

Liberal Multiculturalism and Human Rights Discourse: The Contribution of Will Kymlicka

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Abstract

Multiculturalism formulates inclusive and accommodative ways to respond to culturally and religiously diverse Western societies. Liberal multiculturalists such as Will Kymlicka are the pioneers in providing normative relevance of cultural membership to liberal theory and the human rights paradigm. This paper will examine Kymlicka's re-evaluation of liberalism in justifying cultural practice as a right. Kymlicka highlights the importance of the community and group to the individual's private and public life, insisting that the realization of human rights is intrinsically bound with minority and cultural rights. His liberal multiculturalist rationale for cultural accommodation is individualistic as Kymlicka appeals to the importance of national and ethnic culture only as a result of their impact on individuals. This paper demonstrates how Kymlicka's liberal multiculturalism extends the agenda of human rights discourse within the context of cultural accommodation.

Keywords: Multiculturalism, Liberalism, Human Rights, Will Kymlicka.

Liberal Çokkültürlülük ve İnsan Hakları Söylemi: Will Kymlicka'nın Katkısı

Öz

Çokkültürlülük, Batı toplumları bağlamında kültürel ve dini çeşitliliğe yanıt vermek için kapsayıcı ve uzlaşmacı çözümler ortaya koyar. Will Kymlicka gibi liberal çokkültürcüler, kültürel kimliğin/aidiyetin liberal teori ve insan hakları paradigmasıyla normatif ilişkisini ortaya koyan öncülerdir. Bu çalışma, Kymlicka'nın kültürel pratiği bir hak olarak meşrulaştıran liberal anlayışı yeniden değerlendirmesini inceleyecektir. Kymlicka, cemaatlerin ve grupların bireyin özel ve kamusal yaşamı için önemini vurgularken insan haklarının hayata geçirilmesinin özünde azınlık haklarıyla ve kültürel haklarla bağlantılı olduğunu iddia etmektedir. Kymlicka, ulusal ve etnik kültürün önemini yalnızca bireyler üzerindeki etkisinin bir sonucu olarak ele aldığı için onun kültürel uyum için öne sürdüğü liberal çokkültürlülük anlayışı bireyseldir. Bu çalışma, Kymlicka'nın liberal çokkültürlülük anlayışının kültürel uyum bağlamında insan hakları söylemini nasıl genişlettiğini ortaya koyacaktır.

Anahtar Kelimeler: Çokkültürlülük, Liberalizm, İnsan Hakları, Will Kymlicka.

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Liberal Düşünce Dergisi, Yıl: 26, Sayı: 102, Bahar 2021, ss.85-103.
Gönderim Tarihi: 7 Mart 2021 | Kabul Tarihi: 13 Haziran 2021

Introduction

With the adoption of the UDHR (The Universal Declaration of Human Rights) in the aftermath of the Second World War, the notion of the inherent equality of human beings was formally recognized on an international level. However, the human rights paradigm has continued to be questioned for failing to address adequately the concerns of non-Western and non-dominant people. The human rights approach has frequently been criticized for not being expansive enough to accommodate non-Western needs (Goodhart, 2016: 4). In return these criticisms have had a tremendous impact on the evolution and rearrangement of human rights norms, practices, and discourse when it comes to self-determination, race, gender, and disabilities (Ackerly, 2016: 29). Particularly after the 1970s, criticism of the human rights paradigm for not taking cultural and ethnic minorities seriously emerged from various theoretical viewpoints. Although the notion that the “implementation of human rights norms has a collective dimension” received general acceptance, whether cultural and group-specific rights “can be understood within the discourse of human rights”, “in some sense independently” of the rights of its member, have been deeply controversial in political theory (Langlois, 2016: 24; 23). Multiculturalism has been the most prominent strand of thought in political theory presenting a critique of the philosophies of coherent and monolithic nationalism in favor of the expansion of the rights paradigm for cultural practice (Castles, 2005). Therefore, I join Chandran Kukathas (1998: 690) in making the argument that multiculturalism is the “most plausible response to the fact of moral, religious, and cultural diversity” today.

Multiculturalism, as a modern idea developed during the post-World War II era as a response to the intensified demands of cultural and religious recognition of minority groups in Western democracies. Multiculturalism aims for the acknowledgement of minority groups as distinct communities with their own associations and social infrastructure. This recognition connotes greater “representation in the public or civic realm of their ethnic, cultural, linguistic, and/or religious identities,” distinguishable from the majority population (May, 2002). There are certain characteristics that broadly define multiculturalist thought. Essentially, all multiculturalists believe in the importance of community in constituting and shaping the individual self; hence, they view community as a major source for the development and practice of autonomy, self-respect, and dignity. Accordingly, multiculturalist thinkers regard cultural or religious aspects of citizens’ identities as politically relevant and consider them a legitimate source for public demands. Therefore,

multiculturalists affirm that there should be a political, institutional, and legal reconstruction to reflect the needs, interests, and identities of the minority groups and accommodate group-based cultural distinctiveness (Kymlicka and Norman, 2000: 4).

There are also significant differences between different multiculturalist thinkers and their respective quests to develop new frameworks of accommodation. Based on their different perspectives on liberalism, culture, and religion, I categorize multiculturalism into three typologies, namely liberal multiculturalists, moral multiculturalists, and institutionalist multiculturalists. Liberal multiculturalists, like Will Kymlicka and Chandran Kukathas, provide a liberal justification of the right to cultural practice. They connect the ideal of personal autonomy with collective identity and membership, where attainment of the former is conditioned on the accessibility and maintenance of the latter. Liberal multiculturalists argue that liberalism, if correctly understood, is the best paradigm to reconcile universal political principles with cultural diversity in addressing the public inequalities among the minority groups (Kukathas, 2003: 259). Moral multiculturalists like Charles Taylor, James Tully, and Monica Mookherjee on the other hand, proclaim that individuals develop self-understandings and self-respect as a member of a community. Therefore, in order to ensure moral autonomy of individuals as well as to protect their abilities and prosperity, the moral character of cultural and religious membership should be recognized (Taylor 1985: 200, Tully, 1995: 190). Moral multiculturalists adhere to broader conceptions of morality and rights than liberal multiculturalists and criticize liberal universalism for not sufficiently upholding the recognition of diverse normative systems (Tully, 1995: 26). Institutional multiculturalists, like Ayelet Shachar and Veit Bader assert that people with different versions of the good life would have diverse public needs that require different public services, as in deeply morally diverse societies. Therefore, the actualization of equality is beyond the reach of the liberal state and its institutions alone, especially when it comes to the accommodation of organized religions that have their own jurisdictional frameworks (Bader, 2001: 10). Accordingly, they propose “a degree of regulated interaction between religious and secular sources of law, so long as the baseline of citizenship-guaranteed rights remains firmly in place” (Shachar, 2009: 133).

While the idea of minority accommodation in liberal multiculturalism is more on redistributive grounds, moral multiculturalists and institutional multiculturalists respectively address recognition on normative grounds and jurisdictional levels. However, all these three approaches link their appeal for multiculturalist accommodation through a human rights-based justification.

Minorities should be awarded recognition “as a right,” and that therefore, minority recognition is an on-going “human rights problem” (Mégret, 2012: 7). In this paper, I am particularly interested in liberal multiculturalism and its expansion of the human rights discourse through the works of Will Kymlicka; a pioneer in multiculturalist thought in providing normative relevance of cultural membership to liberal theory and the human rights paradigm.

Liberal multiculturalism originated from an internal critique and efforts to extend contemporary liberalism’s Rawlsian strand by equipping it with more pluralistic and culturally appropriate tools. As a founding father, Will Kymlicka produces a constructive critique to orthodox liberalism, which is closely associated with the Rawlsian and Dworkian strains, for its neglect of culture. Kymlicka’s liberal multiculturalism addresses orthodox liberalism’s strong individualistic moral ontology for lacking consideration of cultural goods as normatively relevant to political theory (Kymlicka, 1989: 152). Following J. S. Mill’s classical liberalism, Kymlicka maintains that dealing with individuals, who are part of, shaped by, and developed within cultural communities, not only requires dealing with individuals themselves, but also their organized communities. Liberalism’s values and rights are not static but are rather dynamic and progressive when it comes to dealing with cultural claims. A more profound and comprehensive account of goods in liberal rights, where culture falls into the category of a primary good for the existence of common membership as a human right is thus advocated (Kymlicka, 1995: 75).

With the calls for a revised understanding of liberalism, Kymlicka takes Enlightenment liberalism as the most extensive and objective paradigm and asserts that the moral values that inform the leading political institutions, or what Rawls would call ‘the basic structure’ of political society, have to be liberal. Accordingly, he proposes the advancement of pluralism, often with a strong hint of key liberal values such as autonomy, toleration, equality of opportunity, and freedom (Kymlicka, 1992: 44). Essentially, he develops a coherent theory of cultural diversity, providing balance between human rights and cultural rights by re-interpreting liberal principles. To provide this balance, Kymlicka (2007: 91) argues that contemporary approaches towards liberal multiculturalism are not an isolated movement, but rather “a new stage in the unfolding of the human rights” culture. Kymlicka (2007: 106) asserts that multicultural reforms originated from, and are a continuation of, Enlightenment liberalism and universal human rights discourse. He observes that members of historically subordinated groups demand multicultural reforms as a ‘right,’ as an integral part of a larger process of human rights revolution, to bring a close to the historical hierarchies and subordination to which they have been

exposed. Minority cultures achieving special rights, according to Kymlicka (2001: 97), could bestow them with opportunity space, not only to enjoy their cultural identities, but also to attain their fundamental human rights.

I critically discuss Kymlicka's argument that liberal multiculturalism is consistent with human rights discourse with special attention to five of his principal arguments on the subject. These are a critique of orthodox liberalism, the notion of differentiated citizenship, three models of multiculturalism, minority rights movement a part of universal human rights claims/struggle, and the liberal nature of multiculturalism. In undertaking this evaluation, the paper aims to show that multiculturalism and its claims for special/group-differentiated rights should be considered as a part of the expansion of human rights discourse in the current socio-political context of the post-1970 world.

The Critique of Orthodox Liberalism

Orthodox liberal theory argues for the civic mode of national identity and the universal incorporation of citizens into a nation-state, and argues against the recognition of minority rights that are perceived to limit individual rights and lead to discrimination among citizens (Kymlicka, 1989: 140). In the name of liberalism's core principles of *egalitarianism* and *individualism*, orthodox liberals claim that the "difference blind" organization of the nation-state "liberates individuals from the tyranny of narrow communities, guarantees their personal autonomy, equality, and common citizenship, and provides the basis for a collectively shared way of life" (May, 2002). Orthodox liberal theory suggests that cultural identities, while they may be important to individual's private lives, should have "minimal bearing on their citizenship", because "an inclusive national identity" is to subsume cultural allegiance (Laborde, 2008: 5). Thus, the orthodox liberal account of citizenship requires prioritization of individual rights over claims of legal or political entitlements founded on sub-national group affiliations (Shachar, 2000: 66).

That notion of citizenship only recognizes citizens as a part of a political community and bestows no space for the concept of minority; "citizens can be in a minority on this or that matter but not a minority which its connotation of an organized, exclusive and more or less permanent status" (Parekh, 2000: 6). In this model, rights that exist outside the spectrum of individualistic moral ontology, which "belong to a separate moral subject, the community, or group," is considered threatening to individual rights (Langlois, 2016: 23). Brian Barry's defense of a unitary and egalitarian model of citizenship is a prominent example of this orthodox liberal position. Barry (2002: 117) argues

that egalitarian justice is concerned with safeguarding equal opportunities, not about guaranteeing equal access to any particular choice or outcome. Liberalism is about universal citizenship and a uniform notion of individual rights whereupon cultural recognition would constitute a disturbance to individual interests. Barry (2002: 37) insists on a more robust defense of the liberal values of basic freedoms, non-oppression and compensation of disadvantage, which he believes contradicts Kymlicka multiculturalist agenda.

At this point it is important to bring Peter Jones's (1999: 86) classification of group rights into the debate: 'the collective conception' and 'the corporate conception' of group rights. Within the corporate conception, group is conceived "as a single integral entity" (Jones, 2008). Thus, this concept is incompatible with human rights because it gives no basis to safeguard individuals and sub-groups against the potential coercive power by the leadership of religious or cultural groups. On the other hand, within the collective conception, individual members who participate in the group have rights to collective life. This concept permits for a kind of collective rights which also preserves the integrity of individual rights. Therefore, the differentiation "is crucial to the issue of whether group rights are in sympathy with, and perhaps form part of, the morality of human rights, or whether they belong to a quite different and potentially conflicting morality" (Jones, 1999: 107).

Kymlicka's criticism of the orthodox liberal conceptualization of citizenship rights is based on the collective conception of cultural rights, as Kymlicka himself is a harsh critique of the illiberal tendencies within the corporate conception. Orthodox liberalism does not make much differentiation between these two conceptions however and perceives multicultural rights as a whole as being conducive to weaken the bonds of citizenship, limit individual rights, and lead to discrimination among citizens (Kymlicka, 1991: 152). Thus, Kymlicka (1989: 140) maintains that orthodox liberalism "demands equal rights of citizenship, regardless of the consequences for the existence of minority cultures." However, Kymlicka (1990: 209) observes that the reason for such denying of "the legitimacy of special measures for cultural minorities" is orthodox liberalism's narrow understanding of autonomy and discarding its cultural component. For orthodox liberals, politics is shaped by autonomy based on individual liberty, and culture can neither have the normative power nor be a source for deliberation in politics: Post-war political theorists such as Rawls and Dworkin do not regard cultural membership as a primary good or as grounds for legitimate rights claims (Kymlicka, 1992: 34).¹ As a consequence,

¹ Although Rawls has emphasized the importance of liberty as a primary good, in terms of the ability to freely pursue one's beliefs and paths to gain self-respect, according to Kymlicka, he has avoided

Kymlicka (1997: 75) argues that their theories remained underdeveloped in terms of accommodating diversity.

Kymlicka criticizes orthodox liberal theory for working within the reference of a simplified, unitary and homogenizing, model of nation-state, where there only exists one community for all citizens. The post-war literature finds the concept of minority easily manipulative and questions the very existence of collective minority demands. In a nation-state, the political community, conflated with the cultural community in commitments, seeks to eliminate any potential inequalities among citizens in the state (Kymlicka, 1989: 177). Kymlicka challenges that belief by arguing that within most states, the political community has various cultural communities. Hence, most modern states are culturally plural, where the multicultural understanding of citizenship based on a liberal conception of relationships between self and community, as well as identity and culture, naturally arise (Kymlicka, 1989: 135).

Accordingly, Kymlicka (1992b: 140) states that the commonality of cultural membership, and its claim of special/group-differentiated rights, is consistent with liberalism's strong commitment to individual autonomy – “the view that we have a fundamental interest in our moral power of forming and revising a plan of life” –. His argument that minority rights are perfectly compatible with the liberal rights discourse is controversial for orthodox liberals who maintain that “minority rights do not require more protection than is offered by current political and civil rights” (Metcalfe, 1996: 167). However, Kymlicka (1992b: 145) justifies his position on pre-war liberal grounds and accuses post-war, orthodox liberals of deviating from Enlightenment liberal principles. As opposed to orthodox liberal theory, in the pre-war liberal thought, autonomy was undertaken as a general value, a general human interest. This account of autonomy applies to all human action in pursuing a good life “in both public and private contexts” (Kymlicka, 1992: 44). Human freedom was closely linked to the possession of a common cultural identity and the existence of a common membership. During that era, the comprehensive liberalism of Mill, Hobhouse, and Dewey viewed the protection of minority rights as a liberal success for “the proper functioning of a well-ordered and just society” (Kymlicka, 1989: 208).

the logical consequences of this position. Rawls did not engage in the issue of recognizing the right of members of minority cultures to secure a context in which they can function, which would be protected from the economic and political infringements of the majority culture. Thus, Kymlicka believes that Rawls's concept of self-respect is too abstract, and claims that self-respect needs to be more accurately defined and that includes the concept of culture as a primary good, since culture has an essential role in one's attainment of self-respect (Mookherjee, 2008: 224).

For Kymlicka (1997: 84), in perceiving minority rights as inconsistent with individual rights and liberal equality, orthodox liberal theorists demonstrate a generally limited understanding of the implications of liberal principles in practice. However, if liberalism adheres to its classical tradition of pre-war liberal thought, liberal theory today should be more attentive to cultural claims and see them as a precondition for the liberal commitment to individual autonomy (Kymlicka, 1997: 75). Deriving from Kant's emphasis on the autonomy of the individual as a liberal value, Kymlicka's defense of multicultural rights is individualistic, as opposed to communitarian, in nature. Communities carry importance only in virtue of individual lives that constitute and value them rather than as a result of cultures *per se*. Kymlicka (1995a: 94) argues that "liberals should care about the viability of societal cultures" because they contribute to an individual's sense of personal identity and capacity. Kymlicka articulates this position in more depth through his conceptualization of differentiated citizenship.

The Multiculturalist Notion of Differentiated Citizenship

In the creation of a monolithic national identity, the cultural aspects of citizens' identities have occasionally been ignored or subordinated. The "shared national identity" has imposed "alien" and exclusionary forms of cultural and normative uniformity on diverse peoples (Tully, 2008: 166). Charles Taylor (1985: 200) has challenged the individualistic liberal view that men are "self-sufficient" as individuals and can develop their full existence, self-understandings, and potential independent from their social contexts. Ignoring minority group cultures has inflicted serious disadvantages and substantially diminished the capacity of political participation for their individual constituencies (Taylor, 1997: 64-68).

The concept of differentiated citizenship is at odds with this monolithic and hegemonic national identity. Kymlicka's liberal multiculturalism "is primarily based on liberal notions of equality rooted in the recognition of difference" (Göle and Billaud, 2011: 127). This notion may resemble John Rawls, who in *Political Liberalism* (1993) "attempted to reconcile equality with difference" (Göle and Billaud, 2011: 127). However, under the differentiated citizenship framework, Kymlicka takes the liberal theory a step further by advocating group-specific rights in addition to individual citizenship rights, to bring an end to injustice over difference. In contrast to the orthodox liberal account, Kymlicka maintains that people's multifaceted lives as individuals

and members of cultural associations must be conceptualized together when reassessing rights.

The normative position behind the notion of differentiated citizenship is the recognition of the role of cultural structures² in constituting one's sense of personal identity, individual autonomy, and capacity through culture's provision of "an intelligible context of" choices and options as well as "anchor for their self-identification and the safety of effortless secure belonging" (Kymlicka, 1995: 89). Kymlicka (1995a: 94) illustrates a very good theoretical understanding of the interdependence of the public and private by manifesting how culture penetrates private and public life providing a societal context in which an individual's life circle evolves. In an individual's pursuit of their conception of goods, Kymlicka (1995a: 109) argues, not every individual is ascribed the same amount of self-respect, quality of life, and context of choice through birth. The members of dominant cultures bear inherent advantages over the constituencies of minority groups. Therefore, governments should appreciate that groups with societal cultures require some special/group-specific rights. Only through the acknowledgement of differentiated citizenship, the power of the state and ruling social groups can be prevented from eroding community values of the minorities that are central to a member's identity (Kymlicka, 2007: 133). Essentially, for Kymlicka, group-specific rights are necessary for individuals to not only enjoy the cultural structures, but also to obtain the very basic individual human goods, such as individual autonomy, freedom, and self-respect (Mookherjee, 2004: 223).

Kymlicka (1989: 216) argues that differentiated citizenship, and its premises of special rights for minority cultures, is in fact consistent with liberal principles of justice and equality and represents a new stage of their enactment. As a point of justification, Kymlicka (1992b: 140) states that liberal principles of justice require removing or compensating for underserved disadvantages, particularly if they are derived from unavoidable circumstances such as being ascribed by birth. Liberal principles of equality require respecting the importance of the individual right to belonging, whether through political, economic, or cultural membership in a community (Kymlicka, 1989: 197). Therefore, justice should involve more than giving equal rights, since minority cultures must struggle to "develop equal amount of good, such as self-respect" that the members of a dominant society are inherently granted (Mookherjee, 2004: 224). In addition, equality should involve making the cultural associations and infrastructures available for members to function within. Therefore, for

2 A cultural structure "is an inherent set of values and customs" (Mookherjee, 2004: 224).

Kymlicka, there is little difference between traditional socio-political claims for equality and social justice and the minority cultures who struggle for equality and justice (Mookherjee, 2004: 220). Accordingly, Kymlicka formulates three types of cultural accommodation grounded in liberal theory.

Three Models of Kymlicka's Liberal Multiculturalism: Indigenous Groups, National Minorities, and (Voluntary) Immigrants

Kymlicka (2002: 5) praises the current multicultural developments in the West for repudiating "older ideologies of 'one state, one nation, one language'" by defying the policies of exclusion or assimilation. These developments have served to "overcome the legacies of earlier hierarchies and to help build fairer and more inclusive democratic societies" (Kymlicka, 2010: 101). Kymlicka identifies three models of multiculturalism that have been developed in the West, namely multicultural citizenship for indigenous people, national minorities, and immigrant groups. To give a brief account on these models, the multicultural citizenship model for indigenous people corresponds to special rights and treatment in addition to a degree of self-determination and self-government that entails delegating legal power. On the other hand, the multicultural citizenship model for national minorities grants special minority rights while immigrants enjoy only polyethnic (accommodation) rights. Polyethnic rights encompass a scale of legal protection measures from state funding of certain cultural practices to positive discriminatory laws (Kymlicka, 1995).

As such, Kymlicka (1997: 73) draws a sharp division between the immigrant group and the other two categories. He argues that immigrants have voluntarily become a part of the society they live under; they had neither a traditional link to the land nor traditional self-governing cultural mechanisms within it. Therefore, he insists, immigrants are to be integrated into the existing societal cultures and institutions of their receiving countries with equal opportunities, rather than living at the margins with the risk of further marginalization. Freedom and equality in this context refer to reform within mainstream institutions in order for common public institutions to accommodate the differences of immigrant groups, such as religious symbols or dietary requirements. In short, immigrant groups should be given polyethnic rights for political integration into the liberal order (Kymlicka, 1995: 140).

National minorities and indigenous peoples for Kymlicka have a different position than immigrant groups. They were involuntary incorporated in the liberal order of the modern state. Prior to this forced inclusion, they had

governed themselves by their rules and organized their communities around their traditions, institutions, and norms in that land much before the dominant institutions incorporated them into the larger society. In other words, they have had *societal cultures*, which consist of shared history and language, coherent institutions, and customs (Kymlicka, 1997: 76). As such, societal cultures can provide a satisfactory context for the autonomy of their members, and hence, Kymlicka believes that it is unfair to force them to be fully integrated into mainstream society. Kymlicka specifically softens his commitment to the actualization of liberal values in the case of indigenous people and national minorities. He argues that they should be given autonomy to cultural infrastructures and social associations and exemption from the liberal order unless they opt for extreme cases such as crimes against humanity (Kymlicka, 1995: 169).

Kymlicka (1997: 77) summarizes that “the aim of a liberal theory of minority rights is to define the fair terms of integration for immigrants, and to enable national minorities to maintain themselves as distinct societies.” However, within his liberal theory of minority rights, he does not categorize or discuss in any detail the case of religiously defined groups. Culture, in liberal multiculturalist discourses, can provide an essential basis for social context, group identity, and community relations in an individual’s life. Discussions of religiously-defined groups among liberal multiculturalists have often lacked detailed explanation. For instance, Kymlicka (1995: 76) includes a religious element within the definition of a societal culture, which he defines as “a culture which provides its members with meaningful ways of life across the full range of human activities, including social, educational, religious, recreational, and economic life, encompassing both public and private spheres.” Thus, according to Kymlicka, it is culture that provides religious fundamentals. But one must recognize that some groups would see religion as more central than culture. In addition, people who have different cultures might share the same religion and view it as the most important part of their identities.

In fact, in most of Europe, unlike Kymlicka’s native Canada, the issue of religious minorities within multiculturalism receives more attention than culture. However, neither do religiously defined minority groups constitute a separate category in Kymlicka’s assessment, nor are they entitled to special rights or treatment. Kymlicka’s liberal justification for the importance of the community in the lives of individuals and cultural practices has opened the way for others to develop multiculturalist methods for accommodation that award religion a more central place. For instance, multiculturalist theories of religious accommodation have been proposed by institutionalist

multiculturalists like Ayelet Shachar (2008, 2009), who argue that the concept of religious diversity requires different policies to incorporate mechanisms of law within multiculturalist accommodation.

Essentially, Kymlicka argues, in pluralist societies, liberal rights are to take deeper and more comprehensive account of goods, where cultural identity and membership are to be considered a primary good association. Thus, there is a need for some form of cultural, minority rights, whose scope is compatible with the human rights paradigm, realigning the perceived oppositional dichotomy of citizenship and group membership (Kymlicka, 1992: 44). Kymlicka's concept of minority rights does not only reconcile individual and cultural rights, but is also involved in the political struggle to extend the universal human rights paradigm.

Minority Rights Movement As a Part of Universal Human Rights Claims/Struggle

Orthodox liberalism has created an individualistic liberal set of rights and has excluded the community as “a locus of normativity” (Provost and Sheppard, 2013: 2). Contrary to the orthodox liberal position, Mookherjee (2009: 155) asserts that rights should be “interpreted in light of actual human beings experience”. If, for members of minority groups, some goods that are fundamental to their life and their wellbeing can be only enjoyed collectively, then human rights discourse must acknowledge that fact and enlarge its compass from an individual to a group focus. Multiculturalism in this regard:

translates abstract and broad human rights standards into the vernacular of everyday life, transplanting these norms into ordinary human relations where they can truly achieve their formative potential (Provost and Sheppard, 2013: 1).

Within the multiculturalism discourse, Kymlicka is a pioneer in seeking to justify and theorize cultural accommodation on human rights foundation. In locating the minority rights claims within the existing human rights discourse, Kymlicka provides context to the concept of the rise of the human rights paradigm. He accounts for the development of the human rights culture through certain interrelated stages. Prior to World War II, the idea of racial or ethnic hierarchy was principally socially accepted, politically justified, and legally tolerated. With the adoption of the Universal Declaration of Human Rights (UDHR), the idea of a hierarchy of people was repudiated and the notion of inherent equality of human beings was promoted as an unquestionable universal norm. Such an ideological paradigm shift in the international

order greatly affected social reality, leading to the emergence of a series of socio-political movements beginning in 1948.

The first stage of these movements was the decolonization period (roughly from 1948-1966); the second stage was racial desegregation (roughly from 1955-1965). Each stage had a direct influence on the emergence of the other, eventually leading to a third stage. As the decolonization movement inspired the struggle for racial desegregation (civil rights liberalism), the civil rights movement also inspired the struggle for subordinated ethno-cultural groups, thus giving birth to a third stage, namely multiculturalism (minority rights movement) (Kymlicka, 2001:77). Kymlicka demonstrates that multiculturalism, and its demand for minority rights, is not an isolated movement itself. Rather, minority rights claims are rooted in de-legitimization of traditional ethnic and racial hierarchies and civil rights revolutions, embodying their local manifestation (Kymlicka, 2007: 89-92).

Overall, an emerging consensus on human rights in the West has enabled “multiple access points for safe political mobilization”, based on which non-dominant groups have become more demanding of multicultural reforms and group-differentiated rights (Kymlicka, 2007: 133). Kymlicka (1989: 97) grounds the contemporary trend towards liberal multicultural reforms after the 1970s as a new stage of “a larger process of social and political liberalization,” a greater accommodation of ethno-cultural diversity, and a new stage of the enactment of human rights ideals within liberal rights. The agenda of human rights discourse is expanded by Kymlicka within the context of cultural accommodation by showing the inclusive and dynamic nature of human rights extending through the several interrelated generations of rights movements. In doing so, he successfully justifies the liberal nature of his project against orthodox liberal criticisms.

The Liberal Nature of Multiculturalism

Orthodox liberal individualism argues that every individual person has an ultimate moral status and must be given equal rights and treatment. Whereas communities or groups do not bear a moral existence in their own rights or claims of their own, they carry importance only by virtue of the individual lives that constitute them. For that reason, orthodox liberalism treats people as individuals and denies the reality of right holder groups (Young, 1994: 718). As proposed by orthodox liberals such as Rawls and Dworkin, individual autonomy, “based on the political rights attributable to citizenship” in a nation-state, always take precedence over collective or sub-national identity

(May, 2002). In other words, rights have an individualistic nature rather than collective one; thus, rights stand for the protection of individuals such as women and children, not groups (Ignatieff, 2001: 67-68). Therefore, the orthodox liberal conceptualization of rights challenges the multicultural demands for rights, which are often viewed as conducive to in-group oppression.

Liberal theorists such as Barry (2002) and liberal feminists such as Susan Moller Okin (1999) suggest that the very idea of multiculturalism is at odds with, and a limit on, the individualistic logic of liberalism, with an apparent lack of commitment to equality. They also claim that “the shift towards recognizing group-differentiated rights represents a reaction against human rights” ideals and discredits liberal multiculturalism with the claims of cultural relativism (Kymlicka, 1989: 97). Okin (1999: 7) in her essay “*Is multiculturalism bad for women?*” points to an inevitable tension between feminism and multiculturalism prompted by situations in which liberal commitments to rights for minority cultures clash with and eradicate the norms of gender equality and individual women’s rights. She argues that women’s rights are likely to be obscured by the claims of cultural rights in cases of abusive and misogynist social practices such as female genital mutilation and rape-marriages.

Kymlicka very seriously addresses liberal concerns over in-group oppression and violations of citizenship rights, gender equality, and individual liberty. In this context, Kymlicka introduces the concepts of “external protection”—that is minority rights “that protect a culture from the policies of the wider society” in order to ease the minority groups’ vulnerability to the political and socio-economic influence of the dominant population—and “internal restriction”—“that is, group rights that limit the individual liberties of people within a culture” (Mookherjee, 2008: 198). Thus, Kymlicka’s support for collective rights is not unlimited and cannot be regarded as a moral absolute. He reiterates that the liberal account of minority rights endorses special rights for a minority culture against the dominant/majority community. However, it does not allow any violations of basic individual social and political rights of certain group members in the name of the rules or customs of their own groups (Kymlicka: 1992b: 145). In the case of internal restrictions towards vulnerable insiders, Kymlicka strongly favors individual rights over cultural rights. The state should practice its “right and responsibility” to intervene as a means of correcting discriminatory group acts and provide all necessary facility to exit from a group organization (Kymlicka: 1995a: 168).

Kymlicka demonstrates a clear commitment to the liberal transformation of public institutions as well as the practices of minority groups. As such, he

offers both positive and negative notions of state intervention: an intervention of state in the form of granting differentiated rights to support minority demands and in the form of restricting minority practices to protect human rights. Autonomy, which is the key value in Kymlicka's theory, provides a justification both for promoting group-differentiated rights and limiting them in favor of individual interests (Kymlicka, 1989: 170). Therefore, his concept of minority rights is strongly grounded in and constrained by universal principles and regulated by state authority (Kymlicka, 1995a: 157).

Kymlicka emphasizes that the kind of communality proposed under minority rights does not constrain individuality. Rather such communality corresponds to membership in a cultural structure and is crucial in pursuing members' essential interest in leading a good life (Kymlicka, 1989: 168). In addition, cultural rights are not morally legitimate, if they undermine democracy and the individual citizenship rights of group members, such as women. Group-differentiated rights for minority cultural groups are only justifiable if gender equality and individual liberty are accepted as important values regarding intra-group organizations (Kymlicka, 1989: 152). Generally, Kymlicka defends the dynamic and accommodative nature of liberal theory, yet he adheres to liberalism as the best form of a normative order and the absolute reconciliatory background in setting the terms for multicultural accommodation.

In Kymlicka's theory, cultural rights for minorities go beyond the standard liberal protection, though the normative arguments he makes to validate that this expansion is liberal in nature. Communities carry importance only because they constitute an organic part of an individual. Kymlicka's version of multiculturalism is not about "celebration of static cultural differences" but about promoting individual autonomy and capabilities by developing "new civic and political relations to overcome entrenched inequalities" and exclusion (Kymlicka, 2010: 12). In other words, his liberal multiculturalism is founded on individualistic norms to address inequalities rather than pursuing an agenda of normative recognition of moral worldviews by a central authority (Kymlicka, 2010: 101). Thus, he engages with practical accommodation techniques to enrich legal and political rights, which for him, are sufficient for cultural freedoms and factual equality in practice (Kymlicka and Norman, 2000: 4).

In addition, Kymlicka emphasizes that the more freedom and independence given to cultural communities, the more control the state holds on the protection of the human rights of their members. He hopes that multicultural accommodation policies will function as a catalyst for positive internal

value change towards liberal norms (Kymlicka, 2007: 107). Due to its strong commitments to ‘liberal expectancy’,³ liberal multiculturalism, he contends, is committed to acting as a genuine guarantor of gender equality, religious freedom, racial equality, and egalitarianism, while simultaneously bestowing group-specific rights as a defender of the distinct communal infrastructures and needs. Thus, for Kymlicka (2007: 92-95) multiculturalist reforms will not jeopardize human rights and liberal-democratic values as orthodox liberals assume, rather such reforms will enhance and advance them.

Moral multiculturalists like Charles Taylor (1994, 1997), James Tully (1995), and Monica Mookherjee (2005), on the other hand, criticize the pursuit of an agenda of liberal expectancy that proposes to transform individuals towards a liberal end while undermining the relevance of non-Western cultures. Moral pluralists argue that recognizing the equal moral worth of individuals necessitates the positive evaluation of their cultures and religions. Thus, their scope of accommodation goes beyond political or redistributive grounds, espoused by liberal multiculturalists, to the recognition of diverse normative systems and cultural explanations in developing the common good as equal contributors (Mookherjee, 2005: 42). In moral and institutional multiculturalist thought we see a critique of orthodox liberalism for having too many comprehensive aspects that promote a certain version of an ideology or human good. This leads them to question contemporary liberal theory’s ability in accommodating the adherents of other comprehensive moral doctrines, such as religions (Taylor, 1999: 20; Bader, 2001: 2).

According to Kymlicka, normative relevance of cultural membership is present in both liberal theory and the human rights paradigm. Thus, Kymlicka (1995: 6) strongly argues that “it is legitimate, and indeed unavoidable, to supplement traditional human rights with minority rights.” He maintains that if the liberal theory of multiculturalism is correctly interpreted and implemented, liberal concerns over in-group oppression and violations of gender equality and individual liberty would be placated and liberals would contentedly accept the legitimacy of minority rights claims as a part of liberal human rights discourse. Overall, multiculturalism for Kymlicka (2010: 101) is a liberal project, which concerns the expansion and continuation of the universal human rights discourse at procedural levels.

3 Nancy Rosenblum (1998: 51) describes the “liberal expectancy” as the assumption that life under democratic governance will induce citizens with illiberal identities to internalise liberal norms to reach an agreement on the common good and a civic ethos.

Conclusion

By putting liberal theory with an individualistic basis as the backbone of his multiculturalist project, Kymlicka asserts the individual right to cultural belonging as a liberal virtue. He challenges the universal citizenship assumption of orthodox liberalism that citizens cannot demand public appearances as members of separate minorities. Alternatively, Kymlicka develops a coherent theory of cultural diversity by re-interpreting liberal principles in light of the complexity and heterogeneity of modern societies with citizens from diverse cultural backgrounds. Kymlicka's differentiated citizenship stands for an inclusive conception of justice and equality, challenging the orthodox liberal assumptions of identical rights and uniform treatment regardless of one's identity-based differences.

Similarly, Kymlicka finds the orthodox liberal conception of human rights to be overly theoretical. It fails to pay due attention to citizens' complex identifications and bring justice and equality to the reality of the human condition. Kymlicka presents a pluralist focus on rights to tackle difference and the importance of culture for the protection of individual autonomy. He proposes that individual rights and minority rights should be viewed as complementary rather than conflicting. His liberal multiculturalist rationale for cultural accommodation and recognition is consistent with and often a prerequisite of liberal concerns for individual rights. Accordingly, Kymlicka advocates for the genuine espousal of liberal values by state institutions and rights in favor of culture-based claims while also arguing for the liberal expectancy to engender liberal values within minority cultures.

The normative relevance of cultural membership is present in both liberal theory and the human rights paradigm as interpreted by Kymlicka; thus, he advocates for the acknowledgment of cultural difference as a matter of right. Kymlicka's liberal multiculturalism contributes to the human rights discourse by theoretically justifying minority rights as a continuation of, not a departure from, universal human rights. Cultural membership, considered to be a primary good, is a politically relevant base for public demands and policymaking. Individuals can enjoy cultural rights within minority groups as part of the expansion of the human rights discourse in a multicultural context. In essence, the re-evaluation of liberalism, increased importance of the community to the individual's public life and revised liberal justification for group-differentiated rights as human rights are now considered as the foundations of multiculturalist thought to which Kymlicka has contributed.

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