

TWO LIBERAL MODELS OF CULTURAL PLURALISM: Non-Interference and Non-Discrimination

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Özet

İki Liberal Kültürel Çoğulculuk Modeli: Müdahale Etmeme ve Ayrımcılık Yapmama

Liberalizm uzun süre sosyo-kültürel çeşitlilik (çoğulculuk) meselesine en iyi cevap olarak düşünüldü. Zarar İlkesi sınırları içinde bir hoşgörü fikrine dayanan *liberal müdahale etmeme modeli* ve sosyo-kültürel farklılıklar karşısında devletin yansızlığı fikrine ve herkes için bir eşit (formel) vatandaşlık hak ve özgürlükleri sistemi ilkesine dayanan *liberal ayrımcılık yapmama modeli*, geleneksel olarak, sosyo-kültürel çeşitliliği düzenlemenin en iyi yolu olarak görülegeldi. Ancak, ethno-kültürel grupların kültürel kimliklerinin tanınması ve ifadesine yönelik son zamanlardaki talepleri bu görüşü tartışılır kılıyor ve bu geleneksel liberal politikaların, sosyo-kültürel farklılıkları farklı hak ve muameleler biçiminde tanıyan bir politika lehine aşılmasının düşünülmeye gerektiğine işaret ediyor. Bu makalede, geleneksel liberal müdahale etmeme ve ayrımcılık yapmama politikalarının, son zamanlarda ortaya çıkan bu kültürel taleplerle uygun bir biçimde başa çıkmaya yeterli olup, olmadıkları tartışılıyor.

Anahtar Kelimeler: Kültürel çoğulculuk, müdahale etmeme modeli, ayrımcılık yapmama modeli, hoşgörü, devletin yansızlığı.

Abstract

Liberalism has long been thought as the best answer to the issue of socio-cultural diversity (pluralism). The liberal non-interference model, which is based on an idea of toleration within the limits of the Harm Principle, and the liberal non-discrimination model, which is based on an idea of state neutrality to socio-cultural differences and a principle of a system of equal (formal) citizenship rights and liberties for all, have traditionally been seen the best way to accommodate socio-cultural diversity. However, the recent demand of ethno-cultural groups for the recognition and expression of their cultural identities challenges this view, suggesting transcending these traditional liberal policies in favour of one that recognizes socio-cultural differences in the forms of different rights and treatments. This paper discusses whether the traditional liberal policies of non-interference and non-discrimination are sufficient to properly deal with these recent cultural demands. Showing that neither approach is sufficient to meet these demands, the paper concludes that liberal needs to develop new approaches to the issue of socio-cultural diversity, and the recent developments in liberal multiculturalism are a result of this awareness.

Key Words: Cultural pluralism, the non-interference model, the non-discrimination model, toleration, state neutrality.

Two Liberal Models of Cultural Pluralism: Non-Interference and Non-Discrimination

The current demand of cultural minorities for the expression and recognition of their cultural identities entails special policy arrangements (i.e. language rights, exemptions from general law and rules and self-government rights). It reflects a strong aspiration for having an access to the public sphere¹ where their culture, norms, traditions, history, language and identity can find a place.² This is a strong claim, which challenges to the traditional liberal approaches of non-interference and non-discrimination to the issue of cultural pluralism, and suggests transcending them.³ Both the non-interference approach, which is based on the idea of tolerating minority cultures to conduct their own affairs and to maintain their way of life within the limits of the Harm Principle,⁴ and the non-discrimination approach, which is based on an idea of state neutrality to cultural differences and a programme of uniform rights for all, do not accord special rights to the members of minority cultures. However, the recent culturalist challenge suggests transcending these policies in favour of one that recognises ethno-cultural differences in the form of different rights and treatments.⁵ This paper discusses whether the traditional liberal policies of non-interference and non-discrimination can properly deal with the issue of cultural

1 What I mean by the public sphere is the state and the major economic, educational and social institutions of the civil society.

2 There is a large literature on the aspirations of members of minority cultures and on multiculturalism. See, among others, Will Kymlicka (1989; 1995; 2001), Iris Marion Young (1991), Charles Taylor (1992), Jeff Spinner-Halev (1994).

3 Joseph Raz in his "Multiculturalism" (1994: 157-158) distinguishes three liberal responses to the question of multiculturalism: toleration, non-discrimination and the affirmation of multiculturalism. Avishai Margalit and Moshe Halbertal (1994: 498-499) also make a parallel distinction among various levels of the right to culture: non-interference, non-interference + the recognition of the way of life of cultural minorities by the wider society, and the first two level + the right of minorities to be supported by the state's institutions.

4 For the Harm Principle, see Mill (1993: 78).

5 Unless otherwise indicated, my use of the term "ethno-cultural diversity" (or "socio-cultural diversity") refers to differences in ethnicity, culture and nationality.

pluralism in the context of these recent culture-related demands. The paper begins with a discussion of the non-interference approach to the issue of cultural pluralism and shows its shortcomings (Section 1). Then, it turns to the non-discrimination approach and, especially focusing on the implications of the Rawlsian non-discrimination model (Political Liberalism) in relation to the issue of value and cultural diversity (Rawls, 1996), shows that the idea of state neutrality to ethno-cultural differences, on which the non-discrimination approach is based, is not possible (Section 2). It argues that this approach, despite its explicit claim about state neutrality to cultural differences, in fact implicitly operates on a hidden assumption about the cultural homogeneity of the political community, and therefore it fails to acknowledge the political implications of cultural diversity. The paper concludes that neither the non-interference and nor the non-discrimination approach can provide a proper answer to the recent culturalist challenge (Section 3).

1. The Non-interference Model⁶ and the Issue of Cultural Pluralism

The Non-interference model is based on the idea of letting (not prohibiting) minority cultures maintain their own way of life within (literally alongside) the larger society, without interference except for the limits of the Harm Principle.⁷ Members of minority cultural groups will be allowed to manage their own affairs as they wish and to practice their own way of life, as long as they do not interfere with the culture of the majority and do not restrict the ability of members of the majority to pursue the life-styles of their culture (RAZ, 1994: 157).⁸ In this approach letting minorities conduct their own affairs is based on two arguments: (1) Not allowing the practices of minorities, which do not harm others, is an exercise of a form of coercion over them, therefore it is unjust. The Harm Principle requires coercing only those who harm others in order to restrain or punish them. (2) Not permitting minorities to maintain their

6 One of the main principles of international relations is the principle of non-interference which results from the principle of the state-sovereignty. However, here my concern is with the non-interference model as a liberal response to the issue of ethno-cultural pluralism within the domestic society.

7 About the Harm Principle, see Mill (1993: 78) and Raz (1994: 157).

8 I will call this *the external limit* for non-interference, since the possibility of intrusion to majority culture sets limits for non-interference. However, there are what I call *internal limits* for non-interference which are set by the intolerable practices of the minority culture such as slavery, torture, female circumcision, oppression etc. My concern is here with the external limits for non-interference.

way of life might pose threatens on public order, social coherence and political stability and might undermine the allegiances of minorities to the political institutions.

Though some contemporary liberals, such as Kukathas,⁹ suggest some versions of the non-interference model as a response to the demands of cultural and national minorities for the recognition and expression of their way of life and identity, it is far from satisfying these demands. Most cultural minorities aspire both to have an access to income, wealth, opportunities and power and the recognition of their cultural identity.¹⁰ Their this dual aspiration together with some other factors, such as what types of ethno-cultural communities they are (e.g. religious, linguistic, immigrant, or national groups, dispersed or territorially concentrated groups) and what kind of political community they live in, relate to the degree to which they wish to integrate with, or remain separate from, the mainstream culture and therefore the sorts of policy arrangements which they demand. As a result of the combination of these factors, the demands of most ethno-cultural groups (apart from those who seek complete a-political separation from the mainstream culture) involve some *special policy arrangements* to facilitate either integrative inclusion or some degree of political separation (in the case of national minorities). The non-intervention model can satisfy neither type of these demands and therefore leaves most minority cultural groups in a state of perpetual marginalisation. It can only satisfy the demands of those ethno-cultural groups who demand complete *a-political separation* from the mainstream society.

Those minority cultural groups such as the Blacks in the USA or the old and new immigrant groups who aspire to *integrative inclusion* with the majority culture, usually demand changes in the political, social and cultural institutions and policies of the wider society for the accommodation of their cultural identities and practices. They demand greater recognition and visibility within the mainstream society through state-sponsored multicultural policies. However, all these demands of cultural minorities who wish to integrate to the majority culture, have the potential consequence of interference with the culture of the majority, and with the ability of members of the majority to enjoy the life styles of their culture. Indeed these are demands for changing the majority's culture in manners which provide greater accommodation for the minority cultural identities. These consequences are unwanted and

9 See Kukathas's debate with Kymlicka, in Kukathas (1995: 228-253; 1992: 674-680). See also his other articles (1997: 69-104; 1998: 686-689).

10 About the dual aspiration of minority cultures for having an access to income, wealth, opportunities and power and for the recognition of their cultural identity, see Tok (2001).

unacceptable from the point of view of the non-interference model, which requires minorities not to interfere with the majority culture. Moreover the non-interference model restricts the use of public spaces and public media by minorities, and requests them to finance their activities out of resources of their own community while obligating them to contribute to the maintenance of the mainstream culture through taxation (RAZ, 1994: 157). Hence the non-interference model does not let those cultural groups who wish to be included into the majority culture through integration (accommodation), but not through assimilation, do so.¹¹

It might be thought that the non-interference model satisfies the demands of those cultural groups (e.g. the Basques, the Chechens, the Tamils and the American Indians etc.) who do not aspire to integrate with the majority culture but wish to maintain their own (national) culture and identity. These cultural groups, in order to maintain their culture, seek the sorts of rights and powers of self-government.¹² They aim to create their own political economic and educational institutions, which are necessary to retain their culture. They want to have their own public sphere where through forming and sustaining a set of public institutions, and exercising some degree of rights and powers of self-government, they can embody their culture in social life, and they can have a substantial control over their own affairs. However, the non-interference model, though it permits them to conduct their own affairs as long as they do not impose restrictions on the ability of members of the majority to pursue their life-style, and do not interfere with the majority's culture, denies them the sorts of rights and powers of self-government which are needed to maintain their culture. For granting some sorts of rights and powers of self-government to minority national cultures goes beyond the limits of the non-interference model for toleration: It would mean intrusion into the majority culture. It would have important impacts on the majorities' life, self-perception, on political, social and economic institutions and on the whole political community in general. Therefore they are not acceptable to the members of majority cultures.

Then in the non-interference model, the minorities who wish to maintain their national culture and identity is left only with the option that they should do so with their own private efforts, and out of the resources of their community. However, apart from the fact that this is too costly to minority national cultures, maintaining a particular national culture in the modern world

11 About the distinction between assimilative inclusion and integrative inclusion, see Tok (2001).

12 For a discussion of the relationship between the maintenance of national culture, institutionalisation of culture and self-government rights, see Tok (2002).

inevitably requires having own public sphere where the national culture and identity can be institutionalised and embodied and some sorts of rights and powers of self-government can be exercised. Therefore the aspiration to maintain a culture is a political one (requiring special policy arrangements) which is impossible to achieve through private efforts, and the implication of this political aspiration is not acceptable for the members of majority cultures. As a result the non-interference model puts those (national minorities) who aspire to maintain their national culture in a situation of isolated enclaves: on one hand letting them to conduct their own affairs as they wish within the limit of the Harm Principle, on the other hand depriving them of the sorts of rights and powers of self-government which are needed to sustain their culture and to integrate with the modern-world.

The Non-interference model satisfies the demands of those groups (the religious sects small in number such as the Amish and the Hasidic Jews) who seek permanent marginalisation (a complete a-political segregation), because their religious world view requires them avoiding to contact with the 'corrupted worldly institutions' of modern society (KYMLICKA, 1996: 6). Apart from this type of cultural minorities, all cultural groups seek either integrative inclusion, or some forms of self-government (some degree of political segregation), and the non-interference model is insufficient for both aspirations.

However, one-like Kukathas—might still think that the non-interference model meets sufficiently the demands of those ethno-cultural groups who do not value liberal autonomy and choice, and wish to maintain their non-liberal (or illiberal) way of life, since it does not require that cultural minorities should accord their members civil rights and freedoms. Nevertheless, note that those non-liberal cultures, if they are (would be) national cultures, need some sorts of rights and powers of self-government to maintain their national culture and identity just as liberal national cultures do need. If they are illiberal (often religious) ethnic cultures which seek access to the general public space without having to abrogate their cultural requirements about how to present themselves, they often demand some exemption policies due to the conflict between their illiberal cultural practices and the demands of liberal citizenship. However the non-interference approach does not provide the non-liberal (or illiberal) national and ethnic cultures respectively with some sorts of rights and powers of self-government and exemption policies. For this would mean their intrusion into the mainstream culture of the dominant-majority group, involving, for the liberal majority, a compromise, or an abrogation, in relation to their liberal values and principles.

The non-interference approach portrays a political community where a (liberal) dominant-majority cultural group, holding the whole power over the political and social institutions of society, exists alongside (often non-liberal or illiberal) cultural minorities who are permanently marginalised.¹³ Those who wish to maintain their (national) cultures are allowed to practice their way of life, but deprived of the sorts of powers and rights of self-government to maintain their culture. Those who wish to integrate into the majority society but at the same time seek increased recognition and accommodation within the mainstream society are not allowed to do so.¹⁴ The majority organises the political, economic and social institutions of the society as it sees fit, and has full control over access to public sphere, public media and *official* organs of socio-cultural reproduction, while denying to members of minority cultures the right to use them.

In this portrayal of the non-interference model, as it can be easily noticed, there is a hegemonic or dominative relationship between the tolerant and the tolerated.¹⁵ The tolerant (the dominant) decides the terms, conditions

13 This portrayal of non-interference model can be found in Kukathas's works. In his articles entitled "Are There Any Cultural Rights?" (1995) and in "Cultural Rights Again" (1992), he suggests a version of non-interference model where a liberal dominant-majority cultural group, forming the mainstream culture and holding the whole political power, exists alongside the private associations of the (often illiberal) minority cultural communities which are governed by their own internal rules. He denies minority cultural groups special policy arrangements (what he calls cultural rights), but he lets them to govern their affairs according to, and to live by, the terms (internal rules) of their private associations. Individual right to associate and to disassociate (a substantial right to exit) plays the most fundamental role in Kukathas's approach. Together with this fundamental right (to exit), he thinks, the existence of a liberal mainstream culture that is open to individuals wishing to leave their cultural communities will temper the probability and the extent of injustice within (illiberal) cultural groups.

14 Non-intervention model might accept the assimilative inclusion of members of minority cultures to the mainstream culture of the dominant-majority group, but it would not endorse their inclusion through integration. For this would mean intruding the dominant culture. For the distinction of assimilative and integrative inclusion and for their implications for ethno-cultural groups see Tok (PhD thesis 2001, forthcoming in Turkish in Spring 2003).

15 The hegemonic relationship between the tolerant and the tolerated parties can be seen in Kukathas's earlier version of non-interference model. See "Are There Any Cultural Rights?" (1995) and in "Cultural Rights Again" (1992). However in his more recent works he seem to refine his approach, intending to develop a model of toleration without domination, without hegemonic relationship. In his "Liberalism and Multiculturalism: Politics of Indifference" (1998), there is a strong emphasis the ideal of liberal neutrality as politics of indifference (to social differences, individual and collective ends, identities and attachments). He claims that in relation to the issue of multiculturalism, liberalism recommends 'doing nothing' (p. 687). For liberalism is itself, fundamentally, a theory of multiculturalism, multiculturalism does not pose a difficult problem for liberalism (p. 690). His account of liberalism offers "the

and limits of toleration between the two parties. This hegemonic relationship seems to set the limits for toleration: the tolerant is ready to tolerate as long as its hegemony is not questioned; that is, as long as it continues being the party which is the tolerant, but not the tolerated. When the hegemony of the tolerant is challenged, the tolerance ends. When ethno-cultural groups demand integrative inclusion or some degree of political separation, these demands

opportunity, under a state indifferent to the ways or the goals of the different peoples living under the law, for people to coexist and for their different arts and letters and sciences to flourish (or to die out) with them. It offers this opportunity, however, not because the laws grant them recognition, but because the laws are silent" (p. 698). He, following Raz, describes the liberal polity as "a society, not of a majority and minority cultures but of a plurality of cultures coexisting in a *condition of mutual toleration*" (p. 695). This last statement clearly shows that his refined version of non-interference model accounts for an idea of toleration without domination. However, it cannot be said that his refined version of non-interference model is articulated clearly in this essay, as he still speaks of a society composed by the dominant (large) majority and the small minority cultures in the same article (pp. 693-4).

His refined version of non-interference model, which attempts to provide an account of toleration without domination is better presented in his article, "Cultural Toleration" (1997). In this work, Kukathas clearly articulates a society of plurality of cultures coexisting in a *condition of mutual toleration*, but not of the dominant liberal majority and the tolerated non-liberal cultures any more. He opposes to the liberal approaches—such as Rawls's, Kymlicka's and Fitzmaurice's approaches—which articulate toleration and define its boundaries or limits from the point of view of, and with the moral standards of, the dominant liberal culture (pp. 72-78). He claims all these approaches to toleration "presuppose the existence of a liberal political order: that is, an order in which the value of autonomy, embodied in principles of justice, is authoritatively upheld in the public sphere. To put it slightly differently, all presuppose the existence of a common standpoint of morality which is established. Toleration is something which arises as an issue, then, because of the possibility of dissent—whether by word or practice—from the values implicit in that common stand point. However, toleration is not possible when minority practice goes against the values implicit in the public sphere: values which have already established. Minority practice is tolerated only for so long as it abides by the fundamental moral principles of the wider society; otherwise minority communities will be restructured (so far is practicable) to be brought into accord with majority practice" (p. 78). After criticising these prevailing liberal approaches and concluding that they do not offer sufficient toleration to minority communities, but they are concerned with the perpetuation or reproduction of a liberal social order, he begins to develop his own approach which does not presume "that it is already established that there is a 'we' who are faced with the problem of determining how far to tolerate particular groups in 'our' midst" (p. 71). He explicitly distinguishes the (liberal) state from cultural sub-groups (pp. 93-95). He treats liberal communities and illiberal communities (e.g. the Amish, the Pueblo) alike as communities, having (ideally) an equal standing. He conceives the state or the wider society "as a settlement among different groups living under an arrangements of mutual toleration" just like international society (p. 97). He models an international society-like domestic society where all cultural communities (liberal or illiberal) are (ideally) of equal standing, and tolerate each other mutually without dominating.

transgress the limits of the principle of toleration according to the non-interference model. For the acceptance of these demands would have important impacts on the culture of the dominant group, on the self-perception of its members, on public institutions and policies and ultimately on political community as a whole, and therefore it would challenge the hegemony of the tolerant (dominant cultural group).

This delineation of the non-interference model, which is based on a hegemonic relationship between the parties, might be compatible with the practices of apartheid, black segregation, colonial administrations and imperial rules. However, a non-interference model based on the coexistence of the parties in a condition of mutual toleration but not of hegemonic toleration can also be suggested, as indeed Kukathas (1997; 1998) does in his recent works. What Kukathas has in mind is an international society-like domestic society where ethno-cultural groups (liberal or illiberal) are (ideally) of equal standing, and they coexist, mutually tolerating, without dominating, each other. However, there are questions about the viability of this model of Kukathas, as it cannot tell us a plausible story about how a society with no common standpoint of morality might come into existence whose members would find this kind of toleration morally acceptable (WALZER, 1997: 110). As Walzer (1997: 110) argues "human beings cannot be philosophically detached about their own way of life or morally indifferent to the history and content of the practical arrangements they collectively accept." A society of the sort Kukathas suggests would, therefore, either have to be "inhabited by beings of another sort" or else "break up in the radical way suggested by its international analogue."

However, this does not mean that mutual tolerance as an attitude or a practice is not possible between cultural communities. Where the cultural groups are more or less equal in terms of power and size, they might establish a *modus vivendi*-like mutual toleration regime as a result of political bargaining, based on a balance of power between the parties. However this will not be a regime of mutual toleration without domination in the sense Kukathas wants. For the resulting agreements and arrangements are merely compromises made by groups with one another, this will not be a permanent and inherent regime of mutual toleration. Since the arrangements of mutual toleration are based on a balance of power between the parties, changes in this balance of power are likely to undermine the existing arrangements. When the power balance shifts in favour of one group, the regime of toleration is likely to shift from a mutual to a hegemonic one in which the weaker party, whose tolerance is no longer

required, is only tolerated.¹⁶ Moreover, a *modus vivendi*-like regime of mutual tolerance based on a balance of power between cultural groups such as consociations is no longer an example of non-interference model, but it is a form of political segregation. For it already involves some forms of rights and powers of self-government for each cultural community.

The non-interference model (whatever form it takes—either its hegemonic or mutual toleration form) is exclusive. In principle, the majority cultural group might allow members of other ethno-cultural groups to join their community, as long as they accept total assimilation and a full obedience to their internal rules, that is, as long as they accept *assimilative inclusion*. However, if those who want to join their culture aspire *integrative inclusion*, or if they see those who want to join their culture as not capable of being assimilated, of becoming one of them, they might be reluctant to accept them. In these circumstances, when the form of toleration relationship between the groups is a hegemonic one, the non-interference model might become compatible with, or worse might lead to, discrimination on ethnic, religious or racial ground. The dominant group might tolerate the existence of minority ethno-cultural groups with contempt, only at the periphery as separated and marginalised groups, giving that its culture is the institutionalised mainstream culture of the political community and it has full control over access to it.

Note that tolerating the existence of minority ethno-cultures as segregated and marginalised groups (with contempt) does not in any way imply respecting or recognising their way of life and cultural identity. In any case this is not what most ethno-cultural groups demand. As I argued above, this is the demand made by only those groups such as the Amish who want a complete a-political separation from the mainstream society. Most ethno-cultural groups do not want to live in isolation but aspire to integrate with the modern world. This requires having an access to the public spaces, that is, to the mainstream society. Respecting the cultural identity of a minority ethno-cultural group by the wider society at least requires letting the members of that group enter, the public spaces, the mainstream society without having to be *assimilated*. It requires that the majority should be no longer free to exclude members of the minority cultural groups from the mainstream of the society: from its schools, from public positions, offices, and services, from residential neighbourhoods and so on. In short, discriminatory practices on national,

16 Walzer (1997: 22-24) gives consociations as an example of a *modus vivendi*-like regime of mutual tolerance which is based on a balance of power between the parties. He describes how changes in the balance of power breaks up consociations as happened in Lebanon.

ethnic, racial or religious grounds should not be allowed, and the state should be the state of all members of political community as individuals regardless of their ethnic, cultural, religious, or racial background. Public sphere and media, political, economic and social institutions should be no longer the preserve of the majority, but common and open to all.

However, all these requirements go well beyond the non-interference model that acknowledges the link between the state and the majority culture and demands the assimilation of members of minority cultural groups as a condition for their having an access to the mainstream public institutions. Given that most cultural groups aspire an access to the public sphere without having to be assimilated, the aspiration of minority cultural groups cannot be accommodated by the non-interference model. This aspiration of minority cultural groups seems to be accommodated well by the non-discrimination model which envisages a political community where the state is neutral in relation to cultures, and members of the political community, regardless of their ethnic, cultural national identities, have equal citizenship-status and equal access to the public spaces. Now let us see whether the non-discrimination model can accommodate the aspiration of minority cultural groups.

2. The Non-discrimination Model and the Issue of Cultural Pluralism

What I call the prevailing liberal policy of non-discrimination is based on an idea of state neutrality in the face of value and cultural diversity and on the principle of a system of equal rights and liberties for all citizens regardless of their individual beliefs, values and socio-cultural identities. Its approach to controversial issues such as religion, moral values and beliefs (that is, to the issue of value pluralism) has been to remove them from the public sphere, treating them as private matters. The separation of the right from the good in parallel with the dichotomy of public and private has been construed as the best solution to such controversial issues. The good, as a matter of individual decision, would be pursued in the private sphere by individuals whose equal rights are guaranteed in the public sphere. The role of the state and its institutions would be to ensure equal opportunity for members to pursue their own conceptions of the good. Hence, the state would be neutral in relation to

individuals' conceptions of the good; it would refrain from endorsing or favouring any particular one.¹⁷

In terms of ethno-cultural identities, the prevailing liberal approach adopts the same position and tends to regard them as a private matter. However, the way it does this is ambiguous. It *explicitly* claims that the state is *neutral* in terms of ethno-cultural identities. It envisages a political community where the state is neutral in relation to cultures, and where members of the political community, regardless of their ethno-cultural identities, have equal citizenship status and equal access to the public spaces. It disentangles the state from the culture, seeing the second as a matter of private concern. This model is based on the separation of the public and private sphere. In the public sphere every member of the political community enjoys the same set of equal individual rights and freedoms, regardless of his or her ethno-cultural attachments. These equal individual rights and freedoms guarantee the treatment of each individual with equal concern and respect. In this way members of minority cultural groups are protected against discrimination and prejudice, and they are free to maintain their way of life and cultural identity through their private efforts in the private sphere.

On this view, as a result of the commitment to treat each person "with equal concern and respect", the state is neutral regarding the way of life and identity of ethno-cultural groups (DWORKIN, 1986: 190-191). It does not support or penalise any particular culture through its public policies, or play any role in the social reproduction of cultural groups (WALZER, 1992: 99-103). It does not have any cultural or religious projects, "or, indeed, any sort of collective goals beyond the personal freedom and physical security, welfare, and safety of its citizens" (WALZER, 1992: 99). Correspondingly, the nation is defined in purely political terms. Those who live in the same state's territory, under the rule of the same government, form a nation and they are endowed with equal citizenship rights and liberties, regardless of their ethno-cultural identities and attachments.¹⁸ As a result of this portrayal of the state (as impartial) and its corresponding understanding of the nation (in purely political terms), the non-discrimination model treats ethno-cultural identities and attachments as a private matter *irrelevant* to the public domain (and to the national identity).

17 About this understanding of the liberal non-discrimination model, see, among others, Ronald Dworkin (1986) and John Rawls (1996).

18 See for this understanding of nationalism Walzer (1992) and Michael Ignatieff (1994). I discuss this understanding of nationalism and its failure in explaining recent nationalist movements and conflicts in Tok (2001, forthcoming in Turkish in Spring 2003).

However, state neutrality regarding ethno-cultural identities and disentangling state and culture are impossible for at least three reasons. First, if the stability of the political regime is to be sustained, members of the political community must adopt the identity of citizenship with its rights and responsibilities. They must take on certain attitudes, norms and dispositions that go with their shared citizenship identity. This means liberal democratic polities must have a liberal democratic political culture, and this political culture is not neutral regarding cultural identities and conceptions of the good, as it fits better with some than with others (BADER, 1997: 784, 792; CARENS, 2000: 9; O'NEILL, 1997: 24-29). Second, the way political institutions embody the liberal democratic principles inevitably reflects and constructs the particular national histories, cultures and identities of the polities (BADER, 1997: 777, 779, 780, 784, 788; CARENS, 2000: 10-11; O'NEILL, 1997: 25-26). Thus citizens are committed not to the liberal democratic principles in their abstract forms, but to the particular cultural and historical embodiments of them, and this particularity, at least in part, constitutes the source of citizens' allegiances to the state and its institutions. Moreover, acceptance of distributive principles and other citizenship duties and responsibilities requires a mutual trust and solidarity among members of the political community, generated by a sense of shared identity that is assumed to be facilitated by a shared culture (KYMLICKA, 1995: 77; MILLER, 1995: 83, 90-93). Third, the state cannot avoid making decisions on languages, internal boundaries, public holidays and state symbols, and these decisions are not neutral, as they unavoidably involve recognising, accommodating and supporting the needs and identities of some particular cultural groups but not of others (KYMLICKA, 1995: 108-115; BADER, 1997: 784-785).

If the state, despite the explicit claim of the non-discrimination model, is not, and cannot be, neutral in relation to ethno-cultural identities, the political implications of ethno-cultural diversity for justice, citizenship status and for the unity and stability of the political community need to be considered. How can we then explain the ignorance of the non-discrimination approach on the issue of ethno-cultural diversity? The answer seems to be that the non-discrimination model, when addressing value diversity, operates with a hidden assumption of cultural homogeneity (KYMLICKA, 1989: 177-178; PAREKH, 1998: 408; TAMIR, 1993: 118, 141). It implies that those who live in the same polity belong to the same culture and share the same cultural identity. It is based on an assumption that the political community (nation-state) is culturally

homogenous.¹⁹ Indeed, the non-discrimination model, when addressing the implications of value diversity in relation to justice and stability, cannot justify its omission of ethno-cultural diversity unless it relies on this assumption of cultural homogeneity—for ethno-cultural diversity would have important political implications in relation to justice, citizenship status and the unity and the stability of the political community. Indeed where ethnic, cultural and national diversity exists, addressing this sort of diversity precedes addressing value diversity, for the first sort of diversity puts the unity of the political community into question, and the question of the unity of the political community precedes the question of stability.

The non-discrimination model, then, despite its *explicit* claim of state-neutrality to ethno-cultural identities (and its claim of disentangling the state from culture), *implicitly* relies on an assumption that the political community is culturally homogenous. This hidden assumption, though it suggests the relevance of ethno-cultural attachments and identities to the public domain (and to the national identity), obscures the problems that are raised by ethno-cultural pluralism. With this assumption, the non-discrimination model simply takes for granted that all members of the political community belong to the same culture and share the same cultural identity, and it confines itself to the issue of value pluralism within the same homogenous culture, without needing to address the issue of ethno-cultural pluralism. It simply omits the consequences of ethno-cultural pluralism, simplifying the issue of pluralism and thereby making the non-discrimination model appear cogent in settling the conflicting issues.

All of these considerations suggest that the position of the non-discrimination model in relation to ethno-cultural identities is ambiguous. As we have seen, it *explicitly* adopts state-neutrality in dealing with socio-cultural diversity, but it in fact *implicitly* accepts that the state is not, and cannot be, neutral in relation to culture. By implicitly operating with the assumption of the political community's cultural homogeneity, it accepts the relevance of culture to the public domain, but the very same assumption leads it to ignore the political implications of the fact of ethno-cultural diversity. However, once we accept the relevance of culture to the public domain and the impossibility of state neutrality in relation to culture, it becomes apparent that we cannot ignore the political implications of ethno-cultural diversity, that we must drop the hidden assumption of cultural homogeneity and take the political implications of ethno-cultural diversity into account. Hence the non-discrimination model

19 Kymlicka (1989: 160, 170-178) observes this in the works of the prominent liberal philosophers, such as Rawls and Dworkin.

does not solve, even does not properly address to, the issue of ethno-cultural pluralism, it rather obscures it. The non-discrimination model, which I have discussed so far, is a general model of the non-discrimination. However, as the Rawlsian non-discrimination model is generally regarded as one of the most distinguished and influential versions of non-discrimination model, this model and its political implications in relation to the issue of ethno-cultural diversity deserves a detailed examination.

The Rawlsian Non-discrimination Model: The Issue of Diversity in Political Liberalism: Rawls's political liberalism is a distinctive and perhaps the most prominent version of the non-discrimination model. Not only is it based on the idea of state neutrality and the principles of equal rights for all, but it also attempts to provide *a neutral justification of state neutrality*.²⁰ It searches for an agreement among reasonable people on a conception of justice in the political sphere that is neutral regarding conceptions of the good in the sense that it does not presuppose any particular comprehensive religious, philosophical or moral doctrine. Moreover, its notion of public reason makes it possible for citizens to present their views as to what justice requires and to debate the meaning and content of fundamental principles of justice and political morality. I would now like to consider the implications of the Rawlsian non-discrimination model in relation to the issue of diversity in general and to the issue of ethno-cultural diversity in particular.

In *Political Liberalism*, Rawls (1996: xx-xxi, xxvi-xxvii) seeks a resolution between reasonable but incompatible comprehensive doctrines in modern societies. What he means by "reasonable comprehensive doctrines" are individuals' religious, political, philosophical and moral doctrines (RAWLS, 1996: 59, 175). This plurality of reasonable but conflicting comprehensive doctrines is the very nature of contemporary societies (RAWLS, 1996: xx, xxviii, 36). The problem that conflicting reasonable comprehensive doctrines pose is to achieve justice and a shared basis for the maintenance of the unity and stability of the political community (RAWLS, 1996: xx, xxvii, xli). As people's comprehensive doctrines (religious and moral convictions) are unlikely to converge, it is unrealistic to expect to reach an agreement on any comprehensive doctrine. Given the fact of reasonable pluralism, no conception of justice defined from within any one of these comprehensive doctrines will be acceptable to those who subscribe to other doctrines. Rawls (1996: 37-38 and Lecture IV, 133-172) believes, however, that an agreement on principles of

20 For the importance of the neutral justification of state neutrality to liberalism, see Charles E. Larmore (1987: 50-55).

justice can be reached from the point of view of *an impartial public standpoint, or public reason* in the political sphere, despite conflicting interests and disagreements over comprehensive doctrines.

Rawls rightly points out that disagreements over comprehensive doctrines are an enduring feature of modern societies, raising the issues of justice and the stability of the political community. However, he is too optimistic in hoping to find a solution to these issues through reaching an overlapping consensus on a political conception of justice. His optimism results from his incomplete account of diversity and conflict. Rawls (1996: lx; 1999: 177) conceives of three main types of diversity and conflict. *Interest-conflicts* emerge over the control and distribution of resources (i.e. the conflicts stemming from differences in status, class, occupation, gender, race and *ethnicity*). These sorts of conflicts are resolved under the governance of agreed-upon principles of justice (e.g. the difference principle, more specifically by adopting social rights and policies). *Value-conflicts* are the conflicts among comprehensive doctrines that Rawls's political conception of justice primarily seeks to resolve. They are the conflicts between individual values, beliefs, convictions, concepts of good and the best way to live (lifestyles). The way to resolve this kind of conflict is to remove them from the public sphere by considering them as matters of private decision. Even though our comprehensive doctrines are irreconcilable and cannot be compromised, in political contexts we as citizens can share reasons of another kind, namely, public reasons given in terms of political conceptions of justice (RAWLS, 1999: 177). The claims made from within individuals' comprehensive doctrines can enter the public sphere *only* if they are couched within the terms of public reason. Citizens debate and express their opinions, the policies and the principles that they advocate on various issues of state affairs in the same moral and political framework of state. They participate in political culture, or in public dialogue, which occurs in *the public sphere*, to solve these types of conflicts by appealing to public reason, which is *an impartial, formal and procedural public standpoint*,²¹ based on common human reason. Hence, there is general agreement on the basic moral and political framework and procedural rules for settling these types of normative disputes politically among

21 See Lecture V, on "The Idea of Public Reason" in *Political Liberalism* (1996). Rawls there defines public reason as the characteristic of a democratic people: "It is the reason of its citizens, of those sharing the status of equal citizenship. The subject of their reason is the good of the public: what the political conception of justice requires of society's basic structure of institutions, and of the purposes and ends they are to serve." See p. 213, and also particularly pp. 224-225, 226.

reasonable people.²² The third type of conflict Rawls conceives of are *those conflicts arising from the burdens of judgment* (RAWLS, 1999: 177). Burdens of judgment (e.g. balancing the weight of different kinds of evidence and values and so on) are sources of reasonable disagreement between reasonable and rational persons (RAWLS, 1996: 54-58). They affect both theoretical and practical judgments.

According to Rawls (1996: 1x; 1999: 177), interest conflicts can be resolved and value conflicts can be mitigated (but not eliminated) within the framework of his non-discrimination model. Only conflicts arising from the burdens of judgment always remain and limit the extent of possible agreement (RAWLS, 1996: 1x; 1999: 177). *What about the differences in ethnicity, culture and nationality? What does Rawls say about them? What are the implications of his non-discrimination model in relation to the differences in ethnicity, culture and nationality that I shall call identity-conflicts?* Rawls does not explicitly consider the conflicts arising from these differences. The primary concern of his political liberalism is the conflicts arising from irreconcilable comprehensive doctrines. However, he very briefly indicates the position of political liberalism in relation to the conflicts arising from the differences in ethnicity, culture and nationality (RAWLS, 1996: 1x; 1999: 177). He seems to treat this type of conflict the same as he treats interest conflicts (RAWLS, 1996: 1x; 1999: 177). He explicitly mentions *ethnicity* among the conflicts arising from citizens' *fundamental interests*—political, economic and social (e.g. class, occupation and race). He thinks that the principles of justice of a reasonably just constitutional regime can resolve this kind of conflict arising from citizens' fundamental interests. Once we accept principles of justice, or recognize them as at least reasonable (even if not the most reasonable), and know that our political and social institutions conform to them, he claims, these sorts of conflicts need no longer arise, or arise so forcefully. He believes that they can be largely removed by a reasonably just constitutional regime. He believes also that such a regime might fairly deal with differences of *culture and nationality* by *separating* the latter idea from that of state (RAWLS, 1996: 1x, n. 37). What exactly Rawls means by the separation of nationality, culture and ethnicity from the state is not clear. However, given his commitment to state neutrality to the ways of life and comprehensive conceptions of the good, he seems to endorse state neutrality to ethnic, cultural and national differences too by disentangling ethnicity, culture and nationality from the state (and for that matter nationality from citizenship). Hence Rawls's solution to the

22 In order to settle these types of conflicts in particular, a fair implementation of political rights, including freedom of expression, communication, association and participation, is needed.

conflicts arising from differences in ethnicity, culture and nationality seems to be a familiar liberal solution: the state will be neutral in relation to culture, ethnicity and nationality and will treat cultural, ethnic and national identities as a private concern, a matter of individual choice or commitment, not as a question of public policy.

However, as we have seen, the disentanglement of state (citizenship and political culture) from nationality, ethnicity and culture, and state neutrality to national, ethnic and cultural differences are not possible. It is precisely the possibility of this solution that is contested and challenged by the claims of members of ethnic, cultural and national groups for recognition and status. Members of these groups therefore demand special policy arrangements (group-differentiated rights), which go beyond formal equal citizenship status for all, seeing them as a requirement of justice in relation to the diversity of ethnicity, culture and nationality. Their claims present a different understanding of justice, one that is not neutral, but sensitive to differences of ethnicity, culture and nationality. Hence, the Rawlsian liberal non-discrimination model also cannot provide an adequate response to the recent culturalist challenge.

3. Conclusion

The discussion in this chapter concludes that neither the liberal non-interference approach nor the prevailing liberal non-discrimination model is sufficient to meet the challenge of ethno-cultural diversity. For both approaches deny special policy arrangements to ethno-cultural minorities. However they do this in different ways and on different grounds. The non-interference approach accepts the state and culture relationship. It portrays a political community where the majority culture is institutionalised as the mainstream culture and lets members of minority ethno-cultures enter to the mainstream culture only on the majority's own terms: with the condition of their full assimilation; or it lets them live invisibly at the margins of the society according to their way of life as long as they do not interfere with the culture of majority. The special policy arrangements that will facilitate their integrative (not assimilative) inclusion to the mainstream culture or institutionalise their culture (in the case of national minorities) are denied to minority ethnic and national cultural groups on the ground that they are intrusion to the majority's culture. As a result, the non-interference approach leaves most minority ethnic and national cultural groups having to make a choice between a state of perpetual marginalisation or a complete cultural assimilation.

The non-discrimination model denies special policy arrangements to the minority ethnic and national cultures on the ground that state is neutral in relation to ethnic and national cultures and identities. It accords all members of political community with equal citizenship status, regardless of their ethnic and national attachments. However, a closer examination of non-discrimination model shows that the model in fact relies on a hidden assumption of cultural homogeneity of the political community rather than its explicit claim of the state-neutrality; a hidden assumption that obscures to see the role of a shared national identity and culture in reaching an agreement on the principles that govern the state and its institutions and in providing the unity and stability of the political community, and the issue of justice in relation to the ethnic and national diversity. Once this reliance on the hidden assumption of cultural homogeneity is captured, culture returns to the public sphere, raising the issue of justice in relation to ethno-cultural diversity and the issue of the unity of political community. Hence liberal needs to develop new approaches to address to the issue of ethno-cultural diversity and the issue of the unity of political community, and recent developments in liberal multiculturalist literature must be seen as a result of this awareness.

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