and Scotland should not be granted independence from the United Kingdom.

Keywords

liberal multiculturalism – identity pluralism – Will Kymlicka – Amartya Sen – polyethnic groups – national minorities – accommodation rights – self-government rights – regional autonomy – identity politics

^{*} The author wishes to thank Christopher Brooke and the anonymous reviewers for their helpful comments.

1 Introduction

Multicultural theory pays surprisingly little attention to the plurality of identity. When multiculturalism debates sprang into life in the 1990s, postmodernists such as Foucault, Deleuze and Guattari had already portrayed the complexity of identity.¹ However, the liberals who became dominant in multiculturalism largely neglected this complexity, and thus devised minority theories based on singular notions of identity along which individuals could be categorised into groups. While there is some literature about the formation of identity in modern plural democracies, the focus often remains on singular identity.² Consequently, Will Kymlicka's *Multicultural Citizenship*, which influenced many subsequent multicultural theories by others and himself, is centred on the categorical distinction between polyethnic and national minority groups.³ Despite several attempts to (briefly) criticise this distinction,⁴ the feel of the literature remains that it is problematic but not clearly illegitimate – and therefore Kymlicka's theory has received less support than it could have.

Considering this largely unarticulated dissatisfaction with Kymlicka's distinction between polyethnic groups and national minorities and the rights they deserve, as well as continued criticism of liberal multiculturalism more broadly,⁵ I will revisit this distinction based on Amartya Sen's recent effort to introduce the notion of identity pluralism into liberal debates. In *Identity and Violence*, Sen stresses the importance of maintaining political stability through individuals' plural identities mainly in relation to religious divides and global conflict.⁶ Sen's theory is criticised for being too abstract,⁷ but I will interpret these abstract

¹ For recent work on the complexity of identity, see W. Connolly, *Identity/Difference: Democratic Negotiations of Political Paradox* (Cornell University Press, Ithaca, 1991); W. Connolly, *The Ethos of Pluralization* (University of Minnesota Press, Minneapolis, 1995).

² See A. Gutmann, *Identity in Democracy* (Princeton University Press, Princeton, 2003); C. Taylor, *Sources of the Self: The Making of the Modern Identity* (Cambridge University Press, Cambridge, 1989); K. Appiah, *The Ethics of Identity* (Princeton University Press, Princeton, 2007); K. Appiah, 'Identity, Authenticity, Survival: Multicultural Societies and Social Reproduction', in C. Taylor, *Multiculturalism: Examining the Politics of Recognition* (Princeton University Press, Princeton, 1994) pp. 149–164; A. Maalouf, *In the Name of Identity: Violence and the Need to Belong* (Arcade Publishing, New York, 2001); I. Young, *Inclusion and Democracy* (Oxford University Press, Oxford, 2000).

³ W. Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (Clarendon Press, Oxford, 1995).

⁴ I. Young, 'A Multicultural Continuum: A Critique of Will Kymlicka's Ethnic-Nation Dichotomy', 4:1 *Constellations* (1997) pp. 48–53; G. Brock, 'Can Kymlicka Help Us Mediate Cultural Claims?' 12 *International Journal on Minority and Group Rights* (2005) pp. 269–296; J. Carens, 'Liberalism and Culture', 4:1 *Constellations* (1997) pp. 35–47; S. Choudhry, 'National Minorities and Ethnic Immigrants: Liberalism's Political Sociology', 10:1 *The Journal of Political Philosophy* (2002) pp. 54–78; B. Parekh, 'Dilemmas of a Multicultural Theory of Citizenship', 4:1 *Constellations* (1997) pp. 54–62.

⁵ Kymlicka describes recent dissatisfaction with liberal multiculturalism in W. Kymlicka, *Multicultural Odysseys: Navigating the New International Politics of Diversity* (Oxford University Press, Oxford, 2007); see also R. Bauböck, 'What Went Wrong with Liberal Multiculturalism?' 8 *Ethnicities* (2008) pp. 271–276.

⁶ A. Sen, *Identity and Violence: The Illusion of Destiny* (W.W. Norton and Company, New York, 2006).

ideas to criticise Kymlicka's distinction between polyethnic groups and national minorities and strengthen liberal multiculturalism. I argue that the notion of identity pluralism implies that a state must promote multicultural 'participation' rights for all minority identities, rather than 'accommodation rights' for polyethnic groups and 'self-government rights' for national minorities as Kymlicka contends. This argument rests on a positive and a negative liberty. According to the positive liberty, an individual should be free to flourish in her different identities and might require liberal multicultural rights to do so. For example, if she wishes to flourish both as a Muslim and public school student, the state should exempt her from laws that prohibit headwear in schools. According to the related negative liberty, an individual should be free from a dominating group identity that obliterates her other identities. To mitigate the possible dominance of an identity, which might also lead to sharp divisions and antagonism between groups, the individual should receive liberal multicultural rights that allow her to transcend this identity and balance it more equally with her other identities.

Some scholars argue that Kymlicka's theory only applies to Canada,⁸ even though in recent books he attempts to demonstrate its wider applicability.⁹ I am persuaded by Kymlicka's main point: despite good intentions a liberal state cannot be neutral regarding language, schooling, holidays, *etc.* and should therefore rectify disadvantages this imposes on minorities.¹⁰ However, I hope to make his theory more appealing by obviating his troublesome distinction between polyethnic and self-government rights. A stronger liberal multiculturalism could provide better normative guidelines for public policy that could be applied in different context-specific ways around the world.

⁷ J. Gray, 'Thinking Out of the Box: John Gray on Nobel Laureate Amartya Sen's Meditation on Human Frailty, Identity and Violence', *The Guardian*, 5 August 2006; K. Appiah, 'Sen's Identities', in K. Basu and R. Kanbur (eds.), *Arguments for a Better World: Essays in Honor of Amartya Sen* (Oxford University Press, Oxford, 2009) 1: pp. 486–487; T. Gallagher, review of *Identity and Violence: The Illusion of Destiny*, by Amartya Sen, 3 *Shared Space: A Research Journal on Peace, Conflict and Community Relations in Northern Ireland* (Nov. 2006) pp. 74–75; J. Ikenberry, review of *Identity and Violence: The Illusion of Destiny*, by Amartya Sen, 3 *Foreign Affairs* 85 (May – June 2006) p. 152; M. Teitelbaum, review of *Identity and Violence: The Illusion of Destiny*, by Amartya Sen, 32:4 *Population and Development Review* (Dec. 2006) pp. 783–784.

⁸ A. Favell, 'Applied Political Philosophy at the Rubicon: Will Kymlicka's "Multicultural Citizenship"', 1:2 *Ethical Theory and Moral Practice* (Jun. 1998) pp. 255–278; Parekh, *supra* note 4; see also R. Bauböck, 'The Global Odysseys of Liberal Multiculturalism', 8:2 *Ethnicities* (2008) pp. 251–252.

⁹ W. Kymlicka and M. Opalski (eds.), *Can Liberal Pluralism be Exported? Western Political Theory and Ethnic Relations in Eastern Europe* (Oxford University Press, Oxford, 2002); B. Berman *et al.* (eds.), *Ethnicity & Democracy in Africa* (James Currey, Oxford, 2004); W. Kymlicka and B. He (eds.), *Multiculturalism in Asia* (Oxford University Press, Oxford, 2005); Kymlicka, *supra* note 5; see also Bauböck, *supra* note 5.

¹⁰ Kymlicka, *supra* note 3; and subsequent works.

2 Polyethnic Rights

I show how Sen's identity pluralism and concern for political stability makes redundant Kymlicka's differential treatment of polyethnic groups and national minorities, as this pluralism supports 'polyethnic rights' for both of Kymlicka's groups. To do so, I first demonstrate how identity pluralism endorses these rights for polyethnic groups, and then how it refutes self-government rights for national minorities. According to Kymlicka, "polyethnic" (what he later calls "accommodation"¹¹) rights "are intended to help ethnic groups and religious minorities express their cultural particularity and pride without it hampering their success in the economic and political institutions of the dominant society" and are "intended to promote integration into the larger society".¹² As identity pluralists want individuals to flourish in their plurality of identities and be free from domination by one identity, they would similarly advocate such 'participation' rights for polyethnic group members. By participating in society rather than only a subculture, individuals see more easily that they share identities across many categories.

Kymlicka easily grants polyethnic rights to immigrants, as he demonstrates that immigrants do not threaten democratic stability.¹³ Immigrants have fewer rights claims than national minorities, because they immigrated voluntarily and desire to participate in society anyway.¹⁴ However, to participate they seek to:

renegotiate the terms of integration ... Immigrants are demanding a more tolerant or 'multicultural' approach to integration that would allow and support immigrants to maintain various aspects of their ethnic heritage even as they integrate into common institutions operating in the majority language ... the institutions of the larger society should be adapted to provide greater recognition and accommodation of these ethnic identities—e.g. schools and other public institutions should accommodate their religious holidays, dress, dietary restrictions, and so on.¹⁵

Unlike Kymlicka, Sen believes immigrants can threaten political stability if they become isolated. He writes, "[s]ince Britain is currently torn between interaction and isolation [of its subcultures], the distinction is centrally important (and has a bearing even on terrorism and

¹¹ W. Kymlicka, 'Do We Need a Liberal Theory of Minority Rights? Reply to Carens, Young, Parekh and Forst', 4:1 *Constellations* (1997) p. 73; W. Kymlicka, *Politics in the Vernacular: Nationalism, Multiculturalism and Citizenship* (Oxford University Press, Oxford, 2001) p. 51.

¹² Kymlicka, *supra* note 3, p. 31, *also* p. 178; W. Kymlicka, 'Multiculturalism', in *Contemporary Political Philosophy: An Introduction*, 2nd ed. (Oxford University Press, Oxford, 2002) pp. 346, 352–353.

¹³ W. Kymlicka, 'Multiculturalism', in *Contemporary Political Philosophy: An Introduction*, 2nd ed. (Oxford University Press, Oxford, 2002) p. 353.

¹⁴ *Ibid.*, p. 338, *also* p. 353; *also* Kymlicka, *supra* note 3, pp. 15, 95–96, 98–99, 178; for a critique of Kymlicka's idea that immigrants have few rights claims because they immigrated voluntarily, *see also* R. Bauböck, 'Cultural Minority Rights for Immigrants', 30:1 *International Migration Review* (Spring 1996) pp. 203–250.

¹⁵ Kymlicka, *supra* note 13, p. 354, *also* p. 339; *see also* Kymlicka, *supra* note 3, pp. 10–11, 178; Berman *et al.*, *supra* note 9, p. 60.

violence)”.¹⁶ He cautions against the expansion of state-sponsored religious schools in Britain, which instil singular identities in children before they have even learned to reason about identity themselves, and could foster home-grown terrorism. In Northern Ireland, such religious identity division caused violence, which he warns Britain could eventually experience as well.¹⁷ State-funding of religious schools is multicultural policy, but isolating rather than participatory. Instead, Sen wants children to attend common schools that are more identity-neutral and encourage children to explore and prioritise their diverse identities in an environment of diverse backgrounds.¹⁸ However, I contend that this implies a need for participatory polyethnic rights, for example in allowing religious symbols in school. After all, religion may be an identity in which children wish to flourish, and parents of religious children might not allow them to attend public school otherwise.

More generally, polyethnic participation rights are supported by Sen’s idea that every individual has multiple identities in which she could flourish. He specifies that even supposed holistic identities like religion need not confine these other identities. A “Muslim has much freedom to determine what other values and priorities he or she would choose without compromising a basic Islamic faith”.¹⁹ Kwame Appiah notes that this merely proves that there are debates internal to belief systems about their practices rather than that beliefs cannot be comprehensive.²⁰ However, by giving this Muslim participatory rights, she could partake in social and professional activities in which her identity might be more determined by these activities than her religion. The issue is that she can identify as a salesperson, mother, volleyball player and British-Pakistani, but that if she works in a Muslim shop, raises her child in a Muslim family, plays volleyball in a Muslim sports association and associates with other Muslims rather than other Pakistani and British people, Islam would likely dominate her identity at the expense of the others. Sen acknowledges that individuals prioritise identities, but wants to avoid people perceiving their identities as merely singular. Thus, I argue that participation policies allow this person to mitigate her overarching identity somewhat in favour of others. Making it easier for this Muslim to work in a non-Muslim shop, attend baby classes with other non-Muslim mothers, play volleyball in a non-Muslim sports association and interact more with non-Muslim Pakistanis and Britons allows her to flourish broadly and associate more with these other identity groups. In addition to being Muslim, she could

¹⁶ Sen, *supra* note 6, p. 156.

¹⁷ *Ibid.*, pp. 113, 118–119, 160, 164.

¹⁸ *Ibid.*, pp. 119, 152.

¹⁹ *Ibid.*, p. 65, *also* pp. 14, 61, 67, 83, 101, and more generally about cultural freedom vs. cultural conservatism with respect to multiculturalism: p. 158.

²⁰ Appiah, *supra* note 7, pp. 485–486.

identify more easily as a ‘salesperson’, ‘mother’, *etc.* – rather than as a ‘Muslim salesperson’, ‘Muslim mother’, *etc.*

In addition to enhancing an individual’s awareness of her different identities, such participation fosters personal relations across dominant identity groups. A mere abstract awareness of sharing a profession, gender, religion or nationality with others does not provide a strong antidote to (violent) exploitation of singular identities by group leaders. However, if the individual interacts with others in these shared identity groups, she is less likely to suddenly see these groups as antagonistic ‘others’. While the possibility still exists, it is mitigated. Sen indicates that in categorising groups we often forget about “the reach and influence of *interactions*” across borders.²¹ He refers to global exchanges of information and goods, but it equally applies to national situations and people through whom interactions take place. More particularly, he indicates: “the translation of that [singularisation] vision into actual application has often taken the form of neglecting the relevance of the person’s plural social relations”.²² This comment suggests that relations already exist, but we need to be more aware of them. However, increasing isolation based on singular identities reduces relations between members of different groups. Looking forward, Sen concludes: “the future of multiethnic Britain must lie in recognising, supporting, and helping to advance the many different ways in which citizens with distinct politics, linguistic heritage, and social priorities (along with different ethnicities and religions) can interact with each other in their different capacities, including as citizens”.²³ This “supporting” and “helping to advance” endorses the idea of granting immigrants participation rights, which allow them to thrive in their plural identities within society and forge relationships with those who share these particular identities.

Thus, identity pluralism supports polyethnic rights similar to those Kymlicka advocates. These often merely affirm rights that immigrants already have as citizens, but cannot utilise properly in a state-neutral situation. In particular, as Sen wants an individual to transcend what many multiculturalists claim is necessarily her dominant identity, he would endorse exemption laws that Kymlicka indicates are contested. Kymlicka writes:

Perhaps the most controversial demand of ethnic groups is for exemptions from laws and regulations that disadvantage them, given their religious practices. For example, Jews and Muslims in Britain have sought exemption from Sunday closing or animal slaughtering legislation; Sikh men in Canada have sought exemption from motorcycle helmet laws and from the official dress-codes of police forces, so that they can wear their turban; Orthodox Jews in the United States have sought the right to wear the yarmulke during military service;

²¹ Sen, *supra* note 6, p. 11, *also* p. 12.

²² *Ibid.*, p. 177, *also* p. xiv.

²³ *Ibid.*, pp. 164–165.

and Muslim girls in France have sought exemption from school dresscodes so that they can wear the *chador*.²⁴

It is these exemption laws that allow individuals to participate in professional and social identities outside their narrow ethnically- or religiously-defined communities, and create relations with others in society.

Critics may object that states implement participation rights merely to assimilate minorities. However, the whole point of these rights – especially legal exemptions – is to allow minorities to participate through their cultural characteristics instead of those of the dominant majority.²⁵ Moreover, Sen argues that cultural contacts have dissolved distinct national cultures that immigrants could be required to assimilate to, and that traditional cultures are also obligated to adapt to their pluralising identity.²⁶ Consequently, both Sen and Kymlicka refer to such multiculturalism as “hybridising”,²⁷ as different cultural identities mix and create new ones, and “[m]embers of one ethnic group will meet and befriend members of other groups, and adopt new identities and practices”.²⁸ Multiculturalism through participatory polyethnic rights therefore leads to Sen’s desired society of plural interrelated identities, rather than homogenous or isolated identities.

Thus, Kymlicka argues that immigrants have few rights claims to conserve their culture, because they immigrated voluntarily and desire participatory rather than isolationist rights. However, with his example of increasingly segregated religious schooling in England, Sen shows that such groups sometimes do demand isolationist rights that could divide citizens into singularised identities and threaten political stability. Consequently, identity pluralists contend that immigrants should be forced to accept participatory rights that reduce singularisation of identity and allow them to flourish freely in their plural identities. Kymlicka’s polyethnic rights are thus supported by identity pluralism, but in the next section I show that that this support does not extend to self-government rights. Rather, national minorities should also receive participation rights, which makes Kymlicka’s problematic distinction between polyethnic groups and national minorities redundant and his liberal multicultural theory more appealing.

²⁴ Kymlicka, *supra* note 3, p. 31, *also* pp. 96–97, 177, and for a more elaborate discussion: pp. 114–115.

²⁵ *See also* Berman *et al.*, *supra* note 9, p. 60.

²⁶ Sen, *supra* note 6, pp. 153–154, 162.

²⁷ *Ibid.*, pp. 153–154; W. Kymlicka, *Politics in the Vernacular: Nationalism, Multiculturalism and Citizenship* (Oxford University Press, Oxford, 2001) pp. 168–169; Kymlicka, *supra* note 3, pp. 78–79.

²⁸ W. Kymlicka, *Politics in the Vernacular: Nationalism, Multiculturalism and Citizenship* (Oxford University Press, Oxford, 2001) pp. 168–169.

3 National Minority Rights

Having shown that immigrants need polyethnic rights, I now use identity pluralism to demonstrate that national minorities should also receive such participation rather than self-government rights as Kymlicka advocates. Kymlicka distinguishes polyethnic groups from national minorities “that formed complete and functioning societies in their historic homeland prior to being incorporated into a larger state”.²⁹ These minorities consist of “indigenous peoples” and “substate nations”, such as “Catalans, Basques, Flemish, Scots, Welsh, Corsicans, Puerto Ricans, and Quebecois”.³⁰ They generally want to remain “distinct societies alongside the majority culture, and demand various forms of autonomy or self-government [through secession or federalism] to ensure their survival as distinct societies”.³¹ More particularly, they desire “their own schools, courts, media, political institutions, and so on”.³² Kymlicka indicates that empirically it has proven difficult to integrate national minorities and is worse for political stability than granting them certain autonomy rights.³³ However, he admits that national minority claims threaten stability more than immigrant claims.³⁴ Overall, Kymlicka advises scrutiny of particular national minority rights claims, but makes a strong case for granting such rights under certain circumstances. Identity pluralism, however, suggests that such rights worsen the problem of dominating singular (cultural) identities and should be rejected. Instead, the state should offer national minorities participation rights, which allow them to maintain many of their cultural practices while engaging with society.

Identity pluralists’ main objection to Kymlicka’s national minority rights is that self-government based on a singular cultural identity conflicts with the idea that individuals have multiple identities which they should be able to prioritise themselves. Sen warns against seeing people as part of only one group. He writes, “incitement to ignore all affiliation and loyalties other than those emanating from one restrictive identity can be deeply delusive and also contribute to social tension and violence”,³⁵ and “multiculturalism cannot override the right of a person to participate in civil society, or to take part in national politics, or to lead a

²⁹ Kymlicka, *supra* note 13, p. 349, more generally *see* pp. 330, 344–345, 350–352, 368; Kymlicka, *supra* note 3, pp. 6, 27–29, 36–37, 93, 183–185.

³⁰ Kymlicka, *supra* note 13, pp. 349–350.

³¹ Kymlicka, *supra* note 3, p. 10, *also* pp. 11–12, 27–28.

³² Kymlicka, *supra* note 13, p. 350.

³³ *Ibid.*, pp. 330, 351–352, 368; Kymlicka, *supra* note 3, pp. 93, 183–184.

³⁴ Kymlicka, *supra* note 3, p. 185; *also* Kymlicka, *supra* note 13, p. 368.

³⁵ Sen, *supra* note 6, p. 21.

socially nonconformist life ... no matter how important multiculturalism is, it cannot lead automatically to giving priority to the dictates of traditional culture over all else”.³⁶ Identity pluralists are thus sceptical of granting groups autonomy that – even if it does not cause internal restrictions – will likely narrow the identity understanding of their members to the group rather than society.

To elaborate, identity pluralists problematise the exacerbation of singular identities through self-government for three reasons. First, the focus on minority culture largely obliterates the group’s internal differences, and its members’ relations with other groups – which Sen stresses repeatedly.³⁷ Moreover, Sen shows that the illusion of a “Hindu civilization” has stirred Hindu activism in India that turns against internal and external others.³⁸ National minorities are smaller than supposed civilisations, but similar homogenisation and isolation could result from making them authoritative identity groups. Kymlicka might respond that because national minorities are small and geographically concentrated, they contain fewer internal differences than the cultures Sen addresses. However, in the age of globalisation, even regions like Quebec and Catalonia contain non-group members and members whose substate identity is unimportant to them relative to identities they share across cultural groups. Kymlicka argues that once a region is autonomous, it depends on the local democracy and “cultural market-place” for its inhabitants to decide about culture.³⁹ However, these non-group members and group members who do not desire local cultural laws then constitute a minority. The state could enforce special individual rights to protect this minority within the minority, but that causes a downward spiral of special rights. Moreover, it begs the question whether national minority members should just receive individual rather than self-government rights – a point I return to below. Finally, we should not underestimate the extent to which a minority with self-government can homogenise its members and singularise their identities. Kymlicka opposes internal restrictions, but admits self-government could provide a slippery slope toward such restrictions.⁴⁰ Even if it does not enforce restrictions, it may (unintentionally) enforce cultural

³⁶ *Ibid.*, p. 158, also pp. 7, 20–21, 42–43, 103, 142, 177; for Sen’s general critique of communitarianism, see A. Sen, *Reason Before Identity* (Oxford University Press, Oxford, 1999).

³⁷ Sen, *supra* note 6, pp. 11, 46–49, 118, 165–169, 177; see also K. Appiah, ‘Identity, Authenticity, Survival: Multicultural Societies and Social Reproduction’, in C. Taylor, *Multiculturalism: Examining the Politics of Recognition* (Princeton University Press, Princeton, 1994) pp. 152; Patricia Limerick, ‘The Startling Ability of Culture to Bring Critical Inquiry to a Halt’, in L. Crothers and C. Lockhart (eds.), *Culture and Politics: A Reader* (St. Martin’s Press, New York, 2000) p. 74.

³⁸ Sen, *supra* note 6, pp. 178–179.

³⁹ Kymlicka, *supra* note 3, p. 113.

⁴⁰ *Ibid.*, p. 38.

conformism. Kymlicka describes that “Indian tribes/bands have been acquiring increasing control over health, education, family law, policing, criminal justice, and resource development”,⁴¹ and Quebec “has extensive jurisdiction over issues that are crucial to the survival of the French culture, including control over education, language, culture, as well as significant input into immigration policy”.⁴² These significant powers could be used to promote group identity at the cost of members’ other identities. If self-government leads to independence, which Kymlicka indicates is often intended,⁴³ this singularisation of identity is exacerbated. Towards the end of *Multicultural Citizenship*, Kymlicka admits that:

[i]t seems unlikely that according self-government rights to a national minority can serve an integrative function. If citizenship is membership in a political community, then, in creating overlapping political communities, self-government rights necessarily give rise to a sort of dual citizenship, and to potential conflicts about which community citizens identify with most deeply.⁴⁴

That does not even consider the non-community identities citizens have. Ultimately, identity pluralists cannot accept disregard for differences within, and relations between, cultural groups.

Second, even if we accept that one identity precedes others, as Tony Gallagher indicates in a review of Sen,⁴⁵ there is no reason it should be national minority identity. Sen admits that people value culture and that social context limits their choices. However, he argues that they should be free to choose what importance to attach to culture.⁴⁶ He writes, “important as culture is, it is not uniquely significant in determining our lives and identities. Other things, such as class, race, gender, profession, politics, also matter, and can matter powerfully.”⁴⁷ Consequently, feminists and socialists can object to Kymlicka that gender or class precedes cultural identity, but even they might then be prone to claim falsely that such precedence is universal rather than dependent on the individual as identity pluralists believe. Sen continues: “[M]ust a person’s relation to Britain be mediated through the ‘culture’ of the family in which he or she has been born? A person may decide to seek closeness with more than one of these pre-defined cultures or, just as plausibly, with none.”⁴⁸ Again, Sen focuses

⁴¹ *Ibid.*, p. 30.

⁴² *Ibid.*, p. 28.

⁴³ *Ibid.*, p. 186.

⁴⁴ *Ibid.*, p. 182.

⁴⁵ Gallagher, *supra* note 7, p. 74.

⁴⁶ Sen, *supra* note 6, pp. 5, 29–32, 34–35, 112, 116–117, 158–159.

⁴⁷ *Ibid.*, p. 112.

⁴⁸ *Ibid.*, pp. 158–159.

on intermingled religious groups. However, his point, that it is not evident or desirable that cultural leaders should mediate between group members and society, applies similarly to national minorities. If a female Catalan teacher wants gender and education issues addressed at the state level, a self-governing Catalonia might inhibit this identification and action. After all, local autonomy usually equates to less political power at the state level for minorities. Even when they retain such power, it is unlikely to be used for the common good or other shared identity groups once local culture has such an authoritative influence on identity. Kymlicka might argue that the reason for preferring national minority identity over others is that it encompasses a “societal culture” consisting of different identity aspects, such as language, religion, culture, *etc.*, which together provide a context in which minority members can use effectively their freedoms.⁴⁹ This argument is fair, but from the perspective of promoting (an awareness of) identity pluralism it remains problematic to institutionally endorse one identity over others. It hinders individuals’ participation in the greater ‘societal culture’ of the state and their other identities within it.

Third, cultural identities change. Many scholars indicate that cultures evolve,⁵⁰ but identity pluralists add that identities and their prioritisation also change. Therefore, we should not create institutions that lock cultural identities into place, but individual cultural rights that group members can choose to exercise. Sen elaborates: “Any presumption of stationariness ... can be disastrously deceptive. The temptation toward using cultural determinism often takes the hopeless form of trying to moor the cultural anchor on a rapidly moving boat.”⁵¹ Furthermore, his statement that “[c]ulture cannot be seen as an isolated force independent of other influences” suggests that national minorities are not culturally separated, which makes self-government more controversial.⁵² Kymlicka admits cultures change, but uses this as an argument to “distinguish the existence of a culture from its ‘character’ at any given moment”.⁵³ He even states that “to maintain a separate societal culture in a modern state is a very ambitious and arduous project” and that many Asians believe that minority nationalism

⁴⁹ Kymlicka, *supra* note 3, pp. 76, 79, 83–85, 101–105; W. Kymlicka, ‘Do We Need a Liberal Theory of Minority Rights? Reply to Carens, Young, Parekh and Forst’, 4:1 *Constellations* (1997) pp. 75–6.

⁵⁰ J. Waldron, *The Rights of Minority Cultures* (Oxford University Press, Oxford, 1995); S. Benhabib, *The Claims of Culture: Equality and Diversity in the Global Era* (Princeton University Press, Princeton, 2002); S. Scheffler, ‘Immigration and the Significance of Culture’, 35:2 *Philosophy and Public Affairs* (2007) pp. 93–125.

⁵¹ Sen, *supra* note 6, p. 113; for examples of the changing prioritisation of identities, *see also* R. Salih, ‘The Backward and the New: National, Transnational and Post-National Islam in Europe’, 30:5 *Journal of Ethnic and Migration Studies* (Sept. 2004) pp. 995–1011.

⁵² Sen, *supra* note 6, p. 113.

⁵³ Kymlicka, *supra* note 3, p. 104.

will “disappear over time as a result of modernisation and development”.⁵⁴ However, he concludes that autonomy rights are unreasonable only for immigrants, not for national minorities. Identity pluralists disagree – these rights are unreasonable for all minorities.

An indirect reason that identity pluralists reject self-government is economic opportunity and inequality. Sen warns that poverty allows instigators of violence to rally people around singular identities. Consequently, to make individuals aware of their overlapping identities, we must alleviate poverty through greater social equity.⁵⁵ Sen argues that the “challenges today include the possibility of making good use of the remarkable benefits of economic connections, technological progress, and political opportunity in a way that pays adequate attention to the interests of the deprived and the underdog”.⁵⁶ In fostering identity pluralism, Sen references the mixed city of Kolkata: “In the recognition of plural human identities, the increased concentration on class and other sources of economic disparity has made it very hard to excite communal passions and violence in Kolkata along the religious divide.”⁵⁷ Except for relatively wealthy substates like Catalonia, many indigenous and substate groups are poorer than their surrounding society. Autonomy might widen this economic disparity and lead to identity singularisation and violence. Minority self-government might hurt its members’ economic well-being in two ways. First, the federalist structure created for local self-government means a decreasing role of the state and probably of central redistribution of wealth.⁵⁸ Even if minorities institute social redistribution within their territory, they will thus remain poor compared with the surrounding society. Second, self-government policies that create disconnections with society hurt its members’ economic opportunities. For example, mandating minority language in schools hinders members’ ability to work in the wider society – Quebecers educated in French struggle more to find work in the rest of English-speaking Canada than if they had been taught in English.

In addition, divergent language and cultural policies between minority and majority governments can alienate these groups and decrease the solidarity that many scholars argue a redistributive welfare state needs.⁵⁹ Conversely, critics could argue that self-government

⁵⁴ Kymlicka, *supra* note 28, p. 156; Kymlicka and He, *supra* note 9, p. 46.

⁵⁵ Sen, *supra* note 6, pp. 131, 133, 145, 148, 182–183; A. Sen, ‘Violence, Identity and Poverty’, 45 *Journal of Peace Research* (2008) pp. 5–15.

⁵⁶ Sen, *supra* note 6, pp. 131–132.

⁵⁷ A. Sen, ‘Violence, Identity and Poverty’, 45 *Journal of Peace Research* (2008) pp. 10–11.

⁵⁸ For an argument about centralisation of power for wider redistribution of wealth and security, *see also* T. Pogge, ‘Cosmopolitanism and Sovereignty’, 103:1 *Ethics* (Oct. 1992) pp. 61–63.

⁵⁹ *See for example* D. Miller, *Market, State and Community: The Foundations of Market Socialism* (Oxford University Press, Oxford, 1989); and B. Barry, *Culture and Equality: An Egalitarian Critique of Multiculturalism* (Polity Press, Cambridge, 2001); Kymlicka responds to the criticism that multicultural policies

ensures that minority members are treated fairly and receive more resource benefits than they would under a dominant majority culture. But unless the minority group already possesses wealth or resources, the net effect of self-government might likely still be negative. Kymlicka indicates that Marxists and many liberals argue that reducing economic inequalities automatically reduces cultural inequalities. However, he contends that this does not always apply (though it often helps) as evidenced by Japanese- and Arab-Americans, and Quebecers and Catalans – and that states need more evidence about the relation between economic and cultural inequality. He concludes that cultural rights are still important and can often coincide with economic rights.⁶⁰ Nonetheless, he still focuses on the status of current dominant identities, whereas identity pluralists advocate economic equality so individuals are freer to choose and prioritise their identities. Ultimately, the economic issue is minor in Western countries. But it may be an important consideration in granting national minority autonomy in poorer countries in Africa and elsewhere, where increased economic inequalities might exacerbate singular identities and conflict.

Having established that identity pluralism contradicts self-government rights, I describe multicultural policies for national minorities consistent with Sen's reasoning. Identity pluralism does not reject multicultural rights for national minorities, but endorses participation rather than autonomy rights. Self-government rights largely dictate individuals' identity priority and might cause internal group homogenisation pressure and alienation from other groups and society. Individual participation rights such as those for immigrants, however, give individuals more choice to prioritise and balance their identities. By allowing members of national minorities to participate more in society and central democracy, they may develop their different identities and the social connections these provide. Consequently, in *The Idea of Justice*, Sen concludes that "[t]he practice of democracy can certainly assist in bringing out a greater recognition of the plural identities of human beings".⁶¹ He continues that institutions alone cannot prevent violence between singularised identity groups, but that

influence negatively the welfare state with an empirical study of the relation between multicultural and welfare policies that indicates that they often actually coincide (though he does not yet want to draw strong conclusions from this evidence) in K. Banting and W. Kymlicka (eds.), *Multiculturalism and the Welfare State: Recognition and Redistribution in Contemporary Democracies* (Oxford University Press, New York, 2006); see also Kymlicka, *supra* note 13, pp. 329, 346–347; Kymlicka, *supra* note 3, pp. 182–184; S. Lægaard, 'Immigration, Social Cohesion, and Naturalization', 10 *Ethnicities* (2010) pp. 454–455; Bauböck, *supra* note 5, p. 271.

⁶⁰ Kymlicka, *supra* note 13, pp. 333, 367; similarly, Nancy Fraser argues that states should pursue policies that combine concern for 'recognition' and 'redistribution' in N. Fraser, 'From Redistribution to Recognition? Dilemmas of Justice in a "Postsocialist" Age', *Justice Interruptus* (1997), <<http://ethicalpolitics.org/blackwood/fraser.htm>>, visited on 30 December 2011.

⁶¹ A. Sen, *The Idea of Justice* (Penguin, London, 2009) pp. 353–354.

“the bonds established by national democracies serve as an effective safeguard against this”.⁶² However, to allow national minorities to participate effectively in society and the democratic process, they might need the participatory multicultural rights I described in the previous section.

Sometimes these polyethnic rights might lead to similar results as self-government, so national minorities need not fully compromise their position. For example, members of substate nations could receive bilingual options within institutions, so they can work partly in their language and their children can use this language in schools. The difference is that group members must also master the state language. Local government cannot force its members to learn the substate language (as Quebec does for children of French-speaking parents), so the linguistic and identity divide between the national minority and the rest of society will not be as sharp and prone to instability. Examples of such bilingual rights for national minorities already exist and are thus not so far-fetched, as Kymlicka describes that “[i]n Guam and Hawaii, the indigenous language (Chamorro and Hawaiian) has equal status with English in schools, courts, and other dealings with government”.⁶³ Critics might argue that language is so important to flourishing within a cultural identity that even a compromise of bilingual schooling and institutions hurts minority members’ cultural identity. However, this importance and exclusiveness of language is exactly why it is prone to singularise identities along sharp linguistic divides. Identity pluralists want individuals to identify more with the different professional and social groups they share across society, which would be severely limited if they cannot communicate with other members of these non-cultural identities. Nevertheless, language remains perhaps the most important issue for many national minorities and should be considered carefully in particular decisions about multicultural rights.

Besides this language issue, critics could make several objections to granting national minorities participation rather than self-government rights. It is beyond the scope of this essay to address all these properly, but I briefly consider three main ones. First, critics may object that individuals can also have multiple identities within an autonomous region rather than the larger society. Second, they could argue that preventing internal community conformism and intercommunity violence leads to even more destructive state nationalism.⁶⁴ Third, they might contend that it is impossible to circumvent group antagonism by promoting larger over smaller political units, as the binary nature of identities requires ‘others’. These objections are

⁶² *Ibid.*, p. 354.

⁶³ Kymlicka, *supra* note 3, p. 12.

⁶⁴ Gray, *supra* note 7.

fair, but unpersuasive. Namely, identity pluralists do not deny that individuals can be aware of plural identities within an autonomous region and that elevating state identity could lead to antagonistic state nationalism. But they precisely want to promote awareness of plural identities within national minorities, and prevent a need to create social unity through state nationalism, by institutionally enhancing individuals' different identities and the social unity these create through a network of social connections. By creating a social system that relies on a network of bonds of culture, profession, gender, age, *etc.*, there is less need to create social unity through strong regionalism or assimilationist nationalism. Identity pluralism leads to the paradoxical conclusion that we promote social unity by mitigating social unity: we downplay institutionally the importance of dominant shared identities, so different subidentities flourish more and create social unities across a variety of overlapping groups. These subidentities are still binary: for every identity of profession, gender, religion, *etc.*, there are opposing identities and thus 'others' within the same categories. Yet because every individual has a different set of binary identities, groups overlap. Identity pluralism merely prevents the formation of a humanity divided deeply along the lines of one category such as religion, nationalism or regionalism.

In conclusion, identity pluralists reject Kymlicka's self-government rights for national minorities. The idea of plural identities clashes with disregard for differences within groups and relations between groups; automatic prioritisation of national minority identity over others; cementing cultures and identities that are naturally fluid; worsened economic opportunities and disparities that foster identity singularisation; and the overall internally conforming and externally excluding influence of self-government based on a singular cultural identity. Instead, to promote the free flourishing of individuals' different identities, states should grant national minorities participation rights. These rights allow their members to transcend their cultural identity, and balance and prioritise their identities within the larger society. Consequently, national minorities and polyethnic groups should receive similar participation rights, which are less demanding and controversial than self-government rights. This largely obviates the problematic distinction that Kymlicka makes between them and makes his liberal multiculturalism simpler and more easily applicable.

4 Conclusion

Kymlicka's main liberal multicultural argument, that a state cannot be completely neutral with regard to language, school curricula, public holidays and other necessarily arbitrary policies and should therefore accommodate minorities so that they can utilise their liberal freedoms equally as the majority, is convincing. However, even after slight modifications in recent books and a subtle shift of attention from justice to stability,⁶⁵ the liberal multicultural theory he introduced in *Multicultural Citizenship* is still inadequate. Namely, it relies on a sharp distinction between different types of cultural groups that ignores the plurality of individual identity and undervalues the importance of political stability. Consequently, I have argued that the notion of identity pluralism, which predates Kymlicka's work but was only recently introduced into liberal debates by Sen, supports liberal multiculturalism in general, but endorses only participatory individual rights for both polyethnic groups and national minorities. Identity pluralism supports multicultural rights, because they not only allow an individual to live according to her culture, but according to her multiple identities that all share certain cultural characteristics with different groups. Identity pluralists endorse participation rights for both polyethnic groups and national minorities, so that individuals can freely flourish in – and prioritise – their different identities, and transcend their dominant cultural identity more easily to broaden and balance their different identities within the larger society. Conversely, they reject Kymlicka's self-government rights for national minorities, because these will likely – even if unintentionally – strengthen the dominance of cultural identity over individuals' other identities. Such dominance both limits individuals' awareness of their different identities in which they are free to flourish and heightens the risk of violence along the lines of singularised identity groups. It was beyond the scope of this article to address properly the effect of identity pluralism on Kymlicka's additional category of representation rights, which he seems to suggest could apply to both polyethnic and national minority groups. However, a preliminary conclusion might be that democratic participation creates an awareness of citizens' plural and interconnected identities and should be promoted through public funding for advocacy groups, more political party inclusion, proportional representation and veto powers for minorities. However, special representation rights that pre-allocate legislative seats based on one particular identity category should be rejected.⁶⁶

⁶⁵ Kymlicka mentions this slight shift in focus from justice to stability in Kymlicka, *supra* note 13, pp. 365–368.

⁶⁶ See also Kymlicka, *supra* note 3, pp. 5, 7, 31–33, 131–134, 137–138, 141–142, 146–147, 149–151; Sen, *supra* note 61, pp. 353–354; Sen, *supra* note 6, pp. 12–13, 78, 164.

The real-world ramifications of my theoretical conclusion would be significant. Identity pluralism would not mean that current minorities cannot receive multicultural rights, but that national minorities that enjoy or aspire to self-government rights should be denied these. Consequently, regions like Quebec, Flanders and Catalonia do not merit the level of autonomy they currently enjoy, and Scotland should not be granted independence from the United Kingdom. The conclusion also means that states should retract certain forms of autonomy that polyethnic groups currently exercise. For example, immigrant groups in Britain and the Netherlands should no longer receive government funding to operate their own (religious) schools, which exacerbate a social division along cultural-religious lines. Conversely, countries that do not grant (sufficient) participation rights should institute these. For example, public institutions such as schools and government workplaces in France should allow individuals to wear religious symbols and clothing, so that minorities can more easily transcend their religious group identity through more active participation in the larger French society.

Of course, these policy changes that identity pluralism leads to presuppose an adherence to liberal multiculturalism – they will not appeal to liberal egalitarians or cultural conservatives. In addition, Sen’s approach to stability through plural identities has not yet proven to be better than Kymlicka’s approach to stability through appeasing national minorities with self-government rights. More generally, identity pluralism supports participation rights and denies self-government rights in a modern state in which all other circumstances are equal. However, considerations of “equality”, “historical agreements” (and injustice), or the “value of diversity” may be more pressing in certain contexts than identity pluralism and political stability.⁶⁷ Finally, the hypothetical implications of identity pluralism do not mean that in the real world there should be no exceptions or that current self-government provisions should be reversed. Certain “isolationist ethnoreligious groups” such as the “Hutterites, Amish, or Hasidic Jews”, or indigenous peoples living away from modernity in countries like Australia and Brazil, which Kymlicka describes, might still have strong claims for self-government⁶⁸ – even though these remain problematic cases from the identity pluralism perspective. In addition, the conclusion drawn from identity pluralism is perhaps not so alarming that regions such as Quebec that have already received substantial self-government rights should suddenly cede these. Rather, identity pluralism provides a new

⁶⁷ Kymlicka, *supra* note 3, pp. 108–123; *see also* W. Kymlicka, ‘Human Rights and Ethnocultural Justice’, Sixth J.C. Rees Memorial Lecture, Presented at the Taliesin Theatre, University of Wales, Swansea, 23 February 1998 (Department of Political Theory and Government, Swansea, 1998).

⁶⁸ Kymlicka, *supra* note 13, pp. 355–357; Kymlicka, *supra* note 3, p. 21.

perspective that implies caution in granting autonomy to a host of national minority groups that currently still live under regular governments around the world. It does not mean to elevate the status quo, but unless we are sure that granting self-government will improve stability or there is a “patent injustice”⁶⁹ everyone agrees should be resolved perhaps we should maintain the current situation and offer minorities participation rights that promote flourishing plural identities and mitigate singular cultural divides. Kymlicka might be receptive to such a focus on participation rights, as he stresses the importance of individual liberal rights and the possible benefits of social integration for minorities.⁷⁰ In addition, he advocates caution himself: he believes that multicultural rights should not be granted easily, but be subject to case-by-case evaluations of evidence and context-specific measures.⁷¹

Kymlicka stresses that “[i]n many countries of the world – including the emerging democracies in Eastern Europe, Africa, and Asia – the status of national minorities and indigenous peoples is perhaps the most pressing issue”, and that these countries are looking to Western theorising for guidance.⁷² Kymlicka’s theory of liberal multiculturalism strengthened by a consideration of Sen’s identity pluralism might provide policymakers with part of the normative answer to this issue.

⁶⁹ A. Sen, *Development as Freedom* (Alfred A. Knopf, New York, 2000) p. 287.

⁷⁰ See Kymlicka, *supra* note 3, pp. 15, 26, 84, 100–101, 129; Kymlicka, *supra* note 28, pp. 167–168; see also Young, *supra* note 4, p. 52.

⁷¹ Kymlicka, *supra* note 13, p. 368; Kymlicka, *supra* note 3, p. 131; W. Kymlicka, ‘Human Rights and Ethnocultural Justice’, Sixth J.C. Rees Memorial Lecture, Presented at the Taliesin Theatre, University of Wales, Swansea, 23 February 1998 (Department of Political Theory and Government, Swansea, 1998) p. 24.

⁷² Kymlicka, *supra* note 3, p. 194.