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CULTURAL DIVERSITY AND TOLERATION IN THE NATION-STATE

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Abstract: This article attempts to answer a particular question: "what is the relationship between the nation-state and a liberal polity?" To answer this question it first presents the concepts of nation, nationalism, and nation-state; second, diversity in general and cultural diversity in particular; third, two different liberal approaches to cultural diversity, namely, multiculturalism and toleration as a response to conflict that is caused by cultural diversity. It is argued that the conflict that is caused by ethnic and cultural differences is best accommodated by the liberal concept of toleration. Normatively speaking, from a liberal perspective, an understanding of nation with more civic elements than ethnocultural elements seems to be much more appropriate for a liberal polity. Such a civic/political conception is much more accommodating towards cultural differences than ethnic/cultural conception and in line with the view of toleration defended in this paper.

Keywords: *Diversity, nationalism, nation-state, toleration, liberalism.*

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ULUS-DEVLETTE KÜLTÜREL ÇEŞİTLİLİK VE HOŞGÖRÜ

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Öz: Bu makale, "ulus-devlet ve liberal bir siyasal düzen arasındaki ilişki nedir?" sorusuna cevap aramaktadır. Bu soruyu cevaplamak üzere ilk olarak, ulus, milliyetçilik, ulus-devlet; ikinci olarak, genel olarak çeşitlilik, özel olarak da kültürel çeşitlilik; üçüncü olarak, kültürel çeşitlilikten kaynaklanan çatışmaya bir cevap olarak iki farklı liberal politika, yani çokkültürcülük ve hoşgörü kavramları sunulmaktadır. Çalışmada, etnik ve kültürel farklılıklardan kaynaklı çatışma ile en iyi liberal hoşgörü kavramı ile başedilebileceği ileri sürülmektedir. Liberal bir perspektiften, etno-kültürel unsurlardan ziyade sivik unsurlara dayanan bir ulus anlayışının liberal bir siyasal düzenle uyumlu olacaktır. Böyle bir sivik/siyasi ulus kavramsallaştırması kültürel farklılıklara karşı, etnik/kültürel ulus kavramsallaştırmasından çok daha fazla çözüm odaklı olacak ve bu çalışmada savunulan hoşgörü kavramı ile uyum arz edecektir.

Anahtar Sözcükler: *Çeşitlilik, milliyetçilik, ulus-devlet, hoşgörü, liberalizm.*

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The theory of [nationalism]…is a retrograde step in history…[it]does not aim either at liberty or prosperity, both of which it sacrifices to the imperative necessity of making the nation the mould and measure of the State[1]

Free institutions are next to impossible in a country made up of different nationalities…it is in general a necessary condition of free institutions, that the boundaries of government should coincide with those of nationalities.[2]

1. NATION, NATIONALISM AND NATION-STATE

The quotes above, from Lord Acton and J.S. Mill, respectively, display the contradictory attitudes towards nationalism that have existed within liberal political thought since before the term "nationalism" even existed. Liberal thinkers, not all possessed of the tremendous intellectual gifts of Acton or Mill, were uneasy about the "national idea's" insistence on the importance of a group ("the Nation") over the individual. But at the same time, they were forced to recognize the connections between the idea of a sovereign nation and the institutions of republican democracy. The "principle of nationality" seemed simultaneously to lead both to a powerful, anti-individualistic state acting in the name of some vaguely defined group called "the Nation," and to a cohesive group feeling, upon which could be constructed the institutions of a free society.

The situation in practice is even more complex than what Acton and Mill grappled with on a theoretical level. Despite the ubiquitous use of the term, there are probably no true "nation states" in the sense of complete coincidence of political and national boundaries. In other words, all "nation states" are actually "multi-national states." For liberals like Acton, this was not a problem since (in his view) multinational states, even multinational empires, were highly conducive to liberal institutions. But for all self-proclaimed nationalists, and for many liberals as well, a multi-national reality in an ostensible "nation state" produced all sorts of problems, and the growth of the nation state in the nineteenth century was paralleled by the emergence of numerous "national questions." Like the "German Question" or the "Italian Question," these were usually about how to combine national populations scattered among several different multi-national states into one homogeneous nation state. Thus developed what historians call The Wars of German Unification and the Italian *Risorgimento*. These nationalist

projects often involved breaking up big multi-national empires (the Habsburg Empire was probably the most famous example) and then assembling homogenous nation states out of their assorted bits. But this was not as easy as it seemed. For the different provinces and regions of the ancient multi-national empires of Europe (and the Near East) were themselves actually multi-national. The break up of Austria-Hungary in 1918 did not in fact lead to the establishment of homogeneous nation states, but instead to numerous smaller multi-national states, with their own "National Questions." Nevertheless, the strength of liberal ideas in the late nineteenth and early twentieth centuries, the influence of Anglo-American Liberal Internationalism as the dominant foreign policy, and the strong advocacy of Lloyd George and Woodrow Wilson helped to make the nation-state the dominant form of political organization in modern times (MacIver, 1999: 2).[3]

Hence, the "Nationality Question" was (and still is) not solved by the creation of nation states, since virtually all such states, despite their name, are in fact "multinational." To put it another way, the term "nation state" is intended to point to the coincidence of the nation and the state, to the existence of a state for each nation. This would represent "the fulfillment of the liberal idea of the nation as a self determining group of people" (MacIver, 1999: 2-3). However, given that there are more nations on earth than the actual number of states, it seems that this term corresponds to a political ideal rather than the reality. A difficulty also emerges when the term is used to refer to all states in existence regardless of the combinations of their populations. Thus, a state with a multinational population gets called a nation state anyway.

Given the reality of the multinational character of states, the questions then become, how have nationalists historically dealt with national minorities and, in normative terms, how should they deal with them. This paper will also investigate whether (and, if so, how) a de facto multinational state can develop and preserve strong liberal institutions and values.

i. Attempts at Definitions

While a thorough discussion of the different theories of nations and nationalism is clearly outside the scope of this paper, we should at least attempt to delineate the terms with which we will be dealing. In particular, we will offer a rough outline of what we mean by terms like "nation" and "nationalism" without engaging in a thorough-going argument for why we are using these definitions rather than others.

Within the incredibly rich literature on nations and nationalism, there seem to be a handful of generally accepted premises relevant for the arguments set forth in this paper. The first is that "nations" are in some sense "subjective" or "imagined" group identities. Perhaps the most elegant statement of such an analysis (and also one of the

oldest) was Ernest Renan's famous lecture "Quest-ce qu'une Nation?" In this remarkably modern piece, Renan highlighted the highly conditional, subjective nature of a nation. It was in this lecture that he made the famous remark that a nation was a "daily plebiscite". In other words, a nation exists because its members believe it exists and wish to continue its existence.

One way or another, almost all of the preeminent students of nations and nationalism since Renan have described a nation using much the same idea. Hans Kohn, for example, wrote: "…the most essential element [in the formation of a national consciousness] is a living and active corporate will." (Kohn, 1955:10) Similarly, Hugh Seton-Watson remarked, "All that I can find to say is that a nation exists when a significant number of people in a community consider themselves to form a nation, or behave as if they formed one." (Seton-Watson, 1977: 5) Probably the most widespread formulation of this idea has been Benedict Anderson's tremendously influential characterization of nations as "imagined communities."

The subjective nature of nations in all of these sorts of definitions also implies a certain "constructedness" or even artificiality to national consciousness. While some scholars, notably Anderson, explicitly and quite vociferously denies that his characterization of nations as "imagined" should be taken to understand that they are somehow bogus or sham communities, others come much closer to making just such claims. Scholars as diverse as Eric Hobsbawm and Ernest Gellner, among many others, have focused on the ways in which political elites, especially modern, state-builders, have been conscious agents in the project of constructing nations out of various collections of ethno-linguistic raw material.

The vigorous debates about the relative "constructedness" of nations, and the place one takes in those debates, do not directly affect the arguments made in this paper, but a related question about nations and nationalism certainly does. Whether nations are the products of the creative energies of state-building intellectuals and political elites, or whether they are artifacts of some sort of sociological evolution, there is widespread acceptance that national consciousness is built around a shared set of values, ideas, stories, myths, and so forth. Where there is much less agreement is whether different nations, and their attendant nationalisms, are based on different "mixes" of these components, and whether this makes any difference in how the nation behaves and what sorts of social and political culture it is likely to reflect.

ii. Typologies of Nationalism

The most common way that this division is expressed is in terms of "civic nations" (and nationalism), on the one hand, and "ethnic nations/nationalism," on the other. This taxonomic division has its roots in some of the ideas of Friedrich Meinecke,

who drew a distinction between what he called "cultural" and "political" nations. (Meinecke, 1970:10) The former, according to him, were "based on some jointly experienced cultural heritage," whereas the latter are "primarily based on the unifying force of a common political history and constitution." But the actual "civic/ethnic" distinction owes its origin and clearest articulation to Hans Kohn.

According to his formulation, "civic nations" are based primarily on "political" values and ideas, whereas "ethnic nations" are built, as their name implies, on stories and ideas that accentuate the glories of a particular, ethnically defined group. For Kohn, the prototypical civic and ethnic nations were the United States of America and Germany, respectively. Kohn argued that the American national identity was built around a glorification of a set of political ideals, especially democratic, constitutional republicanism. American nationalism as it expressed itself, say, in the War of Independence or the War of 1812, was about upholding and defending an "American culture" that was defined in terms of its dedication to republicanism. The myths and stories on which American civic nationalism was/is based focus on a devotion to a set of social and political ideas.

As one student of the subject described the civic nation:

"the nation is defined in terms of citizenship through membership in a civil society with distinctive civil institutions, associations, values and interests. In this sense the nation is an association with a common history and a collective personality whose continued existence is an act of will expressed in the consent and participation of its members" (MacIver, 1999: 3).

In this approach, there is no differentiation between nationality and citizenship. One who is a citizen has also the nationality. Hence a person who was born into an Arab family is considered to be a French national when she becomes a French citizen. Thus, civic understanding emphasizes not ethnic background but some political principles and ideals that define the ethos of the nation. "Anyone can join the nation irrespective of birth or ethnic origins, though the cost of adaptation varies and there is no myth of common ancestry" (Keating, 2001: 6). For this reason, it is sometimes described as a political understanding of nationality.

It is generally accepted that the civic conception represents the liberal view of the nation. It first emerged in England in the seventeenth century and then came to its maturity at the French Revolution during which it was given a dynamic character and a universal appeal by the Jacobins. It became more influential with increasing democratization (MacIver, 1999: 3). This is an individualistic understanding of nationalism which begins from the individual and goes up to the nation. In this understanding, as opposed to one in which the rights and duties are gained by

membership to the ethnic group/nation, individuals posses rights and responsibilities prior to their membership (Keating, 2001: 7).

Ethnic nationalism, on the other hand, while also about glorifying The Nation, relies on a very different set of stories and myths. Rather than a shared political culture, the ethnic nationalist stresses the allegedly "organic" basis of the nation. The national culture is seen as something primordial and sacred that is inherited in an almost biologoical manner. In this understanding, the nation is based on an ethnic group with a distinctive culture which is usually expressed by its language. This approach sees a nation "as an organic entity with an existence of its own, the bearer and repository of the traditions and experience of a community" (MacIver, 1999:3). The nation is something bigger than the totality of its current members. It comprises past, current and future members. It has a life of its own independent of the lives of its members. It shapes the identities of its members, their outlook towards the world through its culture which is a system of meaning and significance.

The first prominent defender of this understanding was Johann Gottfried von Herder (1744-1803). For him, culture was an organic and unchanging entity making a nation what it is (Parekh, 2000). Historically, Germany has followed this understanding of nation. In Germany, nationality and citizenship are seen as two different things. While it is possible to be a German citizen, it is not possible to be German national unless you were born that way. Accordingly while a second or even third generation Turk who lives in Germany and speaks German better than Turkish is considered an "*auslander*," (foreigner), a person who speaks an unintelligible dialect of German in any part of the world is welcomed as a member of the German nation (Watson, 2000).

iii. Problems and Criticisms

The civic-ethnic nationalism binary, though widespread in the literature, has come under a great deal of negative criticism, especially over the past couple of decades. Most of these critiques argue that this dichotomy is a mixture of self-serving wishful thinking and Western triumphalism. It should at least raise one's eyebrows to observe that, in this narrative, the old liberal democracies of the USA and France are the flag-carriers for "good" civic nationalism, whereas Central Europeans, especially Germans, as well as anybody farther east are besotted with "bad" ethnic national ideas.

Critics of the civic-ethnic nationalism dichotomy also point to the arbitrariness of the distinctions made in such analysis. For example, the heroic adventures and achievements featured in the American national mythology are performed almost exclusively by White Anglo-Saxon, Protestant Christians.

Another line of criticism is not of the civic/ethnic dichotomy per se, but rather that too much is being lumped into the ethnic category. In this view, there are actually three types of nationalism, namely, civic, ethnic and cultural. According to this model, civic national identity is based "attachment to a common territory, citizenship, belief in the same political principles or ideology, respect for political institutions and enjoyment of equal political rights, and will to be part of the nation. Cultural identity is based on nonpolitical cultural traits. The key components here are language, religion, and traditions. Finally, for ethnic national identity, shared ancestry and race are the dominant criteria by which membership in the nation is defined" (Shulman, 2002: 559).

2- DIVERSITY

The presence of ethnic, religious, linguistic, ideological, sexual differences is the distinguishing mark of the societies of the twenty first century. Adjectives such as diverse, plural, multicultural and multinational are used to describe the societies in which we live.

The sources of diversity are many: ethnic background, religious affiliation, philosophical leaning, ideological positions, class affiliation, gender differences, sexual orientation are among them. Bhikhu Parekh identifies three sorts of cultural diversity: 1.subcultural diversity, 2. perspectival diversity, 3. communal diversity. According to Parekh, the differences at the basis of cultural diversity are embedded in and sustained by culture which is a system of beliefs and practices through which members of a group make sense of themselves and the world around them. These differences are different from differences that owe their existence to individual choice. Unlike differences derived from individual choice, cultural differences carry a measure of authority with them. The first sort of cultural diversity, i.e. subcultural diversity, consists of people who broadly share a common culture yet they either have different beliefs and practices with respect to certain areas of life or have distinctive life styles of their own. While gays and lesbians are examples of the former, jet-set executives, artists and think-tankers provide the examples of the latter (Parekh, 2000: 2-3).

As the second sort of cultural diversity, perspectival diversity consists of people who are highly critical of the main principles of the dominant culture and want to reform or reconstitute it along the lines of their particular views. Groups like feminists and environmentalists are examples of this second sort of cultural diversity. Finally, the third sort of cultural diversity consists of people who belong to self-conscious and more or less well-organized communities which possess their own system of meaning and significance, namely, culture. Among them are newly arrived immigrants, various religious communities, and territorially concentrated indigenous peoples (Parekh, 2000: 3-4).

Parekh thinks that although these three sorts of diversity share some features and sometimes overlap with one another, the third sort, i.e. the communal diversity, is quite distinct from the other two in that "it springs from and is sustained by a plurality of long-established communities, each with its long history and way of life which it wishes to preserve and transmit. The diversity involved here is robust and tenacious, has well-organized social bearers, and is both easier and more difficult to accommodate depending on its depth and demands" (Parekh, 2000: 4).

Two Liberal Responses to Cultural Diversity

There are different reactions towards cultural diversity in society. Some people think positively about diversity and welcome it. They are not disturbed by living amidst cultural differences. However, there are some who feel disturbed, and even threatened by differences. They would rather live in a culturally homogenous society. When these people attempt to eradicate differences through such various means as genocide, ethnic cleansing, assimilation and discrimination, we end up having social conflict.

The reaction of liberal thinkers to cultural diversity is also mixed. While some liberals like Will Kymlicka think that cultural diversity is a positive value and must be preserved, others like Chandran Kukathas take a neutral position towards cultural diversity and think that it is a social fact that we need to live with. In this respect it should be neither promoted nor hindered but tolerated by the state and society. Finally there are those liberals, like Brian Barry, who think that cultural diversity, especially divergent of the liberal culture, should be neither promoted nor tolerated. Rather, it should be assimilated into the western liberal way which is based on the Enlightenment values.

Here we will focus on the first two reactions by liberals, dismissing the third one which we find inconsistent with the liberal tradition, the basic virtue of which is toleration.[4] In the literature, usually, the first liberal approach goes under the banner of 'multiculturalism' and the second one goes under the banner of toleration or 'benign neglect'.

The Policy of Multiculturalism

The state policies that aim at preserving and promoting cultural differences and their academic investigation are designated with the name of 'multiculturalism" and "the theory of multiculturalism' respectively. It must be emphasized that not any kind of difference but culturally derived differences are the subject of multiculturalism. For Parekh, more specifically, it is about communal diversity. Will Kymlicka, a Canadian political thinker, agrees with Parekh on this point. For Kymlicka, multiculturalism is a branch of the studies that go with name of 'politics of difference' or 'politics of

recognition' or 'politics of identity' and concerned with ethnically, culturally and religiously derived differences.

The multiculturalist approach that takes diversity to be something valuable and be cherished and preserved will be exemplified in Will Kymlicka's theory which he develops most fully in his *Multicultural Citizenship: A Liberal Theory of Minority Rights*, 1995.

In this work, Kymlicka argues that in order to be happy everyone needs to lead a good life. Furthermore in order for a good life to lead a person to happiness, it needs to be led from inside, in other words, it has to be chosen by the individual in question. Furthermore, a person must be able to review her/his chosen good life and make revisions on it as necessary or even drop it totally and adopt a new understanding of good life as she or he sees fit. This is autonomy based on the freedom of choice. For Kymlicka, regardless of the contents of any understanding of the good life, it must be a self-chosen life, i.e. autonomous life, if it will make a person happy.

In fact, here we find also the reason why Kymlicka finds cultural diversity valuable. For him, the construction of good life does not take place in a vacuum but in what he calls "societal cultures". A societal culture is 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. These cultures tend to be territorially concentrated, and based on a shared language (Kymlicka, 1995: 76).

We exercise our freedom of choice in a societal culture (Kymlicka, 1995: 75). We make meaningful choices from the options that are provided by our culture: "People make choices about the social practices around them, based on their beliefs about the values of these practices. And to have a belief about the value of a practice is, in the first instance, a matter of understanding the meanings attached to it by our culture" (Kymlicka, 1995: 83). Thus, the existence and continuity of our culture is indispensable for our leading an autonomous, and as a result, happy life. In this respect, culture is valuable for Kymlicka to the extent to which it facilitates autonomy and provides opportunity for individual happiness.

As will be remembered Kymlicka (1995) distinguishes between two forms of cultural diversity: multination states and polyethnic states. To the extent to which these groups contribute to personal autonomy and individual happiness, Kymlicka desires them to be preserved and supported. With this purpose in mind, he develops and defends three sorts of "group rights": the right of self-government, polyethnic rights, and representation rights (chp.2).

The right of self-government aims at devolving as much power to national minorities as possible. One common way of doing this is through federalism. Country's internal borders are redrawn with an eye to the national minorities to make them majority in their traditional homelands (Kymlicka, 1995: 30). On the other hand, polyethnic rights aim at providing financial support and/or legal exemptions for certain ethno-cultural practices. Classical examples are Sikh men's claim to be exempt from wearing a helmet while driving a motorcycle and Jewish men's demand to wear a *yarmulka* in the office, and Muslim women's desire to wear the *hijab*, in public spaces. On the other hand, claims of financial support are defended on the grounds of social richness and fairness. Accordingly, by financially supporting and thus preserving minority cultures, state compensates for the support that it already gives to the dominant culture by subsidizing museums, symphony orchestras, and theaters, etc. In this way fairness is achieved (Kymlicka, 1995: 30-31). Finally, minority cultures' representation in the central legislative institutions of the country is secured through representation rights. In this way, the tendencies of the majorities at the national level to curb the self-government rights of the national minorities are checked (Kymlicka, 1995: 31-33).

According to Kymlicka (1995), the demands that cultural groups make towards the liberal state can fall into one of two sorts: 1.internal restrictions, 2.external protections. In the case of *internal restrictions* a cultural group demands non-interference from the liberal state when it attempts to suppress internal dissent to keep its traditional way of life alive. For example, the Pueblo demands that the state should not try to reverse the decision when the Pueblo tribal council denies housing benefits to those members who converted to Christianity. In the case of *external protections*, a cultural group may demand from the liberal state that it should be protected from the interventions of outside groups and entities so that they will remain as who they are.

While Kymlicka rejects the demand for non-interference in the face of the suppression of internal dissent (i.e. internal restrictions), he readily endorses the demand towards external protections. The reason why Kymlicka rejects demands for internal restrictions is that they go against the fundamental liberal value of autonomy. Clearly, the Pueblo tribal council's denial of housing benefits to some members on the grounds that they rejected traditional religion in favor of Christianity is a violation of the principle of autonomy which gives individuals the right to examine, revise or drop totally their understandings of the good life and adopt a new one if they see it necessary. For Kymlicka, this kind of restrictions of individual autonomy by the cultural groups should not be tolerated by the liberal state. By the same token, Kymlicka supports the demand of external restrictions by the cultural groups to the extent to which these foster autonomy of individual members within the group. External protections are demanded for survival of the cultural groups in the face of homogenizing pressures of the larger society, global economic and political forces. The survival of cultural groups is

important because they provide the societal culture without which individual members cannot experience their autonomy in a meaningful way.

The Policy of Toleration

i. An Analysis of the Concept of Toleration

John Horton characterizes toleration as "a deliberate decision to refrain from prohibiting, hindering or otherwise coercively interfering with conduct of which one disapproves, although one has power to do so" (Horton, 2000: 429-433). Langerak (1997, 116) summarizes this position in a nutshell: "I disagree with your position on this matter which I care about but I will not attempt to coerce your behavior."

The concept of toleration consists of a tolerating and a tolerated subject, each could be an individual, a group, an organization or an institution; an object of toleration which can be an action, a belief or a practice; a negative attitude in the form of dislike or disapproval towards the object of toleration on the part of the subject who tolerates; and a significant degree of restraint based on a deliberate decision in acting against the object of toleration.

In order for a subject to qualify as a tolerating subject it needs to exhibit *agency*. In other words, to be able to tolerate, an entity must be capable of doing something, of acting. To be intolerant towards an object requires the capacity to act against it. This point becomes clearer when we are reminded of the fact that not all groups are capable of acting. However, an entity does not need to exhibit agency to qualify as the tolerated subject. Thus, there are more potential tolerated subjects than potential tolerating subjects. Let's illustrate this point by an example drawn from the realm of sexual orientation. As a group, gays and lesbians can be a subject of toleration in the sense of being tolerated. That is, they can be subjected to the intolerant behavior of those who disapprove of their way of life. However, to the extent to which they lack the necessary structure to act as a group they cannot be a tolerating subject (Oberdiek, 2001: 40-41).

According to Oberdiek, wherever there is difference, especially deep difference, there is a potential object for toleration, and deep difference exists everywhere. In Oberdiek's (2001: 46-47) words, "without deep and divisive differences, toleration would not have the important place it does, not only in abstract liberal political theory but also in the lived life of contemporary pluralist, liberal societies."

It must also be indicated that toleration is not indifference. We exercise toleration towards the differences which we care about. We are simply 'indifferent' to those differences about which we do not bother. In Mendus's (1989: 8) words "simply

to allow the different practices of others, whilst not objecting to them, disapproving of them, or finding them repugnant, is not to display tolerance, but only to favour liberty".

Furthermore, unless we can show that the subject is in a position to impose his/her/its will on the tolerated subject, we cannot describe a person or an institution as a tolerating subject (Mendus, 1989: 9). Mendus (1989: 9) illustrates this condition by an example drawn from the realm of religious differences: "We may be said to tolerate only in the circumstances where, although we disapprove of the heterodox religion, and although we have the power to persecute, we nevertheless refrain". In Weale's (1985: 18) words, "those who are tolerant could get their way if they chose. This is the distinction between acquiescence and toleration." In this sense, tolerance is different from resigning oneself to what one disapproves of out of a sense of helplessness. To be tolerant implies that one believes, perhaps falsely, that one could interfere in some way with the disagreeable behavior (Langerak, 1997: 117).

Finally, we would like to talk about the so-called "paradox of toleration". The fact that toleration requires someone to refrain from prohibiting, hindering or otherwise coercively interfering with exactly what one disapproves of presents the 'paradox of toleration'. Accordingly, the reason and/or conscience of the tolerating subject should be provided with some reason(s) for not interfering with an object of toleration that is/are stronger than her/his desires to suppress it. Thus, the reasons presented to overcome the paradox of toleration are different ways of justifying toleration.

The liberal approach of toleration towards the cultural diversity is exemplified by the thought of Chandran Kukathas. Kukathas presented his theory in its mature form in his *The Liberal Archipelago: A Theory of Diversity and Freedom*, Oxford University Press, 2003. In this work Kukathas identifies as the basic interest of all human beings the desire to follow the dictates of conscience which tells what is right and what is wrong to individual: "[t]he most important feature of human conduct is its attachment to the claims of conscience. It is this aspect of human nature that reveals what is preeminent among human interests: an interest in not being forced to act against conscience" (Kukathas, 2003: 17). Thus, for Kukathas, freedom of conscience is the most fundamental value.

Freedom of association logically follows from the acceptance of freedom of conscience (Kukathas, 2003: 115). "Freedom of association protects groups and communities to the extent that those who wish to remain separate from other parts of society, or to break away and form their own associations of like-minded people, are left undisturbed: free to go their own way" (Kukathas, 2003: 107). Like civil society's other voluntary organizations, cultural groups depend on the continuous support of their members. If the members cease to support the cultural group, its existence may come to

an end. Here Kukathas accepts that our membership is not voluntary to cultural groups most of the time. We are born into them. Likewise, many cultural groups may not let outsiders be members. Here by the adjective voluntary Kukathas refers to the fact that "… members recognize as legitimate the terms of association and the authority that upholds them" (Kukathas, [1992] 1995: 238).

The freedom that is the corollary of freedom of association is freedom of dissociation. This can be denoted as freedom of exit as well. Accordingly, an individual who cannot accept any longer the values/practices of the group that she is a member of has the right to exit the cultural group and place herself in another one. This aspect of Kukathas' theory is very fundamental because it makes this theory a *liberal* one by placing the individual consent at the basis. This also implies the ontological primacy of the individual over group, class, community or any other entity. The cultural group's legitimacy is dependent on the acquiescence of individual. As Kukathas points out, "a society is a liberal one if individuals are at liberty to reject the authority of one association in order to place themselves under the authority of another; and to the extent that individuals are at liberty to repudiate the authority of the wider society in placing themselves under the authority of some other association." (Kukathas 2003: 25). In another place, Kukathas claims that "[i]f there are any fundamental rights, then there is at least one right which is of crucial importance: the right of [the] individual to leave a community by the terms of which he or she no longer wishes to live." (Kukathas, [1992] 1995: 238).

The difference between Kymlicka's theory of accommodation/promotion of diversity and Kukathas' theory of 'benign neglect' is stark. As mentioned earlier, although Kukathas starts from a humble beginning, i.e. taking cultural diversity as a social fact to be neither promoted nor hindered, at the end, his theory provides much more room for cultural diversity than Kymlicka's theory which claims to cherish and promote it. Unlike Kymlicka's theory, Kukathas' theory tolerates not only cultural groups that value liberal autonomy but also those cultural groups which do not subscribe to autonomy. In Kukathas' words, "a liberal society can tolerate illiberal groups and individuals" (Kukathas, 2001). Freedom of association that exists in liberal society enables illiberal groups to exist alongside the liberal ones. The only condition for their existence is that they tolerate other groups and recognize their members' right of exit from the group. In such a society, the most basic liberal political principle is toleration. Let's follow this point in Kukathas' words:

> [Liberalism] advocates mutual toleration and thus peaceful coexistence. A liberal regime is a regime of toleration. It upholds norms of toleration not because it values autonomy but because it recognizes the importance of the fact that people think differently, see the world

> differently, and are inclined to live – or even think they must live – differently from the ways others believe they should. It upholds toleration because it respects liberty of conscience (Kukathas, 2003: 39).

What does this theory correspond to in practical terms? In terms of Kymlicka's categorization between internal restrictions and external protections, Kukathas' theory would tolerate internal restrictions that do not involve use of force or threat of force against those members who want to leave the group. Thus many liberties of the members can be curtailed by the group. The fact that the members remain in the group means that they take the terms of the group as legitimate. Furthermore, group can expel members who dissent from traditional ways. Going back to the example of the Pueblo, members who convert to Christianity cannot demand to continue to benefit from all the privileges of traditional membership. The reason is that not only dissenters but also those who find the traditional belief and way of life worth following have also freedom of conscience and they cannot be forced to tolerate the dissenters. That would be disrespectful of the consciences of the majority. The dissenters would simply have to leave.

In the case of external protections, Kukathas' theory departs from Kymlicka's by not providing financial support to cultural groups for the sake of preserving diversity or fairness. According to Kukathas this kind of support creates an artificial incentive to create or maintain groups that would not normally exist (Kukathas, [1992] 1995: 234). Cultural groups should owe their existence to the satisfaction that they provide their members with. If the members derive such a satisfaction, they will bear the burdens of keeping their culture alive. If not, they will desert and the culture will stop to exist. Secondly, cultural groups are not homogenous. There may be minorities within those minorities. Many times, state subsidies freeze the *status quo* in favor of the current dominant groups in the minority culture. Furthermore, culture is something subject to change. How does state know which aspects of the culture are worth preserving and thus should be subsidized? For these and other similar reasons, Kukathas rejects the idea of state sponsorship of minority cultures, i.e. group rights. Thus, the state should neither hinder the cultural groups which do not respect individual autonomy nor promote those that foster autonomous way of life. It should only tolerate (Kukathas, 2003: 85-89, 252). This approach can be seen as an example of toleration based on freedom of conscience.

Kmylicka and Kukathas' positions are subjected to a thoroughgoing criticism by Ratnapala (2005). According to Ratnapala, *freedom of choice* presents us the fundamental liberal value. In this sense, he parts ways with Kukathas who thinks that *freedom of conscience* is the fundamental liberal value. For Ratnapala, freedom of conscience corresponds to *freedom to believe* which is based on the right to believe or

not to believe. Thus, freedom of choice lies at the basis of freedom of conscience. One is free to think and/or believe as she or he wishes. In the absence of mind-control one cannot be prevented from doing so. However, one can be stopped to realize that thought or belief by being prohibited from acting on that thought or belief. In order for someone to really experience freedom of conscience one needs to have freedom of choice. An individual is enabled to act on her or his thoughts and beliefs thanks to freedom of choice.

However, Ratnapala disagrees with those who think that freedom of choice creates a right to choice. Depending on the Hohfeldian analysis, he thinks that while a right entails others to provide an individual with material opportunities to realize her or his personal plans all that freedom requires from others is to leave that individual alone. For Ratnapala, liberalism in the classical sense cannot endorse the right to choice which reduces individuals to a means for others' goals. As a philosophy affirming the separate value of each individual's life, preference satisfaction and well-being, the classical liberal perspective cannot be reconciled with *the right to choice* approach.[5] Thus, Ratnapala rejects Kymlicka's multiculturalism which is based on *a right to choose*. In this regard, Ratnapala thinks that individuals are free to choose to follow their cultural traditions. However, they cannot legitimately expect others to provide them with the resources for carrying their traditions into the future.

Unlike Kymlicka's approach, Ratnapala's approach to freedom of choice does not depend on state sponsorship of cultures. Using Isaiah Berlin's conceptualization, Ratnapala's conception of freedom of choice corresponds to negative freedom. Similarly, Kukathas' understanding of freedom of conscience is based on negative freedom. Individual(s) should be left alone to follow the dictates of their conscience. Freedom of conscience does not require others to provide resources to individual. Although Kukathas and Ratnapala take two different concepts to be the fundamental value of a liberal society, i.e. freedom of conscience and freedom of choice respectively, they both end up defending negative liberty for individual. In this respect, they are not radically different from one another.

3- A LIBERAL MODEL

Having examined first the concepts of nation, nationalism, and nation-state; second, diversity in general and cultural diversity in particular; third, two different liberal approaches to cultural diversity, namely, multiculturalism and toleration as a response to conflict that is caused by cultural diversity, now it is time to put forward the specific position of this paper with respect to all these issues.

At the minimum, difference in general and cultural diversity in particular is seen as a social phenomenon that we have to live with. It should neither to be promoted nor

to be repressed. The purpose of a liberal polity is neither to support different life styles nor create a homogenous social environment. The liberal polity's purpose is a political one: to secure peace. In fact, this was the original purpose that the pioneers of the liberal doctrine, such as John Locke and Pierre Bayle had in mind when they were putting forward their views. The original question that they were trying to find an answer to was "how can peace and stability be secured in the face of societal conflict that is caused by social differences?" Toleration was the answer that liberal philosophers developed. As it was presented above, toleration is a principled position of refraining from interfering with the beliefs and/or practices that we dislike and/or disapprove of even though we have power to stop it. We refrain from hindering a belief or a practice because we value another principle such as autonomy or freedom of conscience more highly than our desire to suppress. Toleration does not expect us to value, cherish and welcome what we tolerate. All it requires us to leave the object of toleration, i.e. what disturbs us, alone. It is a policy of live and let live. In this way, destructive conflict caused by moral, ideological, cultural differences is prevented. In this sense, the particular approach that is defended here is the policy of toleration rather than the policy of multiculturalism.

Furthermore, toleration that is defended in this study is based on freedom of conscience rather than autonomy. The main reason for this will be found in our agreement with Kukathas' view that fundamental interest of human beings lies in the ability to lead a life dictated by their consciences. Using Adam Smith's metaphor, the conscience is "the man within our breast" that tells us what is right and what is wrong. When we follow the dictates of this man or woman we feel rectitude, when we fail to follow we feel shame and/or guilt. Thus, freedom of conscience that lets us follow the dictates of our conscience is essential. However, as Ratnapala indicates, freedom of conscience does not exclude freedom of choice. Freedom of choice lies at the basis of freedom of conscience.

On the other hand, autonomy which can be understood as the ability to form, review, revise some aspects of or drop totally our previously formed understanding of good life on the basis of rational thinking is not shared by all individuals. There are individuals and groups who do not attach a high value to autonomy. They do not want to know what the alternatives are or they do not want to review their beliefs on a rational basis. All they want is to believe. Autonomous living is valued by liberals. They think that regardless of its particular contents, any understanding of the good life, if it is going to deserve the name, must be a self-chosen life. For these liberals, all good lives have this common feature: to be consciously chosen. Thus, as Gaus (2004: 104) indicates, in this view, the liberal good life is a self-chosen life.

In line with the particular understanding of toleration defended here, i.e. toleration based on conscience, the mode of liberalism that is defended becomes a

political liberalism. According to this mode, it is possible to distinguish the particular understandings of good life that are led by individuals from the ideals and principles that shape the general or political framework of the society. Thus, individuals living in this society do not have to be liberal themselves, but the political framework will be. The basic principle of this polity will be toleration based on freedom of conscience. The polity will not suppress the beliefs or life styles that deviate from the majority beliefs or life styles.

On the other hand, as indicated above, the mode of liberalism that takes the value of autonomy as the basic "liberal value" and places it at the basis of the political framework mixes the ethical views of the citizens and the general ideals of the political framework. That is why this mode of liberalism is called comprehensive or ethical liberalism. In a sense, it blurs the classical distinction that was drawn by liberal philosophers between the public and the private. This mode expects citizens to adopt life styles that are in line with the basic value of the polity, namely, autonomy. This is a much more exclusive understanding. The toleration that is based on autonomy would leave many individuals and groups out of the list of those who are to be tolerated by the polity. Thus, the more tolerant mode of political liberalism will be preferred over the less tolerant mode of ethical liberalism.

In line with the stance developed so far, there would not be state sponsorship of cultural diversity in this polity. Thus, the answer to the particular question "are there any cultural rights?" the answer is 'no'. There are no cultural rights. As Ratnapala (2005) rightly indicates that would be economic redistribution and using persons as means rather than ends. Furthermore, giving material support with the aim of preserving minority culture would be to assume that state knows which aspects of a culture should be preserved. State cannot have such knowledge.

For liberals, the proper limits of sovereignty in a polity are determined by individual rights and liberties, according to the view defended here, the most fundamental of which is freedom of conscience. Therefore, liberals show great care to shape a polity as a *liberal* one. It is a constitutional or limited government. As Holden (1988: 12) puts it, "(t)he adjective 'liberal' as applied to systems of government classically implies a concern with individual freedoms that centers on the need to limit the power and authority of government." In this understanding the aim is to protect the rights and liberties of the citizens from the power of the state.

4- THE LIBERAL POLITY AND THE NATION

The question that is to be addressed in this section of the article is "what is the relationship between the nation-state and the liberal polity sketched here?" More specifically, what does the liberal polity that is based on political liberalism which, in

turn, is based on freedom of conscience have to do with a *nation-state*? It must be stated right away that both in ontological and moral senses, liberalism is individualist. That is, what is natural and basic is individual. All other things such as family, class, community, are formed by individuals. Nations are also formed by individuals and do not have priority in time or primacy in importance over the individual.

However, as already discussed, there are different conceptualizations of what a nation is. The different conceptualizations of the nation lead to different models of the nation-state. Which of those different understandings of the nation-state is more compatible with the liberal polity defended here? Which conception of nation provides the most suitable foundation? The ethno-cultural conceptualization of nation or the civic conceptualization? Or a combination of both?

Now we find ourselves more-or-less back at the beginning of this paper. The overwhelming popularity of the nation-state paradigm is something that liberalism is still contending with, just as it was in the mid-nineteenth century when nationalism was showing its new-found power. Just as Acton and Mill drew opposite conclusions about the importance of the "principle of nationality" (as they called nationalism) modern liberals continue to find themselves at odds. This paper has tried to address this problem by focusing on the issue of toleration and by thinking of national identity not as a one-size-fits-all concept, but in binary or even trianary forms.

It seems that the real question at issue is the right balance in a given national identity between ethnocultural and civic elements. Normatively speaking, from a liberal perspective, an understanding of nation with much more civic elements than ethnocultural elements seems to be much more appropriate. Such a civic/political conception is much more accommodating towards cultural differences than ethnic/cultural conception and in line with the view of toleration defended in this paper. As one student of nationalism put it, "a truly civic conception of the nation entails no need for cultural unity. People in a purely civic nation are united by such traits as common citizenship, respect for law and state institutions, belief in a set of political principles, and so forth. Similarity in language, religion, and other cultural markers is not necessary for the development of such traits." (Shulman, 2002: 560)

So perhaps Acton and Mill were both right, depending on what sort of national identity they had in mind. If Acton were thinking of nations in cultural or ethnic terms, he was probably correct to fear nationalism as a threat to liberty. On the other hand, if Mill had in mind what we now call a civic national identity, he likely correctly identified it as a force that would strengthen a liberal order. The problem for liberals everywhere, therefore seems to be fostering a civic rather than ethnocultural understanding of the nation. But how to do this must be a subject for another paper.

NOTES:

[1] Acton, 1985 (1862): 432-433.
[2] Mill 1977 (1859): 547.
[3] It is worth noting that the idea of "national self-determination of peoples" was by no means restricted to Wilsonian idealism. The Bolsheviks organized the USSR as a federal state of nationally-delineated republics.
[4] For a critical evaluation of Brian Barry's position see Kelly (2002).

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