LIBERALISM AND THE LIMITS OF MULTICULTURAL JUSTICE:
ISAIAH BERLIN AND THE FOUNDATIONS OF CULTURAL PLURALISM

by

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ABSTRACT

This paper evaluates liberal theories of multiculturalism from a pluralist approach in order to illustrate the manner in which liberal multiculturalism limits justice in plural societies. I utilize Isaiah Berlin's pluralism and Iris Marion Young's politics of difference as a pluralist perspective through which to assess multicultural justice in Will Kymlicka's theory of multicultural citizenship. I argue that the distributive paradigm and the priority accorded to liberalism in Kymlicka's theory of multiculturalism impede justice in diverse communities.

Chapter one outlines the pluralist approach that is used in this thesis. Isaiah Berlin's pluralism, the primary component of the approach, acknowledges the conflicts within plural societies while identifying the dangers associated with monism. Iris Marion Young's politics of difference provides a practical pluralist methodology that supplements Berlin's pluralism. Chapter two describes Will Kymlicka's theory of liberal multiculturalism. Kymlicka argues that multiculturalism furthers the liberal objectives of liberty and equality of opportunity. Chapter three examines the limits that Kymlicka's distributive approach to justice imposes upon multicultural justice. I argue that prioritizing the distributive paradigm above alternative approaches ignores injustices that this paradigm is not equipped to address. In addition, I argue that the manner in which Kymlicka distributes rights among ethnocultural minorities is based upon inadequate foundations and diminishes justice. Chapter four addresses the limits to multicultural justice that result from the privileged position of liberalism in liberal theories of multiculturalism. Universal human rights, the relationship between liberalism and pluralism and the use of liberalism as a standard of justice undermine multicultural justice in Kymlicka's theory.

In conclusion, liberalism provides a substantial barrier to the realization of justice in multicultural societies. These limits must be acknowledged and addressed in a theory that attempts to reconcile liberalism with multiculturalism. Isaiah Berlin's model of pluralism provides a superior model of diversity than the prevailing liberal multicultural model advanced by Will Kymlicka.
# TABLE OF CONTENTS

Abstract ......................................................................................................................... ii

Acknowledgements ........................................................................................................ iv

INTRODUCTION ........................................................................................................... 1

CHAPTER 1 Approach .................................................................................................... 9

1.1 Terminology ............................................................................................................. 9
1.2 Isaiah Berlin's Pluralism ......................................................................................... 18
1.3 Iris Marion Young and the Politics of Difference .................................................... 35

CHAPTER 2 Will Kymlicka's Liberal Multicultural Paradigm .......................................... 40

2.1 Why Protect Ethnocultural Minorities? ................................................................. 40
2.2 Types of Ethnocultural Minorities ......................................................................... 44
2.3 The Rights of Nations vs. The Rights of Immigrants .............................................. 46
2.4 Multicultural Citizenship and Justice .................................................................... 51

CHAPTER 3 Will Kymlicka's Paradigm of Distributive Justice ........................................ 59

3.1 The Distributive Paradigm: The Administration of Justice .................................... 62
3.2 Differential Justice: Nations vs. Immigrants ......................................................... 66

CHAPTER 4 The Role of Liberalism in Will Kymlicka's Theory of Multicultural Justice ......................................................................................................................... 81

4.1 The Role of Human Rights ....................................................................................... 81
4.2 Liberalism and Pluralism: Peaceful Coexistence .................................................... 86
4.3 Liberalism as the Standard for Judgement ............................................................... 97

CONCLUSIONS .......................................................................................................... 108

5.1 The New Debate Over Minority Rights ................................................................. 109
5.2 Towards a New Debate Over Minority Rights ....................................................... 117

Bibliography ............................................................................................................... 125
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INTRODUCTION

Multiculturalism is an increasingly prominent topic for Canadian politics and political philosophy. In recent years, the theory and practice of multiculturalism has been dominated by liberal multiculturalists—individuals who see cultural diversity as a component of the over-arching liberal paradigm of liberty and individualism. Prominent supporters of this approach to cultural diversity and tolerance include Pierre Trudeau and Will Kymlicka who justify cultural diversity as an objective of liberalism's commitment to freedom and choice. In his "Statement on Multiculturalism," Trudeau justifies Canada's policy of official multiculturalism by describing cultural diversity as the logical extension of the liberal reverence for individual liberty and individual choice. While Trudeau asserts that cultural choice is important and valuable, he insists that this cultural diversity be expressed within a liberal, bilingual framework. Kymlicka contends that his theory of multicultural citizenship is firmly based upon the liberal principles of freedom and equality. For Kymlicka, the liberal goal of freedom is furthered as multiculturalism assists in protecting individual autonomy through protecting cultures. Kymlicka diverges from Trudeau by arguing that multicultural policies increase equality of opportunity by providing cultural minorities with special rights and protections to assist them in maintaining their cultures in spite of the powerful positions of the dominant

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cultures in society.\(^4\)

While the increased popularity and prominence of liberal multiculturalism has assisted in increasing the attention paid to issues of cultural diversity in Canadian politics and political theory, conceptual problems with melding liberalism and multiculturalism have limited the practice of multiculturalism. In particular, the liberal multicultural approach to justice compromises pluralism and this severely limits the potential for substantive justice for cultural minorities. This is evident in the paternalist and monist elements of Kymlicka's framework. This model prioritizes liberalism above diversity and is intolerant of cultural groups and practices that are not "liberal enough."\(^5\) An examination of Isaiah Berlin's theory of pluralism provides a useful model for identifying the limits of liberal multicultural justice as Berlin's theory is intimately aware of the conflicts, limitations and obstacles that arise when attempting to promote plurality within a liberal context. Berlin's views on pluralism, liberty and utopianism illustrate the theoretical and practical incommensurability of human values and the dangers of positing knowledge of a universal good.

Berlin's pluralism is central to his political philosophy. According to Berlin, pluralism is "the conception that there are many different ends that men may seek and still be fully rational, fully men, capable of understanding each other and sympathizing and deriving light from each other."\(^6\) Pluralism exists within individuals, between individuals and between groups. As Berlin believes that pluralism is a reality of the

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\(^5\) Will Kymlicka, *Finding Our Way: Rethinking Ethnocultural Relations in Canada* (Toronto: Oxford University Press, 1998), 61-63. Kymlicka uses liberal democracy as a way of determining which groups and practices are acceptable in multicultural society. Individual rights must be preserved and cultural groups are not permitted to impose internal restrictions upon members of the group.
human condition, he asserts that toleration of difference is a necessity.\textsuperscript{7} Two corollary arguments arise from Berlin's commitment to pluralism: negative liberty and anti-utopianism. Berlin is sceptical of positive liberty (freedom to) as he believes that it is susceptible to abuse by authorities and this in turn leads to human suffering.\textsuperscript{8} Instead, Berlin is more sympathetic to the concept of negative liberty which provides individuals with freedom from interference by external agents.\textsuperscript{9} Berlin's advocacy of negative liberty promotes pluralism by providing individual citizens with the autonomy to make choices and adhere to values that they favour. Negative liberty is based upon an understanding of the variety of sources of good in society; therefore, enabling individuals to make their own decisions regarding which conception of the good life they think is suitable for them. The second corollary of Berlin's pluralism is his critique of utopian theory and practice. For Berlin, recognizing the existence of pluralism in human affairs necessitates recognizing that there is no objective good to which all human beings should aspire.

"The pursuit of a single, final, universal solution to human problems was a mirage" and as such, the state should not aspire to achieve such an unattainable goal.\textsuperscript{10}

Berlin's pluralism provides insight into life within diverse societies by identifying the need to be aware of the conflicts and struggles that exist within human beings and between human beings. As a result, Berlin's pluralism warns us to anticipate the potential problems that arise when human values, cultures and perspectives conflict. This realistic approach provides insight into the liberal multicultural paradigm by alerting proponents

\textsuperscript{7} Ramin Jahanbegloo, Conversations with Isaiah Berlin (London: Peter Halban, 1992), 44.
\textsuperscript{9} Isaiah Berlin, "Two Concepts of Liberty," 122.
\textsuperscript{10} Ramin Jahanbegloo, 47.
of liberal multiculturalism to the conceptual and practical problems that inevitably arise when liberal values are combined with a pluralist framework. Liberalism and pluralism are not one and the same. These two perspectives can coexist but this coexistence is not an easy one. The principles of liberalism and pluralism are often in competition with one another and therefore, they are not complementary or compatible in all situations. As a result, choices must be made and these decisions will inevitably lead to circumstances in which one perspective is prioritized above the other.

One circumstance in which the conflict between liberalism and pluralism arises is in conceptions of justice and decency within society. For the purpose of this analysis, the form of liberal multicultural justice that will be used is that of Will Kymlicka's model of multicultural citizenship. For Kymlicka, justice is frequently conceived of in distributive terms; that is, justice is primarily concerned with distributing societal goods (including access to decision-making bodies, access to desirable sources of employment, and access to cultural resources) to compensate under-advantaged cultural groups. While Kymlicka expresses a commitment to advancing cultural plurality through the redistribution of resources, his commitment to liberalism imposes limits on the extent to which he is willing to pursue cultural justice. That is, the objective of cultural diversity and justice is limited by the degree to which the groups and policy measures involved cohere with Kymlicka's vision of liberalism. In Finding Our Way, Kymlicka devotes a chapter to examining "The Limits of Tolerance" in multicultural society. According to Kymlicka, liberal democratic principles provide the standard for determining which

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11 Ramin Jahanbegloo, 44.
13 Will Kymlicka, Finding Our Way, 42.
cultural groups and practices cohere with the spirit of multiculturalism.\textsuperscript{15} In Kymlicka's theory, multicultural justice is limited by the principles of liberalism. As mentioned previously, Isaiah Berlin anticipates this conflict between liberalism and pluralism as it is unrealistic to expect liberalism and pluralism to merge perfectly to create a theory and society that equally respect and follow the principles of liberalism and pluralism at all times. The problem with Kymlicka's theory and others like it is that they are unaware of the compromises that inevitably take place when liberalism and pluralism are joined together. This lack of awareness leads such theories to overlook the trade-offs that are occurring and this in turn can lead to the continued ignorance of the problems that are faced by underprivileged groups in society.

While Berlin's theory of pluralism will be central to this analysis of liberal multicultural justice, the work of Iris Marion Young and other political theorists will be used to supplement Berlin's political philosophy; thus providing a more comprehensive analytical approach for evaluating liberal multicultural justice. The principal theorist of justice upon which I will rely in this analysis is Iris Marion Young who examines liberal conceptions of justice from a multifaceted perspective that includes women, cultural minorities, people with disabilities and other individuals who have traditionally been under-represented and over-looked in politics.\textsuperscript{16} Young's approach will assist in illustrating the results of prioritizing liberalism above pluralism in theories of justice. The rationale behind infusing the ideas of Young and other theorists of diversity with Berlin's pluralism is to combine Berlin's focus on liberal pluralism with the ideas of other individuals who focus more on the issue of justice in diverse society. Furthermore,

\textsuperscript{15} Will Kymlicka, \textit{Finding Our Way}, 62.
Young's approach provides a practical method of analysis that is consistent with the methodological pluralism that Berlin endorses.

Four major problems are evident when liberal multicultural justice is examined from a framework that combines Berlin's liberal pluralism with theories of justice. First, combining the ideas of Berlin and I. M. Young will illustrate the problems with distributive forms of justice that are in Kymlicka's liberal theory of multicultural justice. Kymlicka suggests distributive justice as a potential solution to issues faced by cultural minority groups. This conception of justice "defines social justice as the morally proper distribution of social benefits and burdens among society's members."\(^{17}\) Some examples of distributive justice in Kymlicka's work include "government funding of ethnic cultural festivals," and the re-allocation of some senate seats to women and people of colour.\(^{18}\) While distribution is an important component of multicultural justice, other factors are essential in order to establish justice in diverse societies. Young alerts us to the fact that not all claims of justice are issues of distribution.\(^{19}\) I. M. Young's critique of distributive justice uncovers the assumptions about society that are implicit in theories of distributive justice. Berlin's pluralism reminds us of the diversity of needs and experiences of citizens. The perspectives advanced by Berlin and Young will highlight significant ways in which pluralism is limited by Kymlicka's view of multicultural justice.

Furthermore, the form of liberalism upon which Kymlicka bases his theory of cultural diversity assumes that liberalism and pluralism are complementary and


\(^{17}\) Iris Marion Young, *Justice and the Politics of Difference*, 16


\(^{19}\) Iris Marion Young, *Justice and the Politics of Difference*, 37. I. M. Young argues that the distributive notion of justice places undue focus on the fact that people possess goods. According to Young, people are
commensurable concepts and practices. As such, the conflicts and trade-offs that Berlin discusses are not prominent in Kymlicka's theory of multicultural justice and this in turn conceals various injustices and sources of oppression that are likely to arise in the multicultural society that Kymlicka's theory envisions. Kymlicka's reliance upon human rights in his theory of multicultural justice is based upon his adherence to liberal principles. However, his discussion of human rights overlooks the contextual nature of human rights and diminishes ethnocultural diversity.

Moreover, in insisting that liberalism be the foundational principle of multicultural justice, Kymlicka displays paternalist inclinations. Rather than allowing individual citizens to choose the manner of life and cultural practices that they deem fit, Kymlicka is committed to ensuring that multiculturalism exists within the parameters of liberal values. That is, multiculturalism is limited to people and cultures that adhere to liberalism. Berlin's theory of pluralism and anti-utopianism will illustrate the dangers associated with positing a societal "good" and interfering with the choices of individuals. For Berlin, negative liberty is an important tool for enabling individuals to make decisions about issues that affect their lives as choice is essential to human life. According to Berlin, "unless there is choice, there is no human action. Everything is behaviour."\(^{20}\)

Finally, Kymlicka prioritizes liberalism above diversity; liberal values are the standard by which all values, perspectives and practices are judged. This approach establishes liberalism as the principle at the heart of the society that Kymlicka envisions and the priority given to the liberal tradition entrenches a monist framework that

\(^{20}\) also "doers and actors" and this component of the human experience is underemphasized in the distributive paradigm of justice. See page 37-38.
undermines the pluralist objectives of multiculturalism. Kymlicka's theory establishes liberalism as the foundation of multicultural justice; using liberalism as a way of determining what cultural perspectives and practices are acceptable or inadmissible in society. Liberalism is an ideological perspective and not a neutral or objective administrator of justice. The monist tendencies of Kymlicka's liberal multiculturalism leads to a biased framework of justice that will inevitably impact different people in different ways. Monism involves relying upon a single method or single solution to the resolve the problems of humanity. The biases of liberalism need to be acknowledged and addressed if liberalism is to be a key component of a theory of justice. Kymlicka's current theory of justice does not recognize the monist, liberal foundation or the consequences that flow from such a conception of justice.

Chapter one of this thesis will provide a definition of key terms, a description of Isaiah Berlin's pluralism, liberalism and utopianism; highlighting the insights that Berlin's theory provides for multiculturalism and justice. In addition, I. M. Young's perspective of justice and difference will be outlined. Chapter two will describe Kymlicka's theory of multiculturalism with an emphasis on the role of justice in this theory. Chapter three will examine the limitations of the distributive paradigm of justice and suggest alternative approaches to justice that should also be considered if one is to construct a broader and more comprehensive model of justice in diverse societies. Chapter four of this analysis will argue that Kymlicka fails to recognize the tension between pluralism and liberalism and that this oversight leads to injustices for cultural minority groups. Furthermore, the relationship between liberalism and pluralism that Kymlicka advocates leads to paternalism and monism in Kymlicka's theory of multicultural justice.

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20 Ramin Jahanbegloo, 148.
CHAPTER 1
APPROACH

This chapter will provide a foundation for the analysis of Kymlicka's theory that will take place in subsequent parts of this thesis. Chapter one will begin with a discussion of some of the key terms that will be employed during the course of this analysis. This chapter will also provide an overview of Berlin's life to contextualize his work. This will be followed by an outline of Berlin's theory of pluralism. This chapter will conclude with a description of the components of Iris Marion Young's theory of justice that will be used to complement Berlin's theory of pluralism in this study of Kymlicka's work.

1.1 Terminology

Justice

As justice is the focus of this analysis of Kymlicka's theory of cultural diversity, it is relevant to discuss the meaning of this term. Justice is a contested issue that is conceived of in different ways by different individuals. This analysis will discuss the linguistic roots of the term justice and describe perspectives on justice and diversity; including the theories of justice that Kymlicka draws upon in his work.

The word justice is derived from the Latin root *jus* which means "what is fitting' and therefore also 'binding.'"\(^{21}\) Ernest Barker asserts that *jus* "conveys...the idea of valid custom (i.e. the deposited common tradition of 'fitting') to which any citizen can appeal, and which is recognized and can be enforced by a human authority."\(^{22}\) The origins of the word justice indicate that justice is the process of attempting to reconcile a community's

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\(^{22}\) Ernest Barker, 106.
recognized traditions. Justice is a shared concept that concerns all members of society. This definition captures the manner in which justice is "the reconciler and the synthesis of political values" in society.\textsuperscript{23} Justice involves human values and is associated with morality and ethics. Aristotle conceives of justice as "being the exercise of goodness as a whole...towards one's neighbour."\textsuperscript{24} In the \textit{Institutes} of Justinian, justice is "the set and constant purpose to give every man his due."\textsuperscript{25} This meaning of justice "[captures] the idea that justice is a requirement rather than an optional extra."\textsuperscript{26} Justice is connected to the law but it is not the same as the law. Laws are not necessarily just. The relationship between justice and the law is such that "justice will justify law to us...In virtue of this justification, it finally ties and obliges us to law."\textsuperscript{27}

Milton Fisk identifies "the problem of justice [as] the problem of how it can be universal and at the same time dependent on a particular context."\textsuperscript{28} This statement aptly identifies the problem that Kymlicka and other theorists of justice have attempted to resolve. Kymlicka struggles to establish universal principles of justice while also acknowledging the specific contexts in which his theory of justice is meant to apply. Kymlicka seeks common elements of humanity and citizenship upon which justice can be based within a diverse, multicultural context. In this analysis of multicultural justice, the barriers to diversity that result from emphasizing the universal aspects of justice will be explored. Milton Fisk draws attention to the problems that arise when universality is overemphasized and cultural diversity is minimized in a system of justice. "An absolute

\textsuperscript{23}Ernest Barker, 111.
\textsuperscript{26}Tom Campbell, 24.
\textsuperscript{27}Ernest Barker, 112.
view of justice would lessen the worth of the distinctiveness of a group by usurping its moral perspective. It promotes oppression, since in not allowing the group its full distinctiveness; it subjects it to forces from without." Iris Marion Young is also sensitive to justice within diverse contexts. Young is weary of "an ideal of justice that defines liberation as the transcendence of group difference" because she sees this as an assimilationist approach. Young's "politics of difference" seeks to include and consider all groups when conceiving of justice. In this analysis, the term multicultural justice will be used to refer to justice within a multicultural context. Multicultural justice addresses securing justice for the various individuals and ethnocultural communities that constitute a multicultural state. In a multicultural context, the core issue of justice—balancing competing values and claims within society—remains the same. The term multicultural justice assists in focusing the discussion of justice around cultural communities, values and traditions.

Will Kymlicka identifies John Rawls and Ronald Dworkin as the theorists of justice that have influenced his approach to multiculturalism. In particular, Kymlicka draws upon the manner in which Rawls and Dworkin associate justice with "removing or compensating for undeserved or 'morally arbitrary' disadvantages, particularly if these are 'profound and pervasive and present from birth.'" This approach to justice attempts to secure justice by ensuring that citizens have equal opportunity. This is the extent of Kymlicka's elaboration upon the relationship between multiculturalism and theories of

29 Milton Fisk, 7.
31 Iris Marion Young, *Justice and the Politics of Difference*, 158.
justice of Rawls and Dworkin.\(^{34}\) I will presume to augment Kymlicka's description of the work of these two theorists as it will assist in enriching our understanding of Rawls and Dworkin and the role that their ideas play in Will Kymlicka's model of multiculturalism.

John Rawls has a highly developed theory of justice that has had a substantial impact upon twentieth century North American political science. Rawls' account of justice is quite complex and developed in detail in various books and articles. I will briefly identify the basic elements of his theory of justice. For Rawls, justice is conceived of in terms of fairness which "seeks to identify the kernel of an overlapping consensus, that is, the shared intuitive ideas which when worked up into a political conception of justice turn out to be sufficient to underwrite a just constitutional regime."\(^{35}\) Justice as fairness provides a paradigm for determining which social arrangements will prevail and how benefits will be distributed in society.\(^{36}\) Rawls asserts that "justice as fairness" is a political rather than metaphysical concept as "it presents itself not as a conception of justice that is true but one that can serve as a basis of informed and willing political agreement between citizens viewed as free and equal persons."\(^{37}\)

In order to determine which principles are required by justice as fairness, Rawls engages in what he terms a "thought experiment" based upon imagining a hypothetical


\(^{34}\) Kymlicka discusses Rawls and Dworkin in terms of "the right and the good" yet there is not a cultural component to this discussion. See *Liberalism, Community and Culture* (Oxford: Oxford University Press, 1989), 21-41.

\(^{35}\) John Rawls, "Justice as Fairness: Political not Metaphysical," in *Political Ideologies and Political Philosophies*, ed H. B. McCullough (Toronto: Thompson Educational Publishing, 1995), 34. Rawls specifically states that his theory is meant to apply to "the basic structure of society conceived for the time being as a closed system isolated from other societies." *A Theory of Justice*, 7. Justice as fairness does not apply to relationships between states and it may not apply to private organizations etc.
situation that precedes the formation of society in which all of the participants in the discussions regarding justice are in the "original position."38 In the original position, individuals seek to determine principles of justice through contract. People in the original position are behind a veil of ignorance and therefore, they are unaware of what characteristics or biases they will have when they enter into society.39 As such, Rawls argues that individuals in the original position do not have particular allegiances. Rawls assumes that individuals in the original position are rational.40 Based upon the veil of ignorance and the rational dispositions of participants in the original position, Rawls believes that a particular conception of justice will arise. According to Rawls, participants in the contract will "decide to look for a conception of justice that prevents the use of accidents of natural endowment and the contingencies of social circumstances as counters in a quest for political and economic advantage."41 Two main principles of justice emerge from this thought experiment. First, citizens have "an equal right to the most extensive liberty compatible with a like liberty for all."42 Secondly, "inequalities as defined by institutional structure or fostered by it are arbitrary unless it is reasonable to expect that they will work out to everyone's advantage and provided that the positions and offices to which they attach or from which they may be gained are open to all."43

Dworkin's approach to justice is linked to equality and individual rights.

38 John Rawls, A Theory of Justice, 11.
39 John Rawls, "Distributive Justice," 197. Some critics argue that those in the original position are in fact aware of some personal characteristics. For example, Michael Sandel points out that those in the original position know that they are self-interested. See Michael Sandel, Liberalism and the Limits of Justice (Cambridge: Cambridge University Press, 1982), 27-28, 38-49.
40 John Rawls, A Theory of Justice, 12.
Dworkin insists that equality "requires that the government treat all those in its charge as equals, that is, as entitled to its equal concern and respect."\textsuperscript{44} For Dworkin, equality does not necessarily involve treating citizens identically. It requires that the state acknowledges the different circumstances of citizens and assist citizens accordingly. To illustrate his view of equality, Dworkin uses an example of a flood that affects two different areas.\textsuperscript{45} Supplies are limited and they must be divided between these two regions. "Treating the citizens of both areas as equals requires giving more aid to the more seriously devastated area rather than splitting the available funds equally."\textsuperscript{46} This example demonstrates that treating people equally requires the state to recognize the specific circumstances of its citizens. Dworkin argues that this definition of equality is a constitutive element of liberalism.\textsuperscript{47} He asserts that this liberal approach to equality "is a principle of political organization that is required by justice"\textsuperscript{48} as liberalism "is anxious to protect individuals whose needs are special or whose ambitions are eccentric from the fact that more popular preferences are institutionally and socially reinforced."\textsuperscript{49}

Another component of Dworkin's liberalism that is connected to justice is the idea of human rights. Dworkin believes that rights are important to human existence. In commenting upon Rawls' theory of justice, Dworkin states that "our intuitions about justice presuppose...that people have rights."\textsuperscript{50} Dworkin implores us to "take rights seriously" for they play a crucial role in securing dignity and equality; particularly to

\textsuperscript{43} John Rawls, "Distributive Justice," 198.
\textsuperscript{45} Ronald Dworkin, "Liberalism," 63.
\textsuperscript{46} Ronald Dworkin, "Liberalism," 63.
\textsuperscript{47} Ronald Dworkin, "Liberalism," 77.
\textsuperscript{48} Ronald Dworkin, "Liberalism," 77.
\textsuperscript{49} Ronald Dworkin, "Liberalism," 78.
Taking rights seriously involves accepting two corollary ideas. First, one must accept the conception of human dignity that involves treating each individual "as a full member of the human community." Dworkin associates this with the Kantian imperative of treating people as ends in themselves. The second condition that must be met in order to take rights seriously is recognizing political equality. This entails "that the weaker members of a political community are entitled to the same concern and respect of their government as the more powerful members have secured for themselves" thus ensuring that "all men must have the same freedom."  

**Culture**

In addition to justice, the terms culture and multiculturalism are integral to this discussion of multicultural justice. For Kymlicka, culture "refers to the distinct customs, perspectives, or ethos of a group or association." This definition of culture is quite broad and does not fully capture the manner in which Kymlicka uses the word culture within his own theory. In Kymlicka's framework of minority rights, culture is linked to ethnicity as ethnocultural groups are the only cultural groups that have standing within his theory. That is, groups like women, or gay and lesbian people are not included within the spectrum of cultural groups that Kymlicka's theory addresses. This thesis will focus on ethnocultural groups rather than the entire range of groups that could be encompassed under the general banner of culture. Iris Marion Young's perspective on

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54 Will Kymlicka, Multicultural Citizenship, 18.  
55 Will Kymlicka, Finding Our Way, 91. While Kymlicka's discussion of cultural rights does not include women or other disadvantaged cultural groups, it does not mean that his theory cannot be applied to these groups.
culture connects culture to issues of social relationships and justice. For Young, culture includes symbols, images, meaning, habitual comportments, stories, and so on through which people express their experience and communicate with one another. Culture is ubiquitous, but nevertheless deserves distinct consideration in discussions of social justice. **The symbolic meanings that people attach to other kinds of people and to actions, gestures, or institutions often significantly affect the social standing of persons and their opportunities.**

Like Kymlicka, Young's description of culture is quite general. Young's definition of culture is useful because it illustrates the role that culture plays in interactions between people. Culture provides a perspective through which we experience our environment and this impacts our positions in society and our experience of justice within society. It is worthwhile to note that culture is not homogenous. There is a diverse array of cultures and there is also diversity within cultures. Edward Said asserts that "all cultures are involved in one another; none is single and pure, all are hybrid, heterogeneous, extraordinarily differentiated, and unmonolithic." Though cultures interact with one another, cultures may differ in terms of what they value, prioritize or disdain.

**Multiculturalism**

In Canada, multiculturalism is frequently associated with linguistic, cultural, ethnic, and racial diversity. In contrast, in the United States, multiculturalism often refers to cultural diversity as well as to sexual orientation, gender, and disability. In this thesis, the term multiculturalism will be limited to ethnocultural diversity and will not refer to other new social movements. Will Kymlicka classifies a state as multicultural "if its members either belong to different nations (a multinational state), or have emigrated from

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different nations (a polyethnic state), and if this fact is an important aspect of personal
identity and political life."

He argues that multiculturalism is a valuable aspect of liberal societies that should be encouraged and preserved because of the manner in which multiculturalism promotes freedom and equality while assisting immigrants in integrating into society.

In analyzing Canadian multiculturalism, Augie Fleras and Jean Leonard Elliott provide a useful approach to understanding the different manifestations of multiculturalism in society. First, multiculturalism is an empirical fact. This aspect of multiculturalism is similar to Kymlicka's definition of multicultural state as it is based upon an assessment of demographic make-up of a state. According to Fleras and Elliott, "the existence of Aboriginal, charter and multicultural minorities attests to [the] sociological fact" of multiculturalism in Canada. Multiculturalism is also ideological as it "prescribes a preferred course of thought or action with respect to how a society should be organized." This view of multiculturalism is shared by Evelyn Kallen who describes it "as a national ideology...predicated on the goal of 'unity in diversity.'" Next, multiculturalism is a government policy as there are explicit government programs, statements and services that seek "to transform multicultural ideals into practice." Pierre Elliott Trudeau's Statement on Multiculturalism is an example of this synthesis between the ideology and policy of multiculturalism. In this policy statement, Trudeau

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58 Will Kymlicka, Multicultural Citizenship, 18.
60 Augie Fleras and Jean Leonard Elliott, 325.
61 Augie Fleras and Jean Leonard Elliott, 326.
63 Augie Fleras and Jean Leonard Elliott, 328.
commits the government of Canada to the ideals of cultural diversity through a policy of multiculturalism.\textsuperscript{64} Furthermore, Trudeau outlines four policy initiatives that will assist Canada in realizing the goals of multiculturalism: (1) resources to assist groups in contributing to Canadian society; (2) resources to "assist members of cultural groups to overcome cultural barriers to full participation in Canadian society"; (3) government promotion of cross-cultural interaction; and (4) government resources to assist cultural minorities in learning one of Canada's official languages.\textsuperscript{65} Finally, multiculturalism may be "a process for promoting political and minority interests."\textsuperscript{66} This thesis will rely upon the approaches to multiculturalism that are outlined by Fleras and Elliott; particularly multiculturalism as an ideology and as a policy.

\textbf{1.2 Isaiah Berlin's Pluralism}

Isaiah Berlin is a formidable thinker who studied philosophy, literature, music, history, and politics during the course of his illustrious career. One of Berlin's most notable accomplishments is his articulation of the principles of pluralism and his identification of the dangers associated with ignoring the reality of pluralism in human affairs. Berlin's pluralist outlook provides a useful model through which to evaluate theories of diversity. This thesis will utilize Berlin's pluralism as perspective from which to examine the extent to which liberal multiculturalism limits justice within diverse societies. An overview of Berlin's life and a discussion of his theory of pluralism will precede an analysis of justice in Will Kymlicka's theory multiculturalism.

Isaiah Berlin was born in Riga, Latvia in 1909.\textsuperscript{67} Berlin and his family moved to

\textsuperscript{64} Pierre Elliott Trudeau, "Statement on Multiculturalism," 350.
\textsuperscript{66} Augie Fleras and Jean Leonard Elliott, 325.
Russia in 1915; first settling in Andreapol and later moving to Petrograd in 1917.\textsuperscript{68} Berlin and his family witnessed both Russian revolutions of 1917.\textsuperscript{69} In 1921, the Berlins left Russia and relocated to England where Berlin attended St. Paul's and later, Corpus Christi College at Oxford. In 1932, Isaiah Berlin began lecturing in philosophy at Oxford. From 1957 to 1967, Berlin taught social and political theory at Oxford.\textsuperscript{70} Between 1966 and 1975, Berlin served as the first president of Wolfson College, Oxford.\textsuperscript{71} Berlin died on November 5, 1997.\textsuperscript{72}

Berlin's work covers a range of disciplines and issues. He was "neither a historian nor a philosopher, but …an idiosyncratic combination of the two."\textsuperscript{73} Berlin himself attests to the variety of his intellectual pursuits, stating that his "interest was not centred on mainly philosophical ideas, but also on social, political and artistic ideas."\textsuperscript{74} While Berlin's interests are varied,

at the heart of all Berlin's writings there is a cluster of perennial philosophical problems. The nature of the self, will, freedom, human identity, personality and dignity; the manner and degree in which these can be abused, offended against, insulted, and their proper boundaries (whatever these may be) transgressed; the consequences, both probable and actual, of failing to understand them for what they are, and above all of torturing them into conformity with conceptual systems and models which deny too much of their essential nature.\textsuperscript{75}

At this stage in the thesis, Berlin's theory of pluralism will be outlined; drawing upon other aspects of his overall body of work that are related to his pluralist outlook.

\textsuperscript{68} John Gray, \textit{Berlin}, 3.
\textsuperscript{69} Michael Ignatieff, \textit{Isaiah Berlin: A Life} (Toronto: Viking, 1998), Chapter 3.
\textsuperscript{70} Ramin Jahanbegloo, 22.
\textsuperscript{71} Michael Ignatieff, \textit{Isaiah Berlin: A Life}, 266-273.
\textsuperscript{72} Michael Ignatieff, \textit{Isaiah Berlin: A Life}, 299.
\textsuperscript{73} Michael Ignatieff, \textit{Isaiah Berlin: A Life}, 244.
\textsuperscript{74} Ramin Jahanbegloo, 24.
The first objective of this section is to identify what pluralism means to Berlin. Next, the reasons why Berlin endorses pluralism will be discussed. This part of the analysis will explain why Berlin's pluralism is not relativist. Finally, this section will address the connection between liberalism and pluralism in Berlin's theory.

**What is Pluralism?**

Pluralism is a belief in the existence of a diversity of human goods, values and ways of life. Variety is a reality of the human condition and universal conceptions of the "good life" are questionable. Berlin argues "a perfect world in which all good things are realized is incomprehensible, is in fact conceptually incoherent." Furthermore, he believes that it is incomprehensible and potentially dangerous to live as though an ideal of human life were realizable. Instead, Berlin claims that a pluralist perspective—one that "recognize[s] the fact that human goals are many, not all of them commensurable, and in perpetual rivalry with one another"--is a more humane and more realistic way to approach human life. Pluralism acknowledges the diversity of human goods and the incoherence of universalism.

There are a variety of forms of pluralism. One that is of particular concern in this analysis is cultural pluralism--the affirmation of the existence of "many types of important social relations; many subcultures; multiple identities; [and] multiple selves." Value pluralism affirms the presence of a variety of human values and "recogni[zes] that

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these different values do each have a real and intelligible human significance, and are not just errors, misdirections or poor expressions of human nature." Methodological pluralism concerns the approach that one takes to knowledge. Berlin sees methodological pluralism as "the view that methods of inquiry appropriate to different subject matters may, and do, vary with differences in these subject matters." Liberal pluralism is based upon a belief that liberal principles assist in providing an environment in which diversity can flourish. Berlin's pluralism incorporates principles of liberalism.

There are various levels at which pluralism can exist. At the individual level of analysis, pluralism is present within a single individual where values, obligations, and even cultures may conflict. According to Bernard Williams:

some one-person conflicts of values are expressions of a complex inheritance of values, from different social sources, and what we experience in ourselves as a conflict is something which could have been, and perhaps was, expressed as a conflict between two societies, or between two historical states of one society." Plurality within individuals is of particular concern to Berlin. Pluralism also exists within and between groups of individuals. Within a group, individual members differ from one another in various ways. In the case of a cultural group, there is diversity between members as cultures are not homogenous. Though members may share in a common cultural tradition, there are differences within the group such as gender, values, beliefs, and age. Furthermore, the cultural group differs from other cultural groups that have different traditions, customs and ancestors. Finally pluralism exists between

80 John Gray, Berlin, 12.
82 Bernard Williams, Introduction, Concepts and Categories, xv-xvi
civilizations. This level of pluralism identifies the diversity that exists between different eras of human history.  

Berlin, like other proponents of pluralism, "reject[s] a comprehensive good and recognize[s] the diversity of goods." The "comprehensive good" that pluralists critique is monism. Berlin defines monism as the belief:

that to all true questions there must be one true answer and one only, all the other answers being false, for otherwise the questions cannot be genuine questions. There must exist that which leads clear thinkers to the correct answers to these questions, as much in the moral, social and political worlds as in that of the natural sciences, whether it is the same method or not; and once all the correct answers to the deepest moral, social and political questions that occupy (or should occupy) mankind are put together; the result will present the final solution to all the problems of existence.

Monists believe that it is possible to discern the truth and that knowledge of this truth can solve the dilemmas that have plagued human beings. Berlin is sceptical of the monist tradition and the impact it has had upon human life. For Berlin, it is faulty to assume that "a harmonious system of causal laws...will work in the field of social history." He argues that monism is an incoherent doctrine and human history has demonstrated that attempts to structure human life according to a singular plan towards human perfection has led to a great deal of human suffering. Berlin states that "those who believe in the possibility of a perfect world are bound to think that no sacrifice for that can be too great."

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For attaining perfection no price can be too high.\textsuperscript{88}

While Berlin's pluralism rejects monism and embraces diversity, it is more complex and more pervasive than this. For Berlin, acknowledging the existence of diversity in human life requires recognizing the inevitability of conflict between human values that are typically considered to be "goods." For example, Berlin asserts that "you cannot combine full liberty with full equality"--two qualities that are valued in contemporary society.\textsuperscript{89} This demonstrates the difficult trade-offs and sacrifices that Berlin sees as necessarily existing within a plural society. Noel Annan notes that for Berlin, pluralism is not simply a "pragmatic compromise.[It] means something much more disturbing. He takes the unfashionable view that good ends conflict."\textsuperscript{90} Berlin is constantly aware of the sacrifices that occur when two competing goods come into conflict. Berlin states:

\begin{quote}
the ends of men are many, and not all of them are in principle compatible with each other,.. the possibility of conflict--and of tragedy--can never wholly be eliminated from human life, either personal or social. The necessity of choosing between absolute claims is then an inescapable characteristic of the human condition.\textsuperscript{91}
\end{quote}

Berlin alerts us to the incommensurability that exists in life and he cautions us to face the existence of the conflict and loss involved in decision-making.

Berlin's pluralist outlook is profoundly influenced by the work of Machiavelli, Vico and Herder. Berlin describes his encounters with these thinkers as significant parts of his "intellectual path" away from the monist tradition towards a pluralist outlook.\textsuperscript{92}

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\textsuperscript{88} Ramin Jahanbegloo, 143.
\textsuperscript{89} Ramin Jahanbegloo, 142.
\textsuperscript{90} Noel Annan, Foreword, \textit{The Proper Study of Mankind}, ed. Henry Hardy (London: Chatto and Windus, 1997), xii.
\textsuperscript{91} Isaiah Berlin, "Two Concepts of Liberty," 169.
\textsuperscript{92} Isaiah Berlin, "My Intellectual Path," in \textit{The Power of ideas} 1-23.
\end{flushright}
From Machiavelli, Berlin learned to question the Platonic approach to life. In particular, Machiavelli demonstrated "that not all the supreme values pursued by mankind now and in the past were necessarily compatible with one another." From Vico, Berlin learned about the capacities and limitations of human understanding. Vico demonstrated that human beings can understand other human beings of different cultures and different civilizations because "we can enter into the experience of other men." This ability to understand other human beings is derived from the fact that people can use their imaginative capacities to understand one another. For Vico, human understanding derives from the process of acting and creating. "Human institutions--myths, fables, structures of language, rites, poems, works of art, laws, customs--men have made these to express themselves with, and therefore other men can by imaginative sympathy grasp them." While human beings can understand one another, human reason is limited in its ability to grasp the natural world; the world that human beings did not create. Vico believed that God was the only one capable of fully understanding the world as God was its creator. Human beings have devised ways to attempt to understand the natural world, like the creation of disciplines like "mathematics, logic, the rules of games, which we can indeed know through and through, because we have made them ourselves, but which (unlike our knowledge of ourselves) do not give knowledge of reality, news of what is there."

94 Isaiah Berlin, "One of the Boldest Innovators in the History of Human Thought," in The Power of Ideas, ed. Henry Hardy (London: Chatto and Windus, 2000), 60. We might make mistakes when we try to enter into the experiences of others.
96 Isaiah Berlin, "One of the Boldest Innovators in the History of Human Thought," 60.
Herder has influenced Berlin's pluralist outlook by endorsing the existence of cultural diversity and the value of cultural membership. Herder also illustrates that pluralism exists in the sense that different cultures have different values as well as different approaches to life. Herder argues that cultural pluralism is a reality of humanity. Though "there was a common human nature to some degree—there were no universally true answers, as valid for one culture as for another."\[99\] Different cultures approach "basic human goals and rules of behaviour" in different ways.\[100\] Herder believes that this diversity is valuable because the feeling of belonging that is derived from cultural membership is a "basic human need, as deep as the desire for food or drink."\[101\] As Herder sees culture as an essential component of human life, he derides imperialism and other attempts to diminish cultural diversity.\[102\]

**In Support of Pluralism**

Why does Berlin favour pluralism to alternative approaches that one could use to examining and shaping human life? There are three primary components to Berlin's defence of pluralism. The first aspect of Berlin's argument for pluralism is conceptual or philosophical; that is, it deals with the manner in which ideas relate to one another in a more abstract sense. This component of Berlin's argument defends pluralism on the grounds that monism and idealism are conceptually incoherent. Second, Berlin believes that historical and contemporary knowledge about human beings illustrates that pluralism is a reality of the human experience. This aspect of Berlin's argument for pluralism is

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closely linked with his view of history. Third, Berlin's defence of pluralism addresses the moral and political consequences associated with alternatives to pluralism. He illustrates the human pain and suffering that result from rejecting pluralism and adopting other approaches like monism. The third justification for pluralism is related to the second as the historical argument is supported by evidence of suffering that has occurred when pluralism is denied.

Berlin argues that the wide range of values and goods that human beings pursue cannot be combined to formulate a coherent, comprehensive and true theory. He believes that "it is a conceptual mistake to think it is possible to create an ideal society without moral loss." He insists that on a conceptual level it is not realistic to expect to be able to include all human goods in a comprehensive theory. There is incommensurability among human values and thus, there is loss. Berlin contends that on a conceptual level, the belief in monism and the denial of pluralism is erroneous.

Berlin's historical defence of pluralism is based on his observations of the past and the present which led him to conclude that monism and the idea of human self-perfection is an inadequate approach. Diversity is a pervasive reality of humanity and approaching life as if monism and commensurability were the reality is problematic as this leads to human suffering. Berlin cites historical examples of the devastating consequences of ignoring pluralism such as the era of Robespierre and the Jacobin as well as communism in the Soviet Union. Instead of acting as if diversity does not exist, Berlin believes that pluralism is a superior alternative. It is even dangerous to strive for the ideal while attempting to avoid believing in the ideal. For Berlin, the act of

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working towards an ideal is closely connected to believing that such an ideal is realizable, and this may lead to the agony that Berlin associates with monism.

Berlin's historical defence of pluralism is compelling as it draws upon examples of the manner in which monism can cause significant damage to human beings—thus alerting us to the moral consequences of ignoring the reality of pluralism. Pluralism appears to be a reasonable alternative to the monist, idealist approach as pluralism provides each individual with the negative liberty that he or she requires to pursue his or her own version of the good life while at the same time, limiting the ability of society-at-large to forcibly impose a conception of the "good life" upon individuals. Some critics of Berlin point out that while Berlin provides a critique of the monist approach to human affairs, this does not necessarily verify the truth of pluralism. This criticism is legitimate and particularly powerful in challenging Berlin's conceptual defence of pluralism. However, Berlin's historical defence of pluralism is convincing as it both refutes monism and demonstrates the reality of pluralism by illustrating that the historical record attests to the existence of plurality.

Pluralism and Relativism

As pluralism embraces diversity, accepts incommensurability and refrains from outlining comprehensive theories of how to manage human affairs, it is often charged with being a relativist doctrine. Berlin does not agree with this characterization of pluralism as he believes that it is possible to accept plurality without denying that value

judgements can be made. Berlin's response to the assertion that pluralism is relativist is grounded in the idea that there are commonalities among human beings. First, Berlin argues there are a finite number of values and goods that exist within the scope of human reason. According to Berlin, "There is a world of objective values. By this, I mean those ends that men pursue for their own sakes, to which other things are means." This statement imposes limits on the type of diversity that exists within humanity. People, cultures and civilizations may differ in the priority or emphasis that they place upon certain human values. In addition, people may differ in terms of how they attempt to realize these values in their lives. Berlin looks to Herder for guidance on this issue.

Herder is not a relativist, though he is often so described: he believes that there were basic human goals and rules of behaviour, but that they took wholly different forms in different cultures, and that consequently while there may have been analogies, similarities, which made one culture intelligible to another, cultures were not to be confused with each other.

Upon this view, cultures differ yet there are some elements of humanity that are relevant across cultures; cultures simply differ in the way that they express these human characteristics. Consequently, a doctrine that embraces human diversity still maintains the existence of basic commonalities among people irrespective of cultural differences and therefore avoids relativism.

Berlin's second response to relativism is that human beings have the capacity to

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109 Ibid.
110 Monists and pluralists believe in the existence of a world of objective value. However, they differ in terms of their response to this knowledge. Monists allege that knowledge of objective values equips us to identify a "good" or an "ideal" that is universal. In contrast, Berlin's pluralism alerts us to avoid positing a universal good. Instead, for Berlin understanding speaks to the diverse array of human "goods" and
understand one another across cultures, across time, and across civilizations and that this illustrates the human ability to understand other cultures, times and civilizations. This idea is inspired by Vico's theory of culture which combines common human understanding with cultural differences. In reference to Vico's work, Berlin states:

in thinking about the past, we go beyond behaviour; we wish to understand how human beings lived, and that means understanding their motives, their fears and hopes and ambitions and loves and hatreds--to whom they prayed, how they expressed themselves in poetry, in art, in religion. We are able to do this because we are ourselves human, and understand our own inner life in these terms.  

Vico believes that human beings are able to understand one another because of our own personal experiences, "because the experience of others is sufficiently woven into one's own," and because of human imagination.

Berlin insists that pluralism need not be a relativist doctrine. Pluralism is an intermediate position between the monist and relativist traditions that Berlin rejects. For Berlin, monism is an idealist doctrine that insists upon the realizability of an objective, universal and discernable human good. Relativism is at the other extreme of the spectrum as this approach denies the existence of objective goods and thus concedes that cross-cultural understanding and judgement is not possible. Pluralism demonstrates that in denying a universal ideal, one does not have to also deny the existence of a range of objective human values.

cautions against positing that one of the many worthwhile human values is an ideal to which all should aspire to realize.

Pluralism and Liberalism

In addition to being a pluralist, Berlin is a supporter of liberalism. Though Berlin is both a pluralist and a liberal, he insists that pluralism and liberalism are separate concepts and practices.\textsuperscript{113} That is, a liberal society need not be pluralistic and a plural society need not be liberal. While pluralism and liberalism are distinct, they are not entirely incommensurable. It is possible to combine elements of the two doctrines but conflicts will arise and inevitably lead to choices that prioritize one doctrine over the other.

While it is not compulsory to embrace both pluralism and liberalism, Berlin chooses to do so.\textsuperscript{114} Berlin believes that a particular conception of liberalism assists in creating the necessary conditions for a plural society. The principal reason why Berlin sees liberalism as a complementary approach to pluralism is that choice-making is typically valued within liberal societies and choice-making is necessary in order to maintain pluralism in society. Choice-making is associated with liberty; particularly negative liberty, and from Berlin's perspective negative freedom plays a central role in enabling individuals to make choices which in turn leads to individual self-creation and self-development.\textsuperscript{115}

Now that the relationship between liberalism and pluralism in Berlin's theory has been identified, a more in-depth discussion of the elements of Berlin's liberalism is in order. Berlin's liberalism is a product of his pluralism and therefore, his liberal perspective contains many of the tenets of his theory of pluralism. Berlin's liberalism is

\textsuperscript{112} Isaiah Berlin, "Vico's Concept of Knowledge," 116.
\textsuperscript{113} Ramin Jahanbegloo, 44.
\textsuperscript{114} Isaiah Berlin, "My Intellectual Path," 13.
\textsuperscript{115} John Gray, Berlin, 147.
agonistic in nature—it is "a liberalism of conflict and unavoidable loss among rivalrous goods and ends."\(^{116}\) It is not a theory that posits some value as a standard or foundational principle that is constant and primary. Rather, Berlin's liberalism acknowledges the presence of a wide array of human values and goods and does not presume to establish a fixed hierarchy of these goods.\(^{117}\)

Berlin believes that in a world of pluralism, individual choice and negative liberty are important. As a universal form of the good life is not discernable by human reason, Berlin argues that each individual should be able to engage in decision-making to determine what form of life is amenable to him or her. This activity of individual choice-making also plays a role in individual self-development as it "is a constitutive component of human self-creation"\(^{118}\) Decision-making also ensures plurality among human beings as each individual is entitled to make choices that are suited to his or her individual preferences rather than being forced to cohere with a universal dictate regarding how to live.

Berlin believes that the decision-making that he finds so valuable is associated with the concept of liberty. In particular, Berlin connects individual choice to negative liberty which is "the area within which a man can act unobstructed by others."\(^{119}\) Negative liberty is concerned with providing individuals with security against unwanted interference by external obstacles, such as the state, in certain aspects of their lives.\(^{120}\) Negative liberty is an essential part of human life for "in its absence other values collapse

\(^{117}\) Isaiah Berlin, "Introduction," *Four Essays on Liberty*, l. While Berlin's liberalism is based upon an awareness of conflict among human goods, Kymlicka's establishes liberalism as the prior to other values. This argument is developed in Chapter Four of this thesis.
\(^{118}\) John Gray, *Berlin*, 143.
\(^{119}\) Isaiah Berlin, "Two Concepts of Liberty," 122.
\(^{120}\) Ramin Jahanbegloo, 151.
also, because there is no opportunity to practise them, there are no opportunities, no constellation of diverse values—in the end, no life."^121 This statement illustrates the importance of negative liberty as its existence supports other components that make human life diverse and worthwhile.

Positive liberty is defined as the "freedom to".\textsuperscript{122} It is "derive[ed] from the wish on the part of the individual to be his own master."\textsuperscript{123} Berlin prefers negative liberty to its positive counterpart as he sees positive liberty as being more susceptible to abuse and perversion than negative liberty.\textsuperscript{124} Berlin associates positive liberty with monism and idealism; arguing that "the rhetoric of 'positive' liberty, at least in its distorted form, is in far greater evidence, and continues to play its historic role (in both capitalist and anti-capitalist societies) as a cloak for despotism in the name of a wider freedom."\textsuperscript{125} Berlin refers to the Jacobin and Communists as examples of the manner in which positive liberty has been distorted to the point where liberty and authority are virtually identical concepts and practices.\textsuperscript{126} Berlin finds this despotism abhorrent not only because of the brutality and suffering that often result from such regimes, but more importantly, because despotism "is an insult to my conception of myself as a human being, determined to make my own life in accordance with my own (not necessarily rational or benevolent) purposes, and above all, entitled to be recognized as such by others."\textsuperscript{127}

While Berlin is a strong advocate of liberty—especially in its negative form—his

\textsuperscript{121} Ramin Jahanbegloo, 151.
\textsuperscript{122} Isaiah Berlin, "Two Concepts of Liberty," 131.
\textsuperscript{123} Isaiah Berlin, "Two Concepts of Liberty," 131.
\textsuperscript{126} Isaiah Berlin, "Two Concepts of Liberty," 148. While Berlin is critical of the distortion of positive liberty, he does acknowledge that positive liberty has a role to play in human life. See Introduction, \textit{Four Essays on Liberty}, xlvii.
\textsuperscript{127} Isaiah Berlin, "Two Concepts of Liberty," 157.
pluralism does not provide liberty a position of permanent privilege. That is, liberty is just one of many worthwhile human values and the pursuit of other human goods may require that liberty be limited. According to Berlin, "liberty may have to be curtailed to make room for other good things, security or peace or health; or liberty today may have to be curtailed to make possible wider liberty tomorrow."\(^{128}\) Berlin approaches the idea of human rights in a similar manner. While he sees human rights as contributing to human independence and self-creation, as well as to the establishment of a 'decent society,' he does not support the idea of an unalterable and permanent \textit{a priori} list of human rights.\(^{129}\) Human rights appeal to "general truths" about human conduct that are helpful in creating a decent community but this does not mean that an exhaustive set of human rights can be created or that human rights are guaranteed against change.\(^{130}\)

Berlin's approach to liberalism is substantially different from other theories in the liberal tradition. To illustrate the originality of Berlin's liberal position, I will briefly compare Berlin's agonistic liberalism from the perspectives of Rawls, Mill, Kant and Locke. The main distinguishing feature of Berlin's pluralism are its non-hierarchical structure and its acceptance of the limits of human reason. For Berlin, pluralism precludes the creation of a theory that prioritizes particular values or goods in a general, \textit{a priori} sense without considering the specific circumstance that one is addressing. Even though it is clear that Berlin sees great value in negative liberty, he does not believe that negative liberty is always the most important value in human life. Berlin's liberalism "denies that the structure of liberties appropriate to a liberal society can be derived from

\(^{130}\) Ramin Jahanbegloo, \textit{Conversations With Isaiah Berlin}, 114.
any theory, or state in any system of principles, since the choice among conflicting liberties is often a choice among incommensurables."\(^{131}\) This position contrasts that of utilitarian liberals, like Mill, and contract theorists, like Kant and Locke, who use human reason as a foundation for their liberal theories. For example, in *A Theory of Justice*, Rawls' conception of justice is premised on the notion that the use of human reason enables us to prioritize "justice as fairness" as a foundational principle for a liberal democratic society.\(^{132}\) For Mill, utilitarian reasoning contributes to his conclusion that liberty is a valued component of human society for it assists in furthering individual and societal development while enabling individuals to pursue individual happiness.\(^{133}\) Berlin's liberal approach also "diverges from Kantian ethics and from Lockean theories of fundamental rights, in denying that a coherent political morality can be formulated that is expressed in a single principle or an ordered system of principles."\(^{134}\) For Berlin, liberalism assists us in creating a society that is tolerant enough to accept pluralism. Berlin's liberalism does not provide a comprehensive theory or framework that instructs us as to how to attain happiness or how to create an idyllic society. Instead, Berlin's liberalism rejects the rational choice lineage of various strands of liberal thought and instead "grounds itself on the radical choices that we must make among incommensurables."\(^{135}\)


1.3 Iris Marion Young and the Politics of Difference

The concluding section of this chapter will connect pertinent aspects of Iris Marion Young's view of justice with Berlin's pluralism. Iris Marion Young has written extensively about the tension between justice and diversity in contemporary societies. Her work endeavours to illuminate injustices that the prevailing paradigm of liberal democracy imposes upon various disadvantaged groups in society.\textsuperscript{136} Young's approach and subject-matter is plural. She examines various groups and sources of oppression in society that these groups face including "racism, sexism, homophobia, ageism, and ableism."\textsuperscript{137} Furthermore, Young's method of analysis is plural as she embraces a wide range of approaches in her analysis rather than endorsing one particular ideological perspective. Young asserts that her method is "derived from critical theory" but also includes feminism, postmodernism, "Marxism, participatory democratic theory and Black philosophy."\textsuperscript{138}

Young sets out "to express rigorously and reflectively some of the claims about justice and injustice implicit in the politics of these [new social] movements and to explore their meaning and implications."\textsuperscript{139} She argues that the prevailing liberal conceptions of justice fail to adequately address issues of diversity because they do not recognize the injustices and oppression that are not addressed by distributive justice and they "futilely aspire to achieve neutrality and impartiality but succeed only in

\textsuperscript{135} John Gray, \textit{Berlin}, 9.
\textsuperscript{136} Iris Marion Young, \textit{Justice and the Politics of Difference}, 7.
\textsuperscript{137} Iris Marion Young, \textit{Justice and the Politics of Difference}, 125.
\textsuperscript{138} Iris Marion Young, \textit{Justice and the Politics of Difference}, 8.
\textsuperscript{139} Iris Marion Young, \textit{Justice and the Politics of Difference}, 7.
universalizing the experiences of those who hold power."140 In response to those who believe that liberal theory has successfully addressed issues of diversity, Young cautions that "the fact that contemporary liberal theory has so easily accommodated to issues of culture-based conflict should make us suspect that some harder issues are being ignored."141 Young believes that what liberal theories of justice overlook is the privilege and oppression that social, economic and political arrangements perpetuate.142 Young's critique of liberal justice is particularly focused on the distributive paradigm supported by Rawls and others. From her perspective, distributive theories of justice are limited because they overlook aspects of justice that are not about the division of goods. For example, claims for just decision-making procedures or for justice within the workplace are not distributive.143 Based upon the problems that Young sees with theories of justice that focus on the distributive paradigm, she proposes an alternative approach that focuses on difference.

Berlin and Young share some commonalities in their thought. In particular, both value diversity, reject monism, question the a priori theories that are associated with the monist tradition and are concerned about oppression. Young asserts that diversity is a reality of contemporary life. As such, the politics of difference "doubt[s] that a society without group differences is either possible or desirable."144 As difference is both valuable and inescapable, Young embraces a politics that accepts difference and ensures that difference does not lead to oppression. Young's perspective leads her to critique

142 Iris Marion Young, "Ruling Norms and the Politics of Difference," 420.
143 Iris Marion Young, Justice and the Politics of Difference, 20.
144 Iris Marion Young, Justice and the Politics of Difference, 163.
what she refers to as the "assimilationist ideal"-- the assumption "that equal social status for all persons requires treating everyone according to the same principles, rules, and standards."\textsuperscript{145} Young argues that "the assimilationist ideal involves denying either the reality or the desirability of social groups."\textsuperscript{146} Young's opinion of the assimilationist ideal is similar to Berlin's view of monism. Both Young and Berlin attest to the desirability and inescapability of diversity in society and both see the monist perspective as an idealistic approach that is removed from reality and threatening to plurality.

Another similarity that Berlin and Young share is scepticism of theories that purport to establish systematic, \textit{a priori} models of addressing human affairs. For Young, such theories are problematic as they are removed from the contextual reality of human life and this in turn "represses and downgrades that which does not 'fit' and which, if acknowledged, would threaten and subvert that theory's apparent logical coherence."\textsuperscript{147}

When working with a comprehensive theory based in the tradition of Platonic idealism, issues that do not cohere with the theory become troublesome and these issues may be suppressed for the sake of maintaining consistency within the theory. Along similar lines, Berlin critiques establishing systematic theories of human life for he is sceptical of theory inspired by monism and idealism. Instead, Berlin advocates a pluralist perspective that enables us to acknowledge the existence of diversity in human affairs and to address challenges and conflicts on a more contextual, case-by-case level.\textsuperscript{148} Finally, Berlin and Young are fearful of the oppression that results from ignoring diversity. Berlin's discussion of positive liberty connects oppression to failing to recognize the identities of

\textsuperscript{145} Iris Marion Young, \textit{Justice and the Politics of Difference}, 158.
\textsuperscript{146} Iris Marion Young, \textit{Justice and the Politics of Difference}, 163.
the oppressed. Berlin states:

what oppressed classes or nationalities, as a rule, demand is neither simply unhampered liberty of action for their members, nor, above everything, equality of social or economic opportunity, still less assignment of a place in a frictionless, organic state devised by the rational lawgiver. What they want, as often as not, is simply recognition (of their class or nation, or colour or race) as an independent source of human activity, as an entity with a will of its own, intending to act in accordance with it (whether it is good or legitimate, or not), and not to be ruled, educated, guided, with however light a hand, as being not quite fully human, and therefore not quite fully free.\textsuperscript{149}

In Berlin's estimation, oppression is unacceptable as it denies the humanity, rationality and liberty of those who are oppressed. Young is also critical of oppression and she believes that "the denial of difference contributes to social group oppression."\textsuperscript{150} Young lists five types of oppression: exploitation, marginalization, powerlessness, cultural imperialism and violence.\textsuperscript{151} Young believes that a politics of difference assists in identifying oppression and the manner in which prevailing paradigms of justice perpetuate oppression.

The inclusion of Young's ideas in this analysis serves two purposes: one, to provide an explicit connection between pluralism and justice; and two, to infuse Young's methodological pluralism into this analysis. In both respects, Young builds upon aspects of Berlin's theory. For Young, justice is not an abstract issue separate from the concrete human experience.\textsuperscript{152} It is grounded in reality and the features of society like cultural diversity must be factored into an analysis of justice. With respect to her approach, Young embraces a multitude of perspectives in her analysis. This method provides a

\begin{footnotes}
\footnotetext{149}{Isaiah Berlin, "Two Concepts of Liberty," 156.}
\footnotetext{150}{Iris Marion Young, \textit{Justice and the Politics of Difference}, 10.}
\footnotetext{151}{Iris Marion Young, \textit{Justice and the Politics of Difference}, Chapter 2.}
\footnotetext{152}{Iris Marion Young, \textit{Justice and the Politics of Difference}, 8.}
\end{footnotes}
concrete illustration of the methodological pluralism that Berlin endorses.\textsuperscript{153} For Berlin, a pluralist methodology involves not committing to a particular ideal. Young's approach exemplifies this as she simultaneously uses Marxist, Feminist, critical, and cultural theories to explore justice.\textsuperscript{154} Furthermore, she considers the way in which theory impacts different people in different ways; therefore, recognizing that different people have different experiences based on such factors as gender, race, religion, culture, age and disability.

Isaiah Berlin's pluralist standpoint accepts the existence of diversity while alerting us to the problems that follow when diversity is ignored. His pluralism employs liberalism as a tool for sustaining diversity and avoiding the consequences of monism, paternalism and the pursuit of the ideal. Berlin's pluralist approach is supplemented by Iris Marion Young's analysis of justice and difference. The perspectives advanced by Berlin and Young assist in identifying the limits of liberal multicultural justice as they highlight the manner in which Will Kymlicka's multicultural citizenship inadequately addresses issues of difference. The following chapter will provide a discussion of Kymlicka's theory of minority rights.

\textsuperscript{153} Young does not explicitly make this connection between Berlin and herself.
\textsuperscript{154} Iris Marion Young, \textit{Justice and the Politics of Difference}, 8.
CHAPTER TWO
WILL KYMLICKA'S LIBERAL MULTICULTURAL PARADIGM

Prior to assessing Kymlicka's perspective on multicultural justice, this chapter will begin by outlining his theory of multiculturalism and minority rights. Kymlicka is a leading scholar in the contemporary debate over liberal multiculturalism. His substantial body of work explores the connection between liberal democratic principles and cultural diversity. In his estimation, recognizing diversity is a necessity in plural societies and as such, states must establish strategies for "managing" ethnocultural relations.\textsuperscript{155} In this vein, Kymlicka proposes a framework to assist states in preserving and accommodating plurality. After outlining the key components of his general theory, the chapter will conclude by focusing on the role of multicultural justice in Kymlicka's theory.

2.1 Why Protect Ethnocultural Minorities?

Kymlicka's theory of minority rights begins with a refutation of a particular form of liberalism. Kymlicka asserts that the liberal theories that have dominated political theory and practice in liberal democracies are based upon the view that the state is neutral with respect to issues of culture.\textsuperscript{156} As such, the state's approach to culture is the same as the state's approach to religion; that is, the state neither endorses nor inculcates citizens with a particular perspective.\textsuperscript{157} Instead of supporting liberal neutralism, Kymlicka believes that states must acknowledge the fact that "states have engaged in this process of 'nation-building'--that is, a process of promoting a common language, and a sense of common membership in, and equal access to the social institutions based on that

\textsuperscript{155} Will Kymlicka, \textit{Finding Our Way}, 3.
\textsuperscript{156} Will Kymlicka, \textit{Multicultural Citizenship}, Chapter 4. Kymlicka identifies Michael Walzer and Nathan Glazer advocating that the liberal state treat culture with 'benign neglect'.

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language." By recognizing the nation-building activities of states, a theory of liberal multiculturalism can promote commonalities between citizens while also promoting diversity within society. Ultimately, "the aim of a liberal theory of minority rights is to define fair terms of integration for immigrants, and to enable national minorities to maintain themselves as distinct societies." Kymlicka supports his multicultural theory by relying on two key tenets of the liberal tradition: freedom and equality. With respect to freedom, Kymlicka asserts that liberalism rests upon the idea that individuals have the ability and autonomy to make decisions regarding the kind of life that they choose to lead. In order for a liberal society to ensure that individuals can exercise this freedom, Kymlicka asserts that a range of options must be available from which individuals may choose. This range is described as a "context of individual choice...[which] is passed down to us by our language and culture."

In addition to preserving freedom, Kymlicka aims to promote equality in his theory of liberal multiculturalism. Kymlicka believes that liberal states are committed to securing equality for all of their citizens. In particular, Kymlicka contends that "liberalism rests on a commitment to equality of opportunity." In keeping with this principle of equal opportunity, liberal states may treat citizens differently for the purpose of providing disadvantaged citizens with the means that they require in order to have

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160 Will Kymlicka, "Do We Need a Liberal Theory of Minority Rights?," 75.
162 Will Kymlicka, "Do We Need a Liberal Theory of Minority Rights?," 75.
access to opportunities that are comparable to those of their fellow citizens. For Kymlicka, cultural equality of opportunity entails providing cultural minorities with the rights and protections that they need to maintain and protect their cultures in spite of the dominance of the majority or mainstream culture. Kymlicka asserts that these "special rights compensate for unequal circumstances which put the members of minority cultures at a systemic disadvantage in the cultural marketplace, regardless of their personal choices in life." This asymmetrical distribution of rights is a means of levelling the playing field for cultural communities by providing minority cultures with rectification for their disadvantageous positions in the cultural marketplace.

To develop an enhanced understanding of liberalism in Kymlicka's theory, a brief discussion of the liberal tradition is in order. Liberalism is a broad and varied school of thought encompassing a range of perspectives. In spite of the diversity within the liberal tradition, there are some principles that are common to liberal thinkers and that differentiate liberalism from competing ideologies like conservatism and socialism. One principle commonly associated with the liberal tradition is equality. While equality may be a component of the liberal tradition, different liberals define equality in different ways. Ronald Dworkin asserts that liberalism's "constitutive morality is a theory of equality that requires official neutrality amongst theories of what is valuable in life." Thus for Dworkin, equality entails that the state avoids endorsing or condemning particular forms of the "good" life. In contrast, Friedrich Hayek endorses "equality of the general rules of law and conduct...[because it ]is the only kind of equality conductive to liberty and the

only equality which we can secure without destroying liberty." 165 Another principle commonly associated with liberalism is freedom. Isaiah Berlin's essay "Two Concepts of Liberty" identifies two possible conceptions of freedom: negative and positive. John Gray contends that liberals share an individualist orientation, a belief in the universal "moral unity of the human species" and a belief in the "corrigibility and improvability of all social institutions." 166

From these principles of liberalism emerge a plethora of categories within the liberal tradition. Classical liberalism, the branch of the liberal tradition commonly associated with John Locke, tends to endorse a limited role for the state. Libertarianism emphasizes the primacy of individual liberty. Neo-liberals support classical liberal economics and reform liberal social and political beliefs. Kymlicka presents his theory as an alternative to liberal neutrality—a conception of liberalism where the state is neutral with respect to the characteristics of its citizens and the conception of the good life. In addition, liberalism can be agonistic, meaning that it is intimately aware of the tension, conflict and plurality of the human condition. John Gray associates Isaiah Berlin with the tradition of agonistic liberalism. 167 John Rawls provides a helpful distinction between two forms of liberalism which he terms "political liberalism" and "comprehensive liberalism." Political liberalism "supposes that there are many conflicting reasonable comprehensive doctrines with their own conceptions of the good" 168 while comprehensive liberalism is a moral doctrine that places value upon autonomy." 169

Kymlicka's approach to liberalism incorporates principles that are prominent within the liberal tradition. Equality and liberty are the foci of his theory of multicultural citizenship as these two principles provide the justification for his theory of minority rights. Kymlicka adopts a conception of equality that relates to those of Rawls and Dworkin who associate equality with treating individuals with "equal concern and respect." Kymlicka does not follow in the negative libertarian tradition of liberals like Hayek who decry government intervention in redistribution for the sake of achieving equality. Kymlicka's approach to liberty relates to that of John Stuart Mill in the sense that promoting various forms of living is identified as conducive to creating a vibrant society. In examining Kymlicka's liberalism in terms of the distinctions that John Rawls makes between political and comprehensive liberalism, one sees that Kymlicka's theory is more closely related to comprehensive liberalism than to political liberalism. While proponents of political liberalism see autonomy as a politically valuable resource, advocates of comprehensive liberalism attribute moral value to "autonomy and individuality as ideals to govern much if not all of life."\(^\text{170}\)

2.2 Types of Ethnocultural Minorities

Kymlicka divides ethnocultural minorities into two main categories: national minorities and immigrant minorities.\(^\text{171}\) This distinction is important to Kymlicka's argument for it provides a basis for the differential treatment of ethnocultural groups in plural societies. A nation is a:

\begin{quote}
historical community, more or less institutionally complete, occupying a given territory or homeland, sharing a distinct language and culture.
\end{quote}


'nation' in this sociological sense is closely related to the idea of a 'people' or a 'culture'...\textsuperscript{172}

Hence, a national minority is a nation that exists within a multi-nation state and constitutes a minority of the population of that state. According to Kymlicka, these ethnocultural minorities have "historically sought various forms of self-government so as to maintain their status as culturally distinct and self-governing societies within the larger state."\textsuperscript{173} National minorities usually resist being integrated into the societal culture of the dominant cultural group. Rather, these ethnocultural minorities tend to favour self-government powers that enable them to maintain developed societal structures independent of the mainstream majority culture.\textsuperscript{174}

Kymlicka uses the term "immigrant groups" to refer to ethnocultural communities that are not nations as the origins of these communities lies in immigration.\textsuperscript{175} According to Kymlicka, immigrants voluntarily immigrate to a new state and in choosing to leave their countries of origin, immigrants accept the fact that they must "integrate into the mainstream society" in order to acquire citizenship and participate fully in the economic and educational institutions of the new state.\textsuperscript{176} In fact, Kymlicka contends that immigrants have historically preferred to integrate into the dominant culture of their adoptive country.\textsuperscript{177} Consequently, in public life, immigrant groups "participate within the public institutions of the dominant culture(s) and speak the dominant language(s)."\textsuperscript{178}

\textsuperscript{172} Will Kymlicka, \textit{Multicultural Citizenship}, 11.
\textsuperscript{175} Will Kymlicka, \textit{Finding Our Way}, 7.
\textsuperscript{176} Will Kymlicka, \textit{Finding Our Way}, 7.
\textsuperscript{177} Will Kymlicka, "Do We Need a liberal Theory of Minority Rights?," 73.
\textsuperscript{178} Will Kymlicka, \textit{Finding Our Way}, 7-8.
2.3 The Rights of Nations vs. The Rights of Immigrants

The distinction that Kymlicka establishes between national and immigrant minorities leads to different rights for these groups. These rights are closely connected to Kymlicka's conception of justice as they provide a framework for remedying inequalities faced by minorities and establishing limits for multicultural justice. National minorities are accorded greater powers than immigrant minorities in Kymlicka's theory. National minorities, like the Québécois, are justified in asking for greater autonomy and control over their affairs in order to sustain their cultures. Kymlicka refers to these powers as "self-government rights." These rights enable national minorities to exercise self-determination as a result of the nation's "status as a founding people and from the terms of the federation." The specific powers that fall under self-government rights involve control over language, immigration, education, government and employment.

Self-government rights can be exercised in a variety of ways. One arrangement that may arise through the use of self-government rights is the establishment of a federation with other nations within the state. This union would provide the national minority with a political forum for deliberation and decision-making that the national minority could use for the purpose of exercising self-determination. Another manner in which a national minority may secure its self-government powers is through secession. As illustrated by the different ways a national minority may choose to exercise their rights, self-government powers are usually associated with the devolution

179 Will Kymlicka, "Do We Need a Liberal Theory of Minority Rights?," 74.
of political power to the national minority.\textsuperscript{184}

Included in the package of powers that are categorized under the term "self-government rights" is the ability to place internal restrictions upon individual members of the nation. Kymlicka defines internal restrictions as the capacity of a group "to protect the group from the destabilizing impact of internal dissent."\textsuperscript{185} This shifts the protection of culture away from simply preserving a culture from external threats (the dominant culture) to regulating a culture by influencing how members live. The political power that national minorities enjoy in Kymlicka's theory of rights provides them with the powers that are required in order to sustain complex institutional frameworks independent of the majority culture.

Immigrant minorities are allotted polyethnic rights rather than the self-governing rights enjoyed by national minorities. According to Kymlicka, immigrant groups do not have the institutional structure, territorial presence or desire to demand the self-government rights accorded to national minorities.\textsuperscript{186} In contrast to national minorities, immigrant groups do not have the ability to create and sustain societal cultures separate from the dominant culture. For example, French Canadian culture has an institutional structure of educational and governmental organizations separate from the dominant English Canadian community. With respect to territoriality, in Canada, immigrant groups are not usually concentrated on particular parcels of territory whereas Aboriginal nations have reserve lands. Furthermore, Kymlicka alleges that immigrant groups do not want to

\textsuperscript{183} Will Kymlicka, \textit{Multicultural Citizenship}, 27.
\textsuperscript{184} Will Kymlicka, \textit{Multicultural Citizenship}, 30.
\textsuperscript{185} Will Kymlicka, \textit{Multicultural Citizenship}, 35.
\textsuperscript{186} Will Kymlicka, \textit{Finding Our Way}, 35; \textit{Multicultural Citizenship}, 41.
form societal cultures that are separate from the dominant societal culture.\textsuperscript{187} The purpose of polyethnic rights is "to help ethnic groups and religious minorities express their cultural particularity and pride without it hampering their success in the economic and political institutions of the dominant society."\textsuperscript{188} In effect, polyethnic rights provide immigrants with the confidence to retain aspects of their ethnocultural identities without fear of discrimination and persecution.

One polyethnic right that Kymlicka describes is access to public funding for "cultural practices" including "ethnic associations, magazines and festivals."\textsuperscript{189} Another polyethnic right that Kymlicka extends to immigrants is "[exemption] from laws and regulations that disadvantage them, given their religious practices."\textsuperscript{190} An example of a regulation that infringes upon the religious traditions of cultural minorities is the mandatory closure of places of business on Sundays.\textsuperscript{191} This policy is based upon the Christian religious tradition and imposes restrictions upon Muslim and Jewish people who do not share in this tradition and who may wish to operate or frequent places of business on Sundays. The purpose of polyethnic rights is to provide immigrant minorities with the security to express their cultures while they integrate into the mainstream societal culture. Polyethnic rights are not intended to help immigrant groups to develop separate institutions from mainstream society.\textsuperscript{192}

In addition to self-government and polyethnic rights, Kymlicka's theory includes special representation rights: collective rights that can be exercised by national

\begin{footnotesize}
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\item Will Kymlicka, \textit{Multicultural Citizenship}, 41.
\item Will Kymlicka, \textit{Multicultural Citizenship}, 31.
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\item Will Kymlicka, \textit{Multicultural Citizenship}, 31.
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minorities, immigrant minorities and other marginalized groups in society.\textsuperscript{193} The purpose of representation rights is to increase the participation of marginalized groups in the political process.\textsuperscript{194} In order to accomplish this task, groups may be guaranteed representation in decision-making bodies that address their issues of concern. Kymlicka views special representation rights as being a form of "political affirmative action" that provides minority groups with a temporary means of combating the systemic oppression that has excluded them from the political process.\textsuperscript{195}

Kymlicka bases this distinction between immigrant and national minority rights upon his understanding of the histories and the aspirations of ethnocultural groups. With respect to history, Kymlicka argues that national minorities and immigrant minorities historically became citizens of a pluralist state in different ways. In the case of national minorities, they tend to exist prior to the creation of the state and therefore, already enjoyed autonomy prior to establishment of the state.\textsuperscript{196} Furthermore, national minorities tended to join the state involuntarily. Finally, national minorities frequently established agreements with the dominant culture prior to joining the new state and these agreements guaranteed the protection of their language and culture.\textsuperscript{197} For example, First Nations people in Canada preceded European settlers who eventually federated to form the Dominion of Canada. First Nations did not initiate the creation of the state; rather, they were incorporated into it. Furthermore, the self-governing rights of Aboriginal peoples

\textsuperscript{192} Will Kymlicka, \textit{Finding Our Way}, 44.  
\textsuperscript{193} Will Kymlicka, \textit{Multicultural Citizenship}, 31-2.  
\textsuperscript{194} Will Kymlicka, \textit{Finding Our Way}, Chapter 7.  
\textsuperscript{195} Will Kymlicka, \textit{Multicultural Citizenship}, 32.  
\textsuperscript{196} Will Kymlicka, \textit{Finding Our Way}, 169; \textit{Multicultural Citizenship}, 10.  
\textsuperscript{197} Will Kymlicka, \textit{Multicultural Citizenship}, 117.
were entrenched through treaties as well as within the *Constitution*.\(^{198}\)

The historical circumstances of immigrant minorities differ from those of national minorities. Immigrant minorities join the state after its creation and therefore, immigrant minorities did not have the ability to form societal cultures independent of the mainstream. Furthermore, the fact that immigrants become citizens of the state after the establishment of the state means that immigrants choose to join the state voluntarily with an understanding of the structure and organization of the state.\(^{199}\) This differs from the circumstances of national minorities who precede the state and may have joined the state involuntarily. With respect to the legal status of the immigrant minorities, they usually do not establish treaties with the dominant culture prior to becoming citizens of the state and therefore, they do not expect to be accorded self-government rights or autonomy.\(^{200}\)

In addition to this historical argument, Kymlicka justifies the asymmetrical distribution of cultural minority rights by referring to the different goals and expectations that nations and immigrants have. According to Kymlicka:

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\ldots\text{this differential treatment reflects the different aspirations, and a different sense of legitimate expectations. Immigrants and national minorities have different beliefs about what it desirable and about what they are rightfully entitled to, and some degree of differential treatment is widely accepted by both groups. This differential treatment has also come to be seen by the dominant group as acceptable to the basic norms and institutions of a liberal democracy.}^{201}\]

\(^{198}\) In the *Constitution Act of 1982*, section 35 of *Charter of Rights and Freedoms* guarantees Aboriginal peoples special rights.

\(^{199}\) Will Kymlicka, *Multicultural Citizenship*, 63. While immigrants may have an understanding of the structures of the state to which they immigrate, the structures themselves may shape their expectations and therefore, their willingness to integrate. That is, the policies of the state in question may cause immigrants to integrate rather than the genuine desire of immigrants to integrate.

\(^{200}\) Kymlicka acknowledges that there are some exceptions to this rule. For example, the Hutterites in Canada established agreements with the Canadian federal government to ensure that they would have some self-governing rights if they chose to immigrate to Western Canada. See *Multicultural Citizenship*, 120.

\(^{201}\) Will Kymlicka, "Do We Need a Liberal Theory of Minority Rights?," 74.
Kymlicka asserts that the different goals of nations and immigrants is the basis for the different rights that he assigns to these groups. He expands upon this position; stating that immigrant groups aspire to succeed within the framework of existing mainstream institutions while nations seek to sustain and preserve their own institutions.\textsuperscript{202} Again, Kymlicka refers to the issue of choice as a significant determinant of the different treatment of immigrant and national groups. As immigrants choose to leave their homelands, they also choose to integrate.\textsuperscript{203} In order to make the integration process more hospitable, immigrants are accorded \textit{external protections} (often in the form of multicultural and anti-discrimination policies) that enable them to protect their cultures in spite of the dominance of the majority culture.\textsuperscript{204} In contrast, national minorities are accorded a greater degree of autonomy and internal restrictions due to the fact that nations existed in particular territories prior to the creation of the state.

\textbf{2.4 Multicultural Citizenship and Justice}

The need to provide multicultural justice is a key issue in Kymlicka's theory of minority rights. The argument for establishing multiculturalism as well as details regarding the categorization of groups and the different forms of multicultural rights of liberal states are at least partially directed towards the goal of a just society. Furthermore, the limits that Kymlicka places upon multicultural rights are limited in order to protect what Kymlicka terms "social justice."\textsuperscript{205} As this thesis is focused on

\textsuperscript{202} Will Kymlicka, "Do We Need a Liberal Theory of Minority Rights?," 76.
\textsuperscript{203} Though Kymlicka acknowledges that there are different sub-categories to the category of "immigrant", he does not differentiate between the rights of people who are immigrants vs. the rights of refugees. See \textit{Multicultural Citizenship}, 98.
\textsuperscript{204} Will Kymlicka, \textit{Finding Our Way}, 62-3.
\textsuperscript{205} Will Kymlicka, \textit{Multicultural Citizenship}, 6. In outlining the thesis of the book \textit{Multicultural Citizenship}, Kymlicka states that "A liberal theory of minority rights, therefore, must explain how minority
examining the forms justice and injustice that arise from liberal multiculturalism, this chapter will now devote particular attention to closely examining Kymlicka's thoughts on justice and fairness in his theory of liberal multicultural rights. This section will first describe how Kymlicka sees his model of multicultural citizenship as promoting multicultural justice. Next, this chapter will explain the limitations that Kymlicka imposes upon multiculturalism and the reasons why he imposes these limits.

For Will Kymlicka, justice in the context of cultural minority rights is based upon a particular interpretation of liberalism. Kymlicka refers to the ideas of John Rawls and Ronald Dworkin to explain "that justice requires removing or compensating for undeserved or 'morally arbitrary' disadvantages, particularly if these are 'profound and pervasive and present from birth.'" According to this view of liberalism, characteristics that an individual does not choose are arbitrary and therefore, the state is justified in assisting individuals who are disadvantaged by these characteristics. For Kymlicka, group rights provide a way of advancing equality of opportunity and freedom for individuals who are disadvantaged by the morally arbitrary characteristics associated with culture and race. Kymlicka argues that the approach to justice employed by Dworkin and Rawls provides an equality-based argument for protecting cultural minority rights. However, Kymlicka does not extend this argument to other forms of inequality that are based on "morally arbitrary" characteristics that impede equality of opportunity.

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such as the family, gender, age and disability.\textsuperscript{208}

Kymlicka contrasts this approach to liberalism with the dominant approach to diversity and rights employed by contemporary liberal democracies. Kymlicka argues that liberal neutralism has been the archetype for dealing with citizens in liberal democratic states. Liberal neutrality is based upon the assertion that there is a "strict separation of state and ethnicity" and as a result, the universal rights granted to all citizens is adequate; there is no need to assign special rights to particular groups of people within society.\textsuperscript{209} Kymlicka responds to proponents of liberal neutrality by pointing out that the state already interferes in issues of ethnicity and is therefore, not neutral. For example, states have official languages and many Western states have Christian religious references in state documents, national anthems and mottos.\textsuperscript{210} As "the state unavoidably promotes certain cultural identities, and thereby disadvantages others," the idea of liberal neutralism is incoherent.\textsuperscript{211} Kymlicka's discussion of justice and liberalism leads to the conclusion that minority rights are justified for they promote equality by contextualizing citizens and their circumstances rather than ignoring cultural characteristics in the way that the model of liberal neutrality does. Multicultural justice is attained by treating citizens with "the same concern and respect"\textsuperscript{212} rather than treating citizens identically regardless of their particular circumstances.

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\item \textsuperscript{208} James Fishkin identifies the family as a "crucial source of inequality in modern society that has gone largely unexamined in the theory of distributive justice." \textit{Justice, Equal Opportunity and the Family} (New Haven: Yale University Press, 1983), 1. Susan Moller Okin contends that theories of justice typically do not address barriers to justice within the family and often assume a sexist family structure in the private sphere to support the public sphere. See Susan Moller Okin, \textit{Justice, Gender and the Family} (United States of America: Basic Books, 1989).
\item \textsuperscript{209} Will Kymlicka, \textit{Multicultural Citizenship}, 107. Kymlicka associates this liberal approach with Michael Walzer, Nathan Glazer and contemporary American attitudes towards culturally diversity.
\item \textsuperscript{210} Will Kymlicka, \textit{Multicultural Citizenship}, 110-111,114-115.
\item \textsuperscript{211} Will Kymlicka, \textit{Multicultural Citizenship}, 108.
\item \textsuperscript{212} Ronald Dworkin, "Taking Rights Seriously," 199.
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In addition to the equality-based argument for multicultural justice, Kymlicka believes that convincing historical arguments can be made to justify his theory of cultural minority rights. The historical arguments are applicable to national groups as these cultural minorities have the right to self-determination under international law and many of these groups also have historical agreements that are legally and morally binding.\(^{213}\) The right to self-determination is an internationally-recognized norm that applies to national groups. The historical agreements made between national minorities and the national majority during the creation of the state must be respected and honoured in order to secure justice for these cultural minorities.

While Kymlicka is supportive of special rights for cultural minorities, he insists that there are limits to cultural tolerance. With respect to national minorities, Kymlicka states that "liberal principles set limits on how national groups go about nation-building. Liberal principles will preclude any attempts at ethnic cleansing, or stripping people of their citizenship, or the violation of human rights."\(^{214}\) Nation-building is an acceptable practice within Kymlicka's theory of minority rights. This process involves "promoting a common language, and a sense of common membership in, and equal access to, the social institutions based on that language."\(^{215}\) However, when nation-building leads to the violation of human rights, Kymlicka believes that it is unacceptable. In the case of immigrant minorities, Kymlicka asserts that looking at multiculturalism as a way of promoting fair terms for immigrant groups to integrate into the societal culture enables us to see the limits of cultural tolerance. According to Kymlicka, immigrants can

demand that they be given a reasonable period of time to integrate into mainstream society.\textsuperscript{216} This may entail that "certain services should be available in the immigrants' mother tongue, and support should be provided for those organizations and groups within immigrant communities which assist in the settlement and integration process."\textsuperscript{217} Another demand that immigrants can make is that "common institutions into which immigrants are pressured to integrate provide the same degree of respect, recognition and accommodation of the identities and practices of ethnocultural minorities as they traditionally have been of WASP and French-Canadian identities."\textsuperscript{218}

The limits that Kymlicka places on immigrant minorities are universal human rights and liberalism. For Kymlicka, the idea of universal human rights is a "good" that cannot be compromised or diminished. As such, his model of minority rights prevents minority groups from limiting the ability of individual members of the group from exercising their individual freedoms.\textsuperscript{219} Moreover, Kymlicka believes that it is acceptable to prevent groups from "impos[ing] practices on members who do not wish to maintain them."\textsuperscript{220} The ability to limit the activities of members of a cultural group is an internal restriction and Kymlicka does not believe that immigrant groups are entitled to impose such limitations upon their members. In order to secure universal human rights for all Canadians, irrespective of ethnicity, Kymlicka asserts that internal restrictions are inappropriate for immigrant groups. While Kymlicka is a proponent of human rights, he believes that human rights alone do not provide a sufficient mechanism for promoting justice in diverse societies. In Kymlicka's estimation, a conception of cultural group

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rights must be coupled with human rights in order to establish a just society.\textsuperscript{221}

In addition to the limit of universal human rights, Kymlicka argues that liberalism provides a limit for multicultural citizenship. Liberalism is the standard by which Kymlicka evaluates the practices and perspectives of ethnocultural groups to determine whether they are consistent with multiculturalism. From Kymlicka's perspective, illiberal cultural practices are not sustainable in a liberal multicultural context.\textsuperscript{222} Liberals must have some mechanism of evaluating the acceptability of cultural practices and therefore, "liberals cannot endorse cultural membership uncritically."\textsuperscript{223} As such, the standard of liberal democratic principles can be used for determining what type of cultural membership and activity is tolerable within society. For Kymlicka, liberalism provides a mechanism for judging and evaluating the practices of cultural minority groups while at the same time, making multiculturalism more palatable to the members of the mainstream societal culture who may be concerned about multiculturalism. Kymlicka states:

To be sure, liberal principles also set limits on minority rights. Given the priority liberals accord to individual autonomy, any scheme of minority rights must not be allowed to unduly restrict individual choices. Whereas critics tend to assume that minority rights necessarily involve restricting individual rights, and hence as threatening basic democratic values, defenders typically insist that at least some minority rights can be seen as supplementing individual rights, and hence enriching and extending traditional liberal democratic principles to deal with new challenges.\textsuperscript{224}

This statement illustrates two benefits that Kymlicka sees in combining liberalism with multiculturalism. First, liberalism provides a limit for the behaviour and activities of

\textsuperscript{220} Will Kymlicka, \textit{Finding Our Way}, 65.
\textsuperscript{222} Will Kymlicka, \textit{Multicultural Citizenship}, 94.
\textsuperscript{223} Will Kymlicka, \textit{Multicultural Citizenship}, 94.
cultural minority groups. Secondly, liberalism assists in allaying the fears of members of the dominant culture who may be concerned about the potential threat that multiculturalism poses to liberal democracy.

In examining Kymlicka's theory of minority rights, Kymlicka's conception of multicultural justice is evident. This approach to justice draws upon multiple perspectives. First, Kymlicka's theory of multicultural justice follows the formulation of justice as treating individuals with equal concern and respect. This tradition is commonly associated with contemporary thinkers like Rawls and Dworkin whereby justice entails treating "each according to his needs."\(^{225}\) That is, differential treatment is permissible in order to remedy inequalities between citizens. This formulation of justice "works towards settling the obligations of society towards each of its members."\(^{226}\) In addition, Kymlicka supports a manner of administering justice in a distributive fashion. This approach requires the re-allocation of societal benefits for the purpose of achieving a more equitable distribution of "goods" among citizens. Finally, Kymlicka's approach to justice is guided by his liberalism that prioritizes equality of opportunity and freedom within his theory. The conceptions of justice that Kymlicka employs are used for the sake of furthering the liberal principles that he believes are primary in diverse societies: cultural equality of opportunity and cultural freedom.

Will Kymlicka's theory of minority rights is a comprehensive articulation of the liberal multicultural perspective. Kymlicka's approach is based upon a particular liberal vision that sees cultural diversity as a means to the liberal ends of promoting equality and

freedom for individual citizens. Subsequent chapters will analyze Kymlicka's theory from Berlin's pluralist perspective to illustrate the forms of injustice that are likely to arise from Kymlicka's model.
CHAPTER THREE
WILL KYMLICKA'S PARADIGM OF DISTRIBUTIVE JUSTICE

In analyzing Kymlicka's approach to multicultural justice through the lens of Berlin's pluralism, concerns arise with respect to the distributive component of this theory of multicultural justice. Kymlicka seeks to secure justice for ethnocultural groups by redistributing rights in society to enable weaker cultural communities to enjoy cultural freedom and equality of opportunity in spite of the powerful position of the dominant cultural group(s) in society. A pluralist analysis of Kymlicka's theory reveals the problems that result from the emphasis that Kymlicka places upon distributive justice. In addition, a pluralist approach highlights the injustices that are created by the distinction that Kymlicka constructs between nations and immigrants. These concerns will be explored in this chapter. In the subsequent chapter, liberalism in Kymlicka's theory will be examined; revealing the consequences of relying upon the rights model, combining liberalism and pluralism, and positing liberalism as a standard for mediating between claims of justice.

Will Kymlicka's model of minority rights is intended to promote multicultural justice by securing freedom and equal opportunity to all irrespective of cultural heritage. One source to which Kymlicka looks for guidance in administering this justice is the distributive paradigm. As discussed in Chapter One, Kymlicka identifies John Rawls and Ronald Dworkin as theorists who have influenced his notion of cultural minority rights. He adopts Dworkin's definition of equality as treating individuals "as entitled to equal concern and respect." He looks to Rawls' view of justice as fairness as a way to remove barriers that individuals face due to "morally arbitrary" characteristics that they

may have.\textsuperscript{228}

In addition to incorporating these principles of justice, Kymlicka adopts a distributive manner of administering justice as a way of implementing the principles of justice. For Kymlicka, distribution is a significantly important component of theorizing and practicing multicultural justice. His theory of multicultural justice focuses on the distribution of rights to individuals and to groups. With respect to individuals, Kymlicka firmly believes in the sanctity of human rights. He insists that universal human rights exist and that violating these rights is unacceptable.\textsuperscript{229} In terms of the distribution of group rights, Kymlicka constructs a system for classifying ethnocultural groups based on a group's history, level of disadvantage, and aspirations. He divides ethnocultural groups into national groups and immigrant groups and distributes rights according to this model. Both national and immigrant groups are entitled to special representation rights. However, national groups are also entitled to the rights of self-government while immigrant groups are allotted less powerful polyethnic rights. Special representation rights relate to compensating for the under-representation of ethnocultural minorities in decision-making bodies such as legislatures. Kymlicka sees group representation "as a response to oppression or systemic disadvantage."\textsuperscript{230} The self-government rights of nations provide these ethnocultural groups with the ability to create societal structures independent of the dominant culture. Polyethnic rights make the process of integration more hospitable to immigrants. Included in this set of rights is public funding of cultural events and the re-evaluation of practices that privilege the majority culture.\textsuperscript{231}

\textsuperscript{228} John Rawls, \textit{A Theory of Justice}, 96.
\textsuperscript{229} Will Kymlicka, \textit{The New Debate Over Minority Rights}, 51.
\textsuperscript{230} Will Kymlicka, \textit{Finding Our Way}, 113.
\textsuperscript{231} Will Kymlicka, \textit{Multicultural Citizenship}, 31.
Kymlicka's system of distributing ethnocultural rights is targeted at his goal of creating a multicultural society that promotes justice through ensuring that citizens have access to cultural freedom and equality of opportunity. For Kymlicka, the importance of remedying the imbalances that exist between majority cultures and minority cultures is an important task and justice requires that individuals who are disadvantaged by the morally arbitrary cultural characteristics that they possess be assisted in order to secure justice.

Kymlicka's approach to the distribution of ethnocultural rights is beneficial in the sense that it identifies group rights and revised models of representation as legitimate ways of reforming society. However, in analyzing Kymlicka's distributive paradigm of justice from a pluralist perspective, two categories of problems are illuminated. The first cluster of problems are general in nature and they relate to the weaknesses of theories of justice that unduly privilege the distributive paradigm. Iris Marion Young's exploration of distributive justice indicates that a theory of justice must recognize that not all issues are best thought of as problems of unfair distribution. In fact, the excessive emphasis on distribution conceals forms of oppression that the distributive paradigm cannot address.

The weaknesses that result from the distributive focus of Kymlicka's theory of justice will be explored in the first section of this chapter. The second section of this chapter will address the problems that arise from the manner in which Kymlicka's categories of nation and immigrant impact the distribution of ethnocultural rights in his theory of justice. The distinction that exists between the rights of nations and immigrants is grounded in precarious foundational principles. Moreover, the asymmetrical distribution of rights between nations and immigrants serves to limit diversity and assimilate immigrants into the dominant national cultural groups.
3.1 The Distributive Paradigm: The Administration of Justice

Kymlicka's theory of justice is especially concerned with issues of distribution. Justice for ethnocultural minorities is strongly tied to redistributing societal goods to reduce the dominance of the majority culture and to assist disadvantaged cultural groups. Rights, government resources, positions in representative bodies, educational opportunities, and business opportunities are all subject to redistribution. The distributive paradigm is a useful method for addressing some of the imbalances that exist in society. Affirmative action programs have helped people from a variety of underprivileged groups in society (like women, people with disabilities, ethnocultural minorities) to overcome barriers to their success in mainstream society and Kymlicka recognizes the benefits of this approach. However, a pluralist methodology illustrates the limits of a distributive approach.

Berlin's pluralist perspective does not explicitly address the problems of distributive justice. However, an approach inspired by Berlin's methodological pluralism provides a critique of methodological monism and this critique can be extended to the distributive paradigm of justice. Berlin is critical of monism in a general sense; criticizing those who believe in a singular approach to remedying the problems of humanity.\(^{232}\) Berlin is hesitant to place faith in comprehensive theories that purport to be able to deal with the problems of society \textit{a priori}. Instead, he turns to pluralism to assist him in addressing issues of importance while simultaneously recognizing diversity. One form of pluralism that Berlin supports is methodological--a pluralist approach to inquiry.\(^{233}\) This concerns the method that one uses in researching and investigating

\(^{233}\) John Gray, \textit{Berlin}, 12.
problems. Iris Marion Young's approach to justice is consistent with the methodological pluralism that Berlin advocates. Like Berlin, Young is wary of using a single method of analysis when approaching problems. In her examination of justice, Young relies upon a variety of methodologies including feminism, postmodernism, "Marxism, participatory democratic theory and Black philosophy." Iris Marion Young's approach to justice illustrates how one would practically apply Berlin's pluralism to construct a pluralist methodology. She analyzes the problems of contemporary theories of justice by shifting from one approach to another; thus illuminating a variety of issues and perspectives. This component of the analysis will describe Young's criticisms of distributive justice as this will assist in identifying problems that result from Kymlicka's focus on distribution in his theory of multicultural citizenship. While Young's analysis of justice sheds light upon the consequences of overemphasizing the distributive component of justice, distributive justice should not be discounted. Instead, this analysis seeks to demonstrate that not all issues of justice are best addressed through a distributive approach.

Young begins her look at distribution by defining distributive justice as "a tendency to conceive social justice and distribution as coextensive concepts." She believes that "the distributive paradigm defines social justice as the morally proper distribution of social benefits and burdens among society's members." The goods that are distributed include "rights, opportunity, [and] power." Young identifies two

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235 Iris Marion Young does not explicitly credit Berlin with inspiring her methodological approach. Whether or not Berlin was the impetus for Young's approach, her method illustrates how one could incorporate pluralism into methods of political analysis.
236 Iris Marion Young, *Justice and the Politics of Difference*, 16.
237 Iris Marion Young, *Justice and the Politics of Difference*, 16.
238 Iris Marion Young, *Justice and the Politics of Difference*, 16.
principal problems with "reduc[ing] social justice to distribution." First, focusing on the distributive paradigm emphasizes the material component of social justice while diminishing the importance of structural impediments to justice. The allocation of valued societal goods, like rights, wealth, and jobs, overshadows the manner in which the institutional structures of society impede disadvantaged persons from acquiring such valued goods. This problem is evident in Kymlicka's theory of minority rights in which the institutional constraints tend to be secondary to distributive ones. For instance, in examining representation in political decision-making bodies, Kymlicka does not investigate why women and visible minorities are severely underrepresented. Instead, Kymlicka considers the possible ways in which decision-making bodies can re-allocate seats at the decision-making table to make the distribution of these seats better reflective of the diversity within society. He does not look at the manner in which the Canadian political parties select candidates for political office to see if the nomination process is unduly gender-biased or racially-biased. Nor does Kymlicka look at provincial and federal electoral campaigns to determine if issues of financing limit the ability of low-income earners to run for office. It is not wrong for Kymlicka to consider ways to allocate elected positions to disadvantaged groups. However, he focuses on the distribution of seats to the point where structural considerations are overlooked and this limits his ability to understand the sources of injustice and in turn, discern possible ways of remedying these injustices. In addition to institutional barriers to equal opportunity, there are psychological ones. In the Vertical Mosaic, John Porter points out that even with the elimination of structural barriers to societal goods, like education, there are still

239 Iris Marion Young, Justice and the Politics of Difference, 15. 18.
psychological barriers to accessing these goods. Psychological barriers may be related to one's position "in the general social structure" as this impacts whether an individual's family, class or ethnocultural community is inclined to consider particular societal goods as realistic options to pursue. Kymlicka's analysis overlooks sources of inequality of opportunity; thus providing inadequate remedies to the injustices faced by ethnocultural minority groups.

The second criticism of distributive justice that Young presents concerns the "items" that are distributed. Young alleges that advocates of the distributive paradigm tend to over-extend the distributive model to include "goods" that are neither material nor quantifiable. For example, "rights, opportunity and self-respect" are intangibles that are frequently addressed in distributive theories of justice. Kymlicka's theory focuses on distributing rights as a way of realizing justice. Young criticizes a distributive approach to rights by distinguishing rights from material goods. Young argues:

Rights are not fruitfully conceived as possessions. Rights are relationships, not things; they are institutionally defined rules specifying what people can do in relation to one another. Rights refer to doing more than having, to social relationships that enable or constrain action.

Young's analysis of the distributive paradigm indicates that conceiving of certain issues in terms of distribution misrepresents them. With respect to rights, a distributive notion of justice treats rights as tangible items that are owned by rights-bearers; thus failing to acknowledge that rights are linked to relationships. Rights gain their force through the relationships that exist between rights-bearers and those who are duty-bound to respect

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241 Will Kymlicka, Finding Our Way, Chapter 7: Towards a More Representative Democracy.
243 Iris Marion Young, Justice and the Politics of Difference, 24-5.
244 Iris Marion Young, Justice and the Politics of Difference, 25.
these rights. In Kymlicka's model of cultural minority rights, rights are often treated in a possessive manner. Ethnocultural minority groups are conceived of as possessors of rights and the manner in which these rights impact relations between ethnocultural minorities and other rights-bearers is not fully addressed. In the case of immigrant minorities, Kymlicka does not adequately address the full extent to which relationships between this minority group and other groups will be impacted by his system of minority rights. That is, he does not see rights and justice as linked to relationships between citizens. Rather, rights and justice are conceived of in terms of the individual or group to which the right is assigned. After providing insight into the limitations of distributive justice, Young proposes a broader conception of justice. Young looks to communicative ethics and "shifts from a focus on distributive patterns to procedural issues of participation in deliberation and decision-making. For a norm to be just, everyone who follows it must in principle have an effective voice in its consideration and be able to agree to it without coercion."\textsuperscript{246} Now, this analysis will turn to the manner in which rights are distributed to national and immigrant minorities in Kymlicka's theory of minority rights.

3.2 Differential Justice: Nations vs. Immigrants

In addition to endorsing a distributive paradigm for administering justice, Kymlicka's theory proposes a method for distributing rights among ethnocultural groups. This component of Kymlicka's theory of justice is evident in his discussion of the distinction between national and immigrant minorities and their corresponding rights. In Kymlicka's estimation, justice for nations entails a combination of self-government rights

\textsuperscript{246} Iris Marion Young, \textit{Justice and the Politics of Difference}, 25.
and special representation rights. He argues the rights of national minorities are justified by the fact that many national minority groups have historical agreements with the majority culture and these agreements must be honoured as they are morally binding. Furthermore, Kymlicka claims that nations do not want to participate in the societal culture of the dominant cultural group and that instead, they would prefer to engage in nation-building efforts that would assist them in developing and maintaining societal cultures that are parallel to that of the mainstream. Finally, Kymlicka posits that the level of choice involved in joining a state determines the rights that correspond to ethnocultural minority groups.

With respect to immigrant minorities, Kymlicka posits that immigrants voluntarily become citizens of the state. Moreover, he claims that these groups do not want to establish societal cultures separate from the mainstream. In fact, Kymlicka argues that these groups have a strong desire to be integrated into the mainstream societal culture and as such, the rights of these immigrants are designed to ease the process of integrating. Integration involves participation in the institutions of the mainstream culture and regarding one's life chances as being connected to the mainstream culture. The rights of immigrants include polyethnic rights and special representation rights.

Kymlicka's categorization of nations and immigrants, as well as the rights that correspond to each of these groups, is directed towards the objective of establishing a just allocation of rights.

In analyzing Kymlicka's justification for the rights of national and immigrant minorities from a pluralist perspective, one sees significant problems in the argument. In

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246 Iris Marion Young, *Justice and the Politics of Difference*, 34.
particular, Berlin's assertion that pluralism exists at various levels of analysis displays the precarious foundation upon which Kymlicka bases his distribution of minority rights. Berlin recognizes that pluralism exists within individuals, between individuals, within groups, between groups, within civilizations and between civilizations.\textsuperscript{249} This aspect of Berlin's pluralism depicts the difficulty in identifying and satisfying the wishes of ethnocultural groups as there are a plurality of groups composed of a plurality of members who each face internal value struggles at the individual level of analysis. Iris Marion Young's approach to justice demonstrates the weaknesses in Kymlicka's bases for the distribution minority rights as her analysis depicts the manner in which existing societal conditions shape relationships and behaviour. According to Young, "social, economic, and political institutions systematically privilege members of some groups."\textsuperscript{250} Furthermore, Young proposes an alternative model for looking at the differences between ethnocultural minority groups. Young's insight will assist in challenging Kymlicka's assertion that nations want separate societal structures while immigrant groups want to integrate.

\textit{Justice and Historical Agreements}

Kymlicka provides a historical explanation for his system of distribution rights. Thus Kymlicka's historical justification for the differential allocation of ethnocultural minority rights is problematic on two fronts. First, Kymlicka assumes that agreements are necessarily morally binding.\textsuperscript{251} He does not examine the particular contexts in which agreements were formed to determine whether such contracts are actually morally

\textsuperscript{248} Will Kymlicka, "Do We Need a Liberal Theory of Minority Rights?," 76.
\textsuperscript{249} Isaiah Berlin, "The Pursuit of the Ideal," 12.
\textsuperscript{250} Iris Marion Young, "Ruling Norms and the Politics of Difference: A Comment on Seyla Benhabib," 420.
defensible and enforceable. Instead, he assumes that the existence of an agreement must create a moral obligation to honour the agreement. Kymlicka claims that "respect for such agreements is important...not only to respect the self-determination of the minority, but also to ensure that citizens have trust in the actions of government."252 In supporting the enforcement of historical agreements, Kymlicka ignores the potential for such agreements to contravene principles of justice and therefore, he fails to recognize the benefit that may arise from refusing to honour such agreements. For example, an agreement that empowers a nation to the point where other ethnocultural minorities may experience oppression may create multicultural injustice and as such, it may be in the interest of a just society to stop honouring an agreement of this kind. Another criticism of Kymlicka's historical argument is that it does not achieve his goal of empowering weaker ethnocultural groups to coexist with stronger ones. While Kymlicka states that his theory of multicultural citizenship is geared towards assisting the weakest to ensure their continued existence in spite of the strength of the majority culture, honouring agreements and other structures that privilege national groups in multinational states are contrary to the goal of advancing the interests of weaker ethnocultural minorities.

Justice and the Desires of Ethnocultural Groups

Approaching multicultural justice from the perspective of satisfying the desires of groups is suspect. First, how is one to determine what ethnocultural minorities want? Kymlicka purports to know that immigrant minorities want to integrate while national
minorities are resistant to adopting the societal culture of the majority nation.\textsuperscript{253} He repeatedly makes this assertion yet he offers no evidence to support the validity of his claim. Kymlicka argues that "immigrants and national minorities have different beliefs about what is desirable and about what they are rightfully entitled to, and some degree of differential treatment is widely accepted by both groups."\textsuperscript{254} The problem with using his intuitive sense of the desires of nations and immigrants to determine what a just allocation of minority rights entails is that there is no empirical basis for his depiction of the differential aspirations of nations and immigrants. Interestingly, when Kymlicka discusses the possibility of ethnocultural group representation in Canadian political institutions, he expresses a concern for determining whether the representatives of a ethnocultural communities can claim to be aware of the needs and desires of their communities.\textsuperscript{255} That is, Kymlicka questions the ability of a representative to speak for the community's other members. Given the caution that Kymlicka exercises in this circumstance, it is remarkable that he believes that he can speak for communities of which he is not even a part. In fact, in claiming knowledge of the desires of national and immigrant minorities, Kymlicka claims to speak for numerous groups.

Furthermore, preferences are an inadequate foundation for multicultural justice because they are unstable. People are dynamic and their preferences are also subject to revision. Moreover, preferences are impacted by structural circumstances meaning that institutional change may alter preferences. With respect to ethnocultural minorities in Canada, government policies may shape their preferences. For example, official bilingualism may cause immigrants to want to learn English or French as these are the

\textsuperscript{253} Will Kymlicka, "Do We Need a Liberal Theory of Minority Rights?," 74.
\textsuperscript{254} Will Kymlicka, "Do We Need a liberal Theory of Minority Rights?," 74.
languages of public interaction, and education. However, if there was a change in government language policy, perhaps immigrants would choose to focus on other languages. In identifying preferences as the basis for his model of liberal multiculturalism, Kymlicka assumes that desires are static and ethnocultural minorities currently prefer integration and will continue to prefer integration in the future. Grounding his theory in his own understanding of the wishes of ethnocultural groups is a precarious foundation for multicultural justice.

Kymlicka does not appreciate that there is a diverse range of groups within the categories of 'nation' and 'immigrant' and that this makes discerning the desires of groups a difficult task. Berlin's pluralism warns us to be attuned to the fact that groups, cultural and otherwise, are not homogenous masses. Instead, groups are composed of individuals who differ from one another and who are in the midst of a constant battle within each consciousness between values. Given this plurality, it is incredibly difficult to discern the needs and aspirations of a particular group let alone to generalize that entire categories of groups share particular goals. This perspective is evident in Berlin's discussion of monism as Berlin criticizes this tradition for assuming that all human beings have the same opinion and conception of the "good" life. According to Berlin, "the ends of men are many, and not all of them are in principle compatible with each other." Given this plurality, conflict will inevitably arise when one sets out to discern the conceptions of the good life for national and immigrant minority groups.

When examining the groups of 'nation' and 'immigrant' that Kymlicka constructs, one finds various examples that contradict Kymlicka's assertion that nations choose

255 Will Kymlicka, Finding Our Way, 117-120.
256 Bernard Williams, "Conflicts of Values," 222-223.
autonomy while immigrants choose integration. The example of the Native Women's Association of Canada (NWAC) disproves Kymlicka's general rule that nations seek to establish societal cultures that are independent of the mainstream. This example illustrates the existence of diversity within ethnocultural groups as it challenges the assumption that consensus exists within communities about issues pertaining to self-government. In *Native Women's Association of Canada v Canada*, NWAC expresses concerns that aboriginal self-government may eliminate the applicability of the *Charter of Rights and Freedoms* to aboriginals on reserve and this in turn may negatively impact aboriginal women. Furthermore, the judgement in this case recognizes that the Assembly of First Nations (AFN) may not necessarily represent the views of many First Nations women. As a result of this finding, NWAC is entitled to additional government funding as well as equal opportunity to take part in the decision-making process to ensure a voice for their views. In this circumstance, gender is a significant cleavage that is present within ethnocultural groups. This case illustrates the existence of diversity within ethnocultural communities. In addition, it shows that members of a nation may have different aspirations for their community. While the AFN presented self-government as the dominant aspiration for aboriginal communities, NWAC expressed the concerns that other aboriginals, particularly First Nations women, had with respect to self-government.

The situation of Canadian Hutterites illustrates that immigrant groups may in fact want access to the self-government rights that Kymlicka associates with national groups. Kymlicka himself acknowledges that the Hutterites in Canada do not fit the pattern of his

259 *Native Women's Association of Canada v Canada*, 678.
theory of ethnocultural group rights. The Hutterites are an insular community with the ability to impose internal restrictions upon their members. Prior to immigrating to Canada, the Hutterites garnered assurances from the Canadian federal government to ensure that they could continue their traditional way of life when they settled in Canada. Their autonomous lifestyle and the internal restrictions that members of the Hutterite community accept render the Hutterites an immigrant group with the rights of a national minority. While Kymlicka may dismiss the Hutterites as an exceptional group that was able to acquire the self-government rights usually reserved for nations as a result of the government's desire to attract settlers to the West, this example is important as it illustrates that immigrant groups may not actually want to be absorbed into mainstream society. Perhaps other immigrant communities would like to be treated as the Hutterites but the terms imposed upon them by the Canadian state prevent the realization of this aspiration. Whether immigrants are allowed to be autonomous and whether they want to be autonomous are two separate issues but Kymlicka's theory conflates them. In doing so, Kymlicka undermines his goal of achieving ethnocultural justice through satisfying the desires of national and immigrant minorities.

In assessing the wishes of ethnocultural groups, Kymlicka does not consider the reasons why it may appear as though ethnocultural minority groups have certain opinions of multicultural justice. Iris Marion Young's analysis of justice and difference identifies societal structures as significantly impacting the structure of relationships in society. Young argues that "dominant institutions support norms and expectations that privilege
some groups and render others deviant." 261 The institutional structure of a society limits the options available to particular individuals and groups. In applying this view of societal structures to multicultural justice in Kymlicka's theory, it is arguable that the expressed wishes of immigrant minorities to integrate into society does not actually reflect the wishes of these groups. Instead, groups are forced to exist within the existing structures of society. In the Canadian context, the Multiculturalism Act is an institution that applies pressure upon immigrant minorities to integrate into Canadian society. For instance, the Multiculturalism Act seeks to ensure that all immigrants learn at least one of Canada's official languages. 262 This may not be an unreasonable demand but it illustrates the existence of "terms of integration" within Canada's multiculturalism policies. Young's understanding of the impact of existing dominant structures on oppressed groups illustrates the possibility that immigrants do not want to integrate; they may simply have no alternative given the institutional pressures that the Canadian state places upon them to constrain their choices.

**Justice and Volunteerism**

In addition to relying upon history and an intuitive sense of the desires of national and immigrant minority groups, Kymlicka employs a consent-based argument for determining what multicultural justice entails. This argument essentially equates choosing to immigrate with choosing to integrate into the mainstream culture of the state to which one is immigrating. 263 Kymlicka asserts that immigrants voluntarily choose to

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261 Iris Marion Young, "Ruling Norms and the Politics of Difference: A Comment on Seyla Benhabib," 415.
join the state and therefore must accept the state’s terms of integration. In contrast, national minorities tend to enter into the multinational state involuntarily and therefore, are not subject to the integration requirement placed upon immigrants. This argument founded on volunteerism is problematic for connecting volunteerism with integration does not necessarily lead to a just result. T. H. Green points out that freedom is undermined and even eliminated when "contracts being made, by which, from the helplessness of one of the parties to them, instead of being a security for freedom, become an instrument of disguised oppression." Just because an individual agrees to the conditions of multicultural justice that Kymlicka's argument of volunteerism sets out does not mean that multicultural justice is achieved. The problematic character of Kymlicka's model of justice as volunteerism is illustrated by four arguments that arise from applying a pluralist perspective to Kymlicka's approach. First, Kymlicka's volunteerism argument undermines his assertion that he has knowledge of the desires of ethnocultural minority groups. If Kymlicka knows that immigrants genuinely want to integrate, why is it necessary to compel them to integrate by insisting that they tacitly accepted to do so by immigrating? Next, justice is compromised as this voluntary argument does not acknowledge the diversity within the category of "immigrant" and thus the diversity of reasons why an individual may choose to immigrate. Kymlicka ignores the fact that the category of immigrant includes a variety of groups (like refugees) that did not volunteer to immigrate. Third, Kymlicka does not extend his view of voluntary justice to the state that is accepting immigrants; therefore, absolving the state of its responsibility towards immigrants. Finally, this argument conflicts with Kymlicka's

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goal of securing justice through promoting cultural freedom and equality of opportunity through promoting a diverse context of cultural choice.

Kymlicka's categorization of ethnocultural minorities is inconsistent with his assertion that he is aware of the wishes of nations and immigrants. As discussed in the aforementioned section on *Justice and the Desires of Ethnocultural Minorities*, Kymlicka claims to know that nations want to be self-governing entities while immigrants prefer to integrate into the societal culture. If Kymlicka is attuned to the desires of ethnocultural minorities, the contention that volunteering to immigrate to a state entails volunteering to integrate would not be necessary. If immigrants and refugees want to integrate why is it necessary to *insist* that immigrants and refugees integrate?

In applying Berlin's pluralism to Kymlicka's voluntary multicultural justice, the false homogeneity of Kymlicka's category of immigrant is evident. Kymlicka rigidly divides ethnocultural minority groups into two categories: nations and immigrants. He assumes that the categories do not overlap, that they are mutually exclusive. A pluralist analysis of Kymlicka's system of categorization illustrates that it does not fully capture the plurality within the categories of nation and immigrant. Berlin's deeper understanding of pluralism cautions against overlooking the differences that exist between people. This warning is not heeded by Kymlicka who categorizes all sorts of groups into the category of immigrant. One barrier to multicultural justice that arises from this oversight is that Kymlicka overlooks the fact that individuals who immigrate may have done so for extenuating reasons and not simply because they want to assimilate into the mainstream culture of a state. For instance, people who are forced to flee their countries of origin as refugees do not necessarily make calculated decisions to voluntarily
adopt a new homeland or because of severe economic hardship. The decision to leave a homeland in economic, social or political turmoil is one that may be made under duress. Furthermore, if becoming a refugee can be classified as a choice, a voluntary act, then this choice may be more aptly described as leaving a state (the refugee's homeland) rather than joining a state (the state to which the refugee flees). By using the term "immigrant minority," to describe all non-national ethnocultural minorities, Kymlicka fails to capture the wide range of individuals who do not fall neatly into the categories of involuntary national minority and voluntary immigrant.

This analysis of the diversity within the broad category of "immigrant" has serious ramifications for Kymlicka's conception of multicultural justice. If justice is connected to the level of choice that an individual has in joining a state, the case of refugees is more similar to the situation of national minorities than to that of immigrant minorities. As such, what are the implications of for Kymlicka's theory? Would refugees be entitled to receive the self-governing rights that Kymlicka reserves for national minorities? As choice is a significant determinant of the rights that are necessary to secure justice for ethnocultural groups in Kymlicka's theory, the recognition of diversity within the category of immigrant would lead to differentiated rights within the category of immigrant. When one acknowledges the diversity that exists within national and immigrant groups, the ramifications of using volunteerism as a basis for determining which rights are needed to achieve multicultural justice are apparent.

Iris Marion Young also provides insight into the problematic categorization of nations and immigrants in Kymlicka's theory. Young is critical of the dualism that Kymlicka establishes between nations and immigrants as she believes that it is...
unnecessarily exclusive.265 Instead of this dichotomy, Young proposes that cultural
groups be organized along a continuum as "it allows more possibility for considering the
specific issues of justice at stake for different groups."266 Young believes that a
continuum allows for the recognition of the plurality of ethnocultural groups as well as
the plurality that exists within individuals.267 She argues that eventually, Kymlicka's
view of the nation as autonomous and inherently deserving of special rights should be
eliminated for the purpose of achieving justice. From Young's perspective, "many
distinct peoples do and should have self-government rights, but I suggest that these can
only be morally grounded in arguments about how those rights are necessary in order to
rectify injustice or promote greater justice."268 That is, instead of assigning self-
government rights to national groups based on their status as nations, Young asserts that
self-governing rights should be assigned for the purpose of assisting disadvantaged
cultural groups irrespective of how they became citizens of the state.

Another problem that emerges for multicultural justice in Kymlicka's theory
relates to the role of the state. Kymlicka insists that immigrants choose to immigrate and
therefore, tacitly agree to the terms that the state dictates. However, Kymlicka does not
apply this standard of consent to the receiving country. As Bikhu Parekh points out, "just
as immigrants come voluntarily, the receiving country too admits them voluntarily. It is
therefore, difficult to see why the latter is freed of such obligations as its consent

265 Iris Marion Young, "A Multicultural Continuum: A Critique of Will Kymlicka's Ethnic-Nation
266 Iris Marion Young, "A Multicultural Continuum: A Critique of Will Kymlicka's Ethnic-Nation
Dichotomy," 52.
267 Iris Marion Young, "A Multicultural Continuum: A Critique of Will Kymlicka's Ethnic-Nation
Dichotomy," 52.
268 Iris Marion Young, "A Multicultural Continuum: A Critique of Will Kymlicka's Ethnic-Nation
Dichotomy," 53.
entails. As the receiving country voluntarily accepts immigrant minorities, the receiving country should also have an obligation with respect to accepting the cultural identities of these individuals. In fact, many receiving countries do not simply accept immigrants; they actively recruit immigrants. For example, the Canadian government sets yearly targets for the number of immigrants that it hopes to admit into the country. If Kymlicka’s argument is applied to states that accept immigrants and refugees, the receiving country tacitly accepts the cultural traditions of its new citizens. Kymlicka’s assertion that consent is a basis for a multicultural theory of justice is problematic as it requires immigrants to bear the burden of conforming to the receiving state while ignoring that in voluntarily accepting immigrants, the state has a responsibility to accept the cultural traditions of the immigrants.

In analyzing Kymlicka’s distributive notion of justice from a pluralist perspective, one becomes aware of problems with this approach. First, the distributive paradigm of justice emphasizes distributive aspects of justice to the exclusion of structural contributors to injustice. Next, distributive justice improperly treats intangible “goods”, like rights and power, as if they were resources that can be apportioned among members of society. In terms of Kymlicka’s differential distribution of ethnocultural minority rights, problems exist with the rationale behind providing different rights to immigrants and nations. The historical circumstances, individual aspirations and level of volunteerism involved in becoming citizens are precarious foundations for a theory of multicultural justice. Furthermore, this pluralist analysis illustrates that the differential allotment of ethnocultural minority rights may undermine his goal of creating a culturally diverse society. By empowering national groups with self-governing rights and limiting

ethnocultural minorities to polyethnic rights, Kymlicka creates inequality of opportunity. Therefore, when implemented, his theory may strengthen national groups and this may lead to diminishing powers for immigrant groups; ultimately leading to a decline in cultural diversity within society. With this diminishing ethnocultural diversity, Kymlicka's goals of cultural equality of opportunity and freedom are also undermined. In the subsequent chapter, pluralism will be used to illustrate the weaknesses that stem from Kymlicka's commitment to liberalism in his theory of multicultural justice.
CHAPTER 4
THE ROLE OF LIBERALISM IN WILL KYMLICKA'S THEORY OF MULTICULTURAL JUSTICE

Liberalism is critical to Will Kymlicka's theory of minority rights as it provides a foundation and justification for his approach to multicultural citizenship. The previous chapter examined the manner in which Kymlicka's distributive paradigm undermined multicultural justice. This chapter will evaluate the connection between liberalism and pluralism in Kymlicka's theory and the impact that this relationship has on multicultural justice. Included in this portion of the analysis is a discussion of the accuracy of Kymlicka's depiction of liberalism as this will shed light upon the relationship between liberalism, pluralism and justice in Kymlicka's theory. Like Will Kymlicka, Isaiah Berlin's approach to pluralism includes a liberal outlook. However, Kymlicka and Berlin differ in terms of the meanings that they ascribe to the term "liberalism" and they each conceive of the role of liberalism differently. Berlin's pluralist perspective will help to identify the way in which Kymlicka's conception of liberal multiculturalism limits multicultural justice. First, pluralism provides insight into the role of human rights in Kymlicka's theory of justice. Second, Berlin's analysis challenges the meanings that Kymlicka ascribes to these terms and the manner in which they co-exist within a theory of multicultural justice. Finally, pluralism illuminates the implications of Kymlicka's use of liberalism as a standard for mediating between competing claims of justice.

4.1 The Role of Human Rights

Kymlicka endorses human rights as an integral part of his liberal multicultural approach. For Kymlicka, human rights are liberal principles that cannot be compromised
within a multicultural society. As such, Kymlicka identifies human rights as an important element of regulating cultural activities. While human rights are a necessary component of securing justice within ethnoculturally diverse societies, they are not sufficient. From Kymlicka's perspective, human rights "leave serious issues of ethnocultural injustice unaddressed." In fact, they may even exacerbate multicultural injustice by empowering the majority to weaken minority cultures. In order to avoid this situation, Kymlicka believes that minority rights are also needed in a theory of multicultural justice. From his perspective, "we need a conception of justice that integrates fairness between different ethnocultural groups (via minority rights) with the protection of individual rights within majority and minority political communities (via traditional human rights)." Kymlicka's defence of human rights is general as he does not explicitly identify which rights are human rights, yet he believes that principles of human rights can be universally applicable across cultures and around the world. Kymlicka suspects "that much of the current opposition to human rights would fade away" if "some new theory that combines human rights and minority rights" were established.

274 Will Kymlicka, "Human Rights and Ethnocultural Justice," 80. Kymlicka believes that it is possible for a majority culture to use human rights "to demand access to the minority's homeland, to scrap traditional political mechanisms of consultations and accommodation, and to reject linguistic policies that try to protect the territorial viability of minority communities."
Like Kymlicka, Berlin is an advocate of human rights as he sees the principles endorsed by human rights as positively contributing the project of establishing a decent society.\textsuperscript{278} While Berlin endorses human rights, he acknowledges that there are significant difficulties in conceiving of universal human rights doctrines. First, human rights are not "based on rational insights."\textsuperscript{279} Instead, they are simply general truths applicable at a particular point in time and in a particular context.\textsuperscript{280} Next, Berlin sees human rights as changeable and therefore, not permanent. Based upon these observations, he "den[ies] a priori lists of natural rights."\textsuperscript{281} Rights cannot be codified exhaustively in an \textit{a priori} manner. Instead, they must be situated within a particular context with the understanding that they are subject to alteration. Berlin's approach to human rights is illustrative of his pluralist perspective as it demonstrates his apprehension towards comprehensive \textit{a priori} theories for resolving human conflicts. Moreover, Berlin's opinion of human rights is pluralist as it acknowledges diversity among human beings which in turn cautions us against positing the existence of universal, natural rights that are applicable across time and across cultures. A pluralist examination of Kymlicka's defence of human rights indicates the instability of the human rights' consensus that Kymlicka seeks to construct.

Pluralism alerts us to the existence of diversity as well as to the implications of overlooking this diversity. In evaluating Kymlicka's perspective on human rights from a pluralist standpoint, one questions the role of human rights in establishing a just theory of cultural diversity. Kymlicka's idea of a universal human rights' consensus is challenged.

\textsuperscript{278} Ramin Jahanbegloo, 114.  
\textsuperscript{279} Ramin Jahanbegloo, 114.  
\textsuperscript{280} Ramin Jahanbegloo, 114.  
\textsuperscript{281} Ramin Jahanbegloo, 114.
through a pluralist analysis as it illustrates the manner in which his conception of human rights is monist and culturally situated. While Kymlicka is optimistic about the possibility of establishing an international consensus regarding the principles of human rights, Berlin's outlook is more cautious. Berlin believes that human rights are neither universal nor transcendental. Rather, human rights are articulations of general truths. This distinction depicts human rights as changeable and contextual rather than natural rights that are permanent. In light of Berlin's perspective, Kymlicka's assertion that human rights are international is questionable. Perhaps the rights that Kymlicka posits as universal may actually be principles applicable within a particular context (such as a culture, an era) that he extrapolates to apply to human beings in general. In a discussion regarding the culturally situated nature of human rights, Michael Ignatieff contemplates:

What entitles Westerners to enforce human rights on other cultures? Nothing does. If rights are about protecting human agency, then they require us to respect the way other human beings use their agency. The argument that people in other cultures would adopt human rights standards if they only knew what we know—and that therefore we can intervene, whether or not they want us to—is simply wrong. The idea that some people are unable to discern their own real interests in an invariable alibi of paternalism or tyranny.282

While Ignatieff sees value in human rights, he does not believe in government intervention that compromises human agency. Ignatieff's argument is directed at the view that human rights describe a preferred way of life that governments promote and impose upon citizens.283 When Ignatieff's perspective is applied to Kymlicka's human rights approach, the paternalist character of Kymlicka's perspective is exposed. By forcefully imposing a human rights consensus, Kymlicka undermines the purpose of

human rights: providing individuals with the ability to exercise their agency. In depicting a contextualized approach to human rights as universal, Kymlicka overlooks diversity and this in turn threatens multicultural justice.

Kymlicka's assertion of the existence of a human rights consensus also overlooks conflicts between rights. Kymlicka's defence of human rights assumes a consensus while Berlin alerts us to the fact that values conflict and these conflicts extend to the realm of human rights. For Berlin, values like liberty, and equality can clash and when this occurs, trade-offs must be made. As Michael Ignatieff observes, "rights make explicit the rival claims that must be adjudicated if a society is to be just." The existence of conflicts between human rights is not explored in depth in Kymlicka's theory. Instead, Kymlicka appears to assume that in addition to a consensus regarding the existence of human rights, there is a consensus within the human rights doctrine. This assumption overlooks the tensions between principles commonly included in human rights declarations. For instance, equality and liberty are human rights values that can clash. A recognition of the conflicts between human rights principles is a necessary consideration for those who endorse human rights.

In criticizing the use of human rights in Kymlicka's theory, one does not necessarily deny that human rights serve a purpose in society. Instead, the purpose of this critique is to illustrate that human rights are not as self-evident or universally accepted as Kymlicka believes and as such, in positing the existence of a human rights consensus, he is overlooking the diversity and conflict that exist within the human rights

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283 Ignatieff's perspective may differ in situations where oppressive governments terrorize their citizens. In these circumstances, human rights provide citizens who disagree with the government's oppressive behaviour and utilize human rights as a way of combating government tyranny.

doctrine. Furthermore, analyzing Kymlicka's defence of human rights illustrates the need for flexibility in conceiving of human rights doctrines.

4.2 Liberalism and Pluralism: Peaceful Coexistence?

The limits of multicultural justice are demarcated by Kymlicka's conception of liberalism and the way in which Kymlicka relates liberalism to pluralism. Kymlicka clearly identifies his theory of multiculturalism as a liberal one; that is, existing within the boundaries of the key principles of the liberal tradition. While Kymlicka acknowledges that liberalism limits the manner in which individuals and groups express their cultures, he does not address the loss of diversity that these liberal limits may cause. To illustrate the tension that exists within the relationship between liberalism and cultural diversity, this analysis will evaluate Kymlicka's liberal multiculturalism in two ways. First, Kymlicka's depiction of the liberal tradition will be analyzed. His critique of some forms of liberalism will be used to determine whether his conception of liberalism truly overcomes the problems he associates with competing conceptions of liberalism. This is relevant to the relationship between pluralism and liberalism in Kymlicka's conception of multicultural justice as his critique of parts of the liberal tradition highlights the problems that liberalism poses to diversity in plural societies. The second approach that will be employed in this analysis is derived from Berlin's pluralist perspective. In examining Berlin's approach to liberalism and pluralism, one sees the potential to broaden the limits of multicultural justice beyond the barriers that Kymlicka establishes.

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Will Kymlicka and the Liberal Tradition

Kymlicka sees his theory of minority rights as an alternative to liberal neutrality -- the strain of liberalism that he believes has dominated the debate over minority rights in democratic states. Kymlicka asserts that the "idea that liberal-democratic states (or 'civic nations') are ethnoculturally neutral is manifestly false, both historically and conceptually."²⁸⁶ He associates this tradition with contemporary American liberals like Nathan Glazer and Michael Walzer who acknowledge the existence of immigrant and national minority groups yet "they none the less insist that 'benign neglect' is appropriate for them."²⁸⁷ Kymlicka identifies this approach as a response to three "events" that impacted the United States during the twentieth century. First, "the failure of the League of Nations' minority protection scheme, and its role in the outbreak of World War II."²⁸⁸ Second, desegregation of the United States; particularly the judgement in Brown v. Board of Education.²⁸⁹ And third, the "ethnic revival" of immigrant groups in the United States.²⁹⁰ Kymlicka contends that this liberal neutralist approach is problematic for it causes "justice [to be] sacrificed to stability."²⁹¹ He argues that most liberals who reject minority rights and favour treating ethnocultural diversity with benign neglect do so in order to conserve stability and not because they believe that minority rights are "inherently illiberal" or contrary to justice and freedom.²⁹² Another problem that Kymlicka identifies with the model of liberal neutralism is that neutrality is a myth.

²⁸⁶ Will Kymlicka, The New Debate Over Minority Rights, 8.
²⁸⁷ Will Kymlicka, Multicultural Citizenship, 64.
²⁸⁸ Will Kymlicka, Multicultural Citizenship, 57.
²⁸⁹ Will Kymlicka, Multicultural Citizenship, 58-60.
²⁹⁰ Kymlicka describes the 'ethnic revival' as beginning "with the claim that it was legitimate (not 'un-American') for ethnic groups to express their distinctive characteristics (as opposed to the 'Anglo-conformity' model of immigration)." Multicultural Citizenship, 61.
²⁹¹ Will Kymlicka, Multicultural Citizenship, 68.
While states that adopt this model purport to be unbiased, "liberal democracies do not in fact abide by any norm of ethnocultural neutrality."293 Instead, these states engage in nation-building activities whereby they "[attempt] to diffuse a single societal cultural imperialism or ethnocentric prejudice."294 Alternatively, Kymlicka believes that liberalism is consistent with minority rights. He contends that minority rights are based upon two principles of liberalism: "namely, that individual freedom is tied to membership in one's national group; and that group-specific rights can promote equality between the minority and majority."295 These two principles of liberalism provide the foundation for the theory of minority rights that Kymlicka advances.

Kymlicka's analysis of liberal neutralism is helpful as it identifies some of the prominent theorists in this tradition and places the contemporary rise of liberal neutralism within a historical context. However, Kymlicka oversimplifies the liberal neutralist approach; especially in terms of his characterization of the United States as a country that embraces this model. While the United States has traditionally been conceived of as adopting the "melting pot" model of citizenship, there are aspects of American approaches to citizenship that go beyond the idea of liberal neutrality. For example, increasingly, American Aboriginal peoples are gaining access to rights and responsibilities that are comparable to the self-governing rights that Kymlicka's theory supports. Samuel LaSelva notes:

Treaties and treaty substitutes are, for the most part, increasingly enforced. Many tribes can now obtain enough fish and game for subsistence as well as for religious and commercial purposes. Tribes control significant aspects of law and order on reservations. They are able

292 Will Kymlicka, Multicultural Citizenship, 68.
293 Will Kymlicka, The New Debate Over Minority Rights, 15.
294 Will Kymlicka, The New Debate Over Minority Rights, 10.
295 Will Kymlicka, Multicultural Citizenship, 69.
to control the education and custody of their children.\textsuperscript{296}

The ability to control industry, law enforcement and education are important self-governing powers that American Indians have acquired in recent years. This example illustrates a willingness on behalf the American state to recognize that people's characteristics impact their success in society and that as such, these characteristics cannot be ignored.

Kymlicka's critique of the liberal neutralist approach to ethnocultural diversity identifies two barriers to justice that this model erects and perpetuates. Liberal neutralism falsely characterizes minority rights as illiberal since proponents of this approach prioritize stability above justice. Second, the idea of a neutral state is a myth as the state expresses bias towards culture in many ways including through official language policies, and educational policies. In evaluating Kymlicka's approach to liberal multiculturalism to determine whether his perspective overcomes the problems that he identifies in the liberal neutrality paradigm, we find that Kymlicka's liberal pluralism is also susceptible to some of these weaknesses. With respect to constraining minority rights for the purpose of preserving stability, Kymlicka avoids succumbing to this pressure in his discussion of national minority groups. In Kymlicka's estimation, the ability of a nation to impose both internal and external protections is warranted even if this may have a destabilizing effect on the state in question. In the Canadian context, Kymlicka acknowledges that in providing these self-governing rights to French Canadians, there is a risk that the bonds between French Canada and the rest of Canada will be weakened as "the sorts of bonds one finds in multination states are inherently

weak—at least compared with the social bonds one finds in single-nation states—and they co-exist with the ever-present potential for secession." Kymlicka is hopeful that multination federalism will satisfy the demands of French-Canadians—thus diminishing the need for secession—yet he also realizes that increasing the self-governing powers of French Canadians may serve to destabilize the Canadian federation.

While Kymlicka avoids prioritizing stability over ethnocultural justice in his distribution of minority rights to national groups, he prioritizes stability above justice in his discussion of immigrant groups. While national groups are allotted self-governing rights, immigrant groups are allowed to exercise polyethnic rights that are intended to make the process of integration into the mainstream culture more hospitable to immigrants. Kymlicka bases his justification for assigning polyethnic rights to immigrants while providing self-governing rights to nations upon their historical circumstances, their lack of institutional structure and their supposed desire to integrate. Underlying these justifications is a desire to preserve the status quo. Kymlicka's assertion that historical circumstances determine that nations are self-governing while immigrant groups are not is troublesome. In effect, Kymlicka argues that since immigrant groups have historically been expected to integrate into the mainstream societal cultures, this practice should continue to persist. The fact that a practice is commonly accepted does not ensure that it is just. In terms of the institutional limitations that restrict the ability of ethnocultural minority groups to exercise rights that are similar to self-governing powers, this too is based upon the historical circumstances of immigrant groups. This argument does not convincingly explain why immigrant

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groups should not exercise internal restrictions upon their members as internal restrictions do not necessarily require a group to have an institutional structure that is comparable to that of the national majority. For example, Bikhu Parekh argues that the ability to impose internal restrictions is exercised by religious groups and political groups and these groups do not have institutional structures comparable to those of national groups. Kymlicka's assertion that immigrant groups do not want the autonomy that he reserves for nations is an unsubstantiated assumption. Kymlicka provides no information as to how he came to the conclusion that immigrants want to integrate. Furthermore, there are examples of immigrant groups that have resisted integration. In considering the arguments that Kymlicka puts forward for limiting immigrant groups to polyethnic and special representation rights, one sees that stability in preserving the current position of immigrants in society is a likely reason for his asymmetrical distribution of minority rights. Instead of considering that internal restrictions and other self-governing rights may assist in promoting freedom and equality of opportunity for immigrant groups, Kymlicka focuses on preserving existing frameworks for dealing with immigrants. As such, like the liberal neutralist tradition that he criticizes, Kymlicka prioritizes stability and historical continuity above multicultural justice in certain circumstances.

Kymlicka is insightful in identifying the myth of neutrality that lies at the centre of the liberal position of benign neglect. He demonstrates that through various mechanisms, a state expresses ethnocultural bias. For example, states have official

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301 This argument is described in greater detail in Chapter Three of this thesis.
302 The Amish in the United States and the Hutterites in Canada.
languages, national anthems, mottos, and educational policies that exhibit the cultural
traditions of the dominant culture.\textsuperscript{303} While Kymlicka is convincing in illustrating the
biases of liberal neutrality, there is some confusion regarding how his own theory fares in
terms of bias. In his critique of liberal neutrality, Kymlicka appears to believe that
cultural objectivity is not a realistic or feasible practice. He points out the biases of
liberal neutralist states; arguing that "the state unavoidably promotes certain cultural
identities, and thereby disadvantages others."\textsuperscript{304} However, in outlining his own theory of
liberal multiculturalism, he appears to believe that liberal multiculturalism \textit{is} objective as
it overcomes bias through recognizing diversity. For example, Kymlicka notes that
through his paradigm of liberal multiculturalism, biases like the closing of places of
business on Sundays and the under-representation of visible minorities in government
decision-making bodies are illuminated and rectified.\textsuperscript{305} While Kymlicka's liberal
approach may identify some biases within the liberal neutralist position, his approach is
not especially committed to deep diversity. Kymlicka's willingness to permit businesses
to open on Sundays or to acknowledge some non-Christian religious holidays are rather
minor concessions. The liberal paradigm that Kymlicka utilizes prevents him from
acknowledging demands for diversity that are profound and even threatening to liberal
principles. An example of such a concession relates to the issue of acknowledging
religious practices and holidays that are not Christian. Kymlicka does not acknowledge
the diverse array of religious communities that exist in culturally plural societies. That is,
he appears to believe that recognizing non-Christian religious holidays is a minor and
simplistic concession. However, there are a great deal of religious communities that are

\textsuperscript{303} Will Kymlicka, \textit{Multicultural Citizenship}, 110-111, 114-115.
\textsuperscript{304} Will Kymlicka, \textit{Multicultural Citizenship}, 108.
not associated with the "major" religions and that may have different holy days.

Furthermore, even if one was to restrict Kymlicka's religious concessions to members of the major religions, this would pose problems and complications that Kymlicka does not address. For instance, would all religious holidays be deemed statutory holidays or would they only be holidays for members of the religion in question? How would this impact public institutions like educational facilities and government offices? Kymlicka fails to acknowledge the extent to which truly recognizing ethnocultural diversity requires substantive revisions to prevailing norms.

In relying upon liberalism as an ideological framework for his theory, Kymlicka establishes a liberal bias that privileges liberal values and people while disadvantaging non-liberals. Kymlicka does not hesitate to say that illiberal groups and behaviours cannot be supported by his theory of multicultural citizenship. He believes that the state should "seek to liberalize" groups that are not liberal. With respect to national minorities, Kymlicka favours liberalization from within the group by liberal members of the nation and government incentives to promote the liberalization of the national group's culture. However, in the case of immigrant minorities, Kymlicka is less restrained in his approach to liberalizing non-liberal and illiberal cultural groups. Kymlicka states:

Cases involving newly arriving immigrant groups are very different [from the cases of national groups]. In these cases, it is more legitimate to compel respect for liberal principles...I do not think it is wrong for liberal states to insist that immigration entails accepting the legitimacy of state enforcement of liberal principles, so long as immigrants know this in advance, and none the less voluntarily choose to come.

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305 Will Kymlicka, Multicultural Citizenship, 31.
306 Will Kymlicka, Multicultural Citizenship, 94.
307 Will Kymlicka, Multicultural Citizenship, 94.
308 Will Kymlicka, Multicultural Citizenship, 168-169.
This illustrates the existence of bias within his theory of justice as groups that do not cohere with his vision of multicultural citizenship are coerced to comply with the liberal principles of the majority culture. Kymlicka does not demonstrate why his conception of liberalism is superior to alternative forms and his own theory does not successfully avoid the problems that he identifies with liberal neutralism. As a result, Kymlicka does not show that his brand of liberal multiculturalism overcomes the biases that he associates with liberal neutrality. Furthermore, Kymlicka does not convincingly illustrate why liberalism in general is superior to competing ideological perspectives in terms of constructing a theory of minority rights.

**Berlin and Kymlicka: Two Concepts of Liberal Pluralism**

The connection between liberalism and pluralism that Kymlicka makes in his theory of minority rights is based on the assertion that these are complementary concepts and practices. This is evident in Kymlicka's justification for ethnocultural minority rights where he argues that pluralism is part of the liberal commitment to freedom and equality. Freedom is enhanced by enabling individuals to maintain their cultural traditions; thereby providing individuals with the autonomy to decide what role culture will play in their lives. Equality is promoted through multicultural citizenship by assisting ethnocultural minorities in sustaining their cultures in spite of the dominance of the majority cultures; thus, establishing equality of opportunity between cultural groups.\(^{310}\) Cultural diversity is conceived of as the logical extension of liberalism to cultural politics. This relationship between liberalism and pluralism is challenged by Berlin's perspective.


In contrast to Kymlicka's characterization of the relationship between liberalism and pluralism, Berlin takes a less optimistic approach to the commensurability of liberalism and pluralism. In general, Berlin is critical of the combinability of human values. He believes "that values clash...They can be incompatible between cultures, or groups in the same culture, or between you and me."\(^{311}\) In fact, "values may easily clash within the breast of a single individual."\(^{312}\) With respect to the commensurability of liberalism and pluralism, Berlin insists that they are separate. Berlin states that "liberalism and pluralism are not the same or even overlapping concepts. There are liberal theories which are not pluralistic."\(^{313}\) Liberalism and pluralism are independent of one another. Berlin sees value in both as the liberty associated with liberalism provides individuals with the ability to engage in the decision-making process that Berlin regards as integral to a pluralist society.\(^{314}\) However, this does not mean that conflicts will not occur between liberalism and pluralism. When such conflicts arise "we must engage in what are called trade-offs--rules, values, principles must yield to each other in varying degrees in specific situations."\(^{315}\) Berlin believes that we must proceed carefully when making trade-offs between values as caution will enable us "to maintain a precarious equilibrium that will prevent the occurrence of desperate situations, of intolerable choices."\(^{316}\)

In analyzing Kymlicka's approach to liberal pluralism from Berlin's perspective, one sees that Kymlicka's approach to liberalism and pluralism does not fully

\(^{313}\) Ramin Jahanbegloo, 44.
acknowledge the trade-offs involved in a theory of liberal pluralism. The problem does not lie in Kymlicka’s desire to incorporate principles of both liberalism and pluralism into his model of minority rights. Rather, the concern is that Kymlicka does not fully acknowledge that it is unrealistic to believe that full liberalism can be combined with full pluralism without loss. An examination of Kymlicka’s theory illustrates the potential for multicultural justice to be compromised for the sake of the pursuit of liberalism.

One indication of the existence of unacknowledged conflicts and trade-offs between liberalism and pluralism in Kymlicka’s theory is the situation of immigrant minorities. In this circumstance, full cultural plurality conflicts with full liberalism as maximum cultural diversity would necessarily include a diverse range of cultures both liberal and non-liberal. However, Kymlicka adamantly insists upon limiting immigrant cultural plurality to ensure that it coheres with liberal principles. In this circumstance, Kymlicka emphasizes the importance of liberalism but does not acknowledge that in prioritizing liberalism, some diversity is lost. Instead, Kymlicka focuses on justifying his treatment of immigrant minority groups through historical argument, and volunteerism; thus, failing to acknowledge that his objective of establishing a diverse context of cultural choice is compromised in the process of ensuring that immigrant groups are liberal.

Kymlicka underestimates the extent to which this trade-off impacts his goal of cultural plurality as he fails to recognize the large number of non-liberal and illiberal cultural groups that exist in society. Bikhu Parekh notes that there are many non-liberal minority communities and "they would therefore see his [Kymlicka] theory as no more than an internal dialogue among liberals." As a result of the trade-off that occurs when liberalism is pursued at the expense of pluralism, non-liberal and illiberal groups are
excluded and the process of building a diverse context of cultural choice is diminished. While Kymlicka is inattentive the loss that occurs in this situation, Berlin places a great deal of focus on the result of such trade-offs. For Berlin, the choice between competing values is agonizing but necessary and in making these choices, it is important to deliberate so as to come to a decision that minimizes harm. In contrast, Kymlicka does not engage in a discussion of the incommensurability of liberalism and pluralism and he does not acknowledge that plurality is lost through his perspective on immigrant adherence to liberal principles.

4.3 Liberalism as the Standard for Judgement

The previous section explored the relationship between liberalism and pluralism in Kymlicka's theory to illustrate the loss that occurs when liberalism and pluralism are combined. This portion of the analysis will examine the implications of establishing liberalism as the standard by which judgements are made about multicultural justice. A standard provides a way of mediating between differences in a multicultural society. It is a gauge that consists of the fundamental principles of one's thought and its role is to measure ideas and actions based upon their relation to these fundamental principles. The role of the standard in a theory of justice is to provide a mechanism for mediating between competing claims of justice. The standard that Kymlicka uses to judge the validity of cultural groups and their practices, is liberalism. As Kymlicka sees liberal principles as promoting freedom and equality of opportunity, cultures that are authorized in a liberal multicultural society must also do the same. A liberal multicultural society "cannot endorse cultural membership uncritically" and as such, cultures that do not

adhere to the principles of liberalism that Kymlicka identifies do not have to be tolerated.\textsuperscript{318} Instead, Kymlicka argues that these groups and practices must be liberalized. Kymlicka does not articulate the role of liberalism in his theory as a standard for exercising judgment.\textsuperscript{319} However, it is fair to assert that liberalism is his standard based upon the emphasis that is placed upon this ideology in Kymlicka's theory. To begin with, Kymlicka's argument for cultural pluralism is justified by the ability of diversity to assist in furthering the liberal principles of equality of opportunity and freedom. This point is emphasized throughout Kymlicka's writings as he believes that it is important that his theory is consistent with the principles of the liberal tradition. Furthermore, in discussing the "limits of multiculturalism" Kymlicka identifies liberalism and ideas associated with the liberal tradition (for example, human rights) as providing a boundary for multiculturalism; thus establishing liberalism as central to his theory of multicultural justice.\textsuperscript{320}

Like Kymlicka, Berlin addresses the role of liberalism in mediating between competing claims within a diverse context. For Berlin, pluralism is the primary approach that directs his method and his thought.\textsuperscript{321} Berlin sees liberalism as one of many valuable approaches to life. The role that liberalism plays in Berlin's theory is in providing a means to facilitate the existence of pluralism. Berlin favours liberalism as a mechanism for supporting pluralism as he believes that liberalism ascribes value to liberty (especially its negative conception) and this contributes to pluralism by enabling individuals to

\textsuperscript{318} Will Kymlicka, \textit{Multicultural Citizenship}, 94.
\textsuperscript{319} Will Kymlicka, Multicultural Citizenship, 94.
\textsuperscript{321} John Gray, \textit{Berlin}, 1.
engage in choice-making. The ability to make decisions for oneself "is a constitutive component of human self-creation." Berlin argues that ideologies that deny the importance of choice-making have the potential to be paternalist and even despotic because they diminish individual liberty. Furthermore, Berlin believes that liberalism supports diversity by enabling people to choose from various forms of life. According to Berlin, "if pluralism is a valid view, and respect between systems of values which are not necessarily hostile to each other is possible, then toleration and liberal consequences follow." Liberalism provides a means of addressing and respecting the existence of pluralism in society. Berlin's liberalism is informed by his pluralist outlook and the incommensurability of human values and forms of life is prominent.

**Monism**

In analyzing his standard through a pluralist framework, paternalism and monism are evident in Kymlicka's theory. These tendencies within Kymlicka's theory pose a threat to diversity and this in turn impacts justice within a diverse context. Kymlicka's use of liberalism as a permanent standard by which to judge the limits of multicultural justice is monist for it is based on the false assumption that all circumstances require a liberal solution and this in turn excludes the possibility that other approaches may be better-equipped to deal with the situations that arise within a diverse society. Kymlicka does not explain why liberalism is the only perspective that he deems useful in his theory of multicultural citizenship. Rather, he appears to assume that liberalism is the only reasonable option. This assumption is unfounded as society is composed of a plurality of

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people with a variety of perspectives; not all of which are liberal. Bikhu Parekh notes:

Kymlicka sometimes suggests that since we live in a liberal society, we should conceptualize and defend minority rights in liberal terms. This will not do, for our society includes both liberals and non-liberals and is characterized by a constant struggle between them.²²⁶

Parekh's observation identifies the glaring assumption that Kymlicka makes with respect to the primacy of liberalism in the practice of multicultural citizenship. Kymlicka does not attempt to justify the use of liberalism as a standard within his theory. Furthermore, he fails to acknowledge that in privileging liberalism, he is excluding a great deal of people and practices that exist within society even though Kymlicka himself acknowledges the existence of illiberalism and non-liberalism in human life. By adopting his monist stance on liberalism, Kymlicka ignores the potential relevance and value of alternative approaches to cultural diversity. Furthermore, he excludes a large class of people from his analysis and pursues a singular approach that does not capture the variety that is the reality of cultural pluralism.

Kymlicka's approach to liberalism denies the possibility that alternatives to liberalism are relevant within a diverse society. Conversely, Berlin, who also values liberalism and pluralism, comes to a different conclusion on the issue. From Berlin's perspective, adopting a pluralist outlook requires that one is also pluralist in his or her approach to practicing that method. That is, pluralism does not end with a superficial endorsement of diversity. It runs much deeper than this. It permeates one's methodology, one's approach to dealing with issues within this diverse context. For Berlin, in adopting this deeper notion of plurality, one must be willing to recognize that one's method for implementing pluralism must be amenable. According to Berlin, one

²²⁶ Bikhu Parekh, "Dilemmas of a Multicultural Theory of Citizenship," 58.
should be wary of establishing solutions to the conflicts of pluralism in an *a priori* manner. "There can be no theory or principle which determines how...conflicts are to be resolved."\(^{327}\) One should address the collisions of values that pluralism creates in a contextual manner; balancing competing values as the situation necessitates. This balancing of values may ultimately lead to limiting liberty for the sake of promoting other values like justice and diversity. Berlin states

> liberty--without some modicum of which there is no choice and therefore no possibility of remaining human as we understand the word--may have to be curtailed in order to make room for social welfare, to feed the hungry to clothe the naked, to shelter the homeless to leave room for the liberty of others, to allow justice as fairness to be exercised."\(^{328}\)

The differing approaches that Kymlicka and Berlin take to liberalism illustrate their differing approaches to pluralism. While Kymlicka prioritizes liberalism above other values, Berlin is cautious about establishing a particular perspective as a permanent priority. Instead, Berlin advocates pluralism and he values liberalism as a means of sustaining this diversity. For Kymlicka, pluralism is instrumental; it provides a way of promoting the values that he associates with the liberal tradition. Pluralism is a means to Kymlicka's liberal end. As a result, in the event of conflict between liberalism and pluralism, liberalism is likely to prevail. Berlin's commitment to pluralism is more profound than that of Kymlicka. Pluralism means the existence of conflicts, decision-making and loss. The idea of establishing an *a priori* standard for making decisions about conflicting values is problematic as it assumes a permanence that is monist and therefore, incoherent within a pluralist society. In the process of decision-making, loss is inevitable. Thus a commitment to pluralism must include an acknowledgement of the


fact that "we are doomed to choose, and every choice may entail an irreparable loss." Paternalism

In addition to identifying the monist implications of Kymlicka's reverence for liberalism, a pluralist analysis illustrates the paternalism that exists within his liberal, multicultural framework. In analyzing Kymlicka's paternalist inclinations, we will rely upon Berlin's conception of paternalism and apply this criteria to Kymlicka's theory of multicultural citizenship to illustrate the existence of paternalism in his theory. Berlin's discussion of paternalism begins with Kant's assertion that "Paternalism is 'the greatest despotism imaginable.'" Paternalism involves treating people "as if they were not autonomous, but natural objects, played on by causal influences, creatures at the mercy of external stimuli, whose choices can be manipulated by their rulers, whether by threats of force or offers of rewards." Paternalism is often associated with an idealistic and monist outlook whereby "the wise" behave in a coercive manner towards "the ignorant" in pursuit of what is believed to be the human ideal. Berlin explains that the despotic nature of paternalism is problematic not because it is more oppressive than naked, brutal, unenlightened tyranny, but because it is an insult to my conception of myself as a human being, determined to make my own life in accordance with my own (not necessarily rational or benevolent) purposes, and, above all, entitled to be recognised as such by others.

Thus paternalism imposes a particular direction upon society while failing to acknowledge each individual's self-determinative capacity. This imposition

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331 Isaiah Berlin, "Two Concepts of Liberty," 137.
destroys individual autonomy and choice and in the process, diminishes plurality by positing that a particular conception of the good life is applicable to all. In evaluating Kymlicka's liberal multiculturalism from Berlin's pluralist discussion of paternalism, one sees that the liberal standard in Kymlicka's theory as paternalistic.

Kymlicka's imposition of liberalism as the limit to multiculturalism is paternalistic as it implicitly entrenches the liberal paradigm as an infallible standard for mediating between competing claims of justice within society. As mentioned previously, Kymlicka does not entertain the possibility of using non-liberal paradigms to further multiculturalism in society. He simply assumes that the superiority of liberalism to other methods of analysis is a self-evident truth. As a result, Kymlicka assumes that there is no value in non-liberal cultures, practices, and beliefs. In establishing liberalism as the overarching standard for solving problems of multicultural justice, Kymlicka imposes a directive upon members of multicultural society; imploring them to behave and think in a manner that is consistent with liberal principles or their cultures will be deemed contrary to "the good life" of multicultural citizenship. This is evidenced by his stance on illiberal and non-liberal cultures where he states that "I do not think it is wrong for liberal states to insist that immigration entails accepting the legitimacy of state enforcement of liberal principles." Kymlicka entrenches liberalism as the only viable standard by which to live in a multicultural society and he insists that government enforcement of this principle is acceptable and even necessary.

A significant number of cultural communities are non-liberal and illiberal and therefore, a problem in view of Kymlicka's theory of multiculturalism. Kymlicka himself
admits to the existence of a number of cultures that do not adhere to liberal principles.\(^3\)\(^3\)\(^4\) The ramifications of staunchly imposing liberalism upon a culturally diverse society is a severe loss of plurality. How can a culturally diverse context of choice be sustained under the pressure of the liberal standard that Kymlicka employs? If a large portion of cultural groups do not adhere to liberal principles, diversity will surely be compromised and this in turn impacts Kymlicka's attempt to promote justice through cultural freedom and equality of opportunity. In terms of freedom, the ability to express one's culture is severely limited in a society that identifies non-liberal and illiberal cultural groups as intolerable. Furthermore, freedom is limited if the context of cultural choice is abridged and this will certainly occur if governments are authorized, and even encouraged, to intervene in cultural groups that are non-liberal and illiberal.

Equality of opportunity between cultural groups will be compromised under Kymlicka's scheme as cultural groups that cohere with Kymlicka's liberal principles will receive government recognition and resources to assist them in sustaining their communities while the government will refrain from aiding communities that do not accept liberalism. This will invariably lead to the emergence of new cultural inequalities. While Kymlicka sets out to remedy the cultural inequalities that exist among nations and among immigrant groups, the application of his theory will exacerbate inequalities. National groups and "authorized" immigrant groups will be strengthened while a plethora of immigrant communities that do not accept liberal principles will be weakened. Instead of remedying inequalities that currently exist between ethnocultural communities, Kymlicka's theory serves to bolster the position of cultural communities that support the

\(^3\) Will Kymlicka, *Multicultural Citizenship*, 170.
dominant mainstream culture's adherence to liberal principles while weakening non-liberal opponents of the mainstream culture. In effect, Kymlicka's theory serves to strengthen groups that are similar to the mainstream culture and thus assist in perpetuating adherence to liberalism while targeting non-liberal groups in an effort to diminish, and perhaps, eventually eliminate them. In doing so, the process of assimilating people into the mainstream culture is more easily accomplished.

Kymlicka's paternalism is evidenced by the privileged position of liberalism in his theory. While Isaiah Berlin's utilizes liberalism as a mechanism for providing an environment in which pluralism can be sustained, Kymlicka sees pluralism as a subset of the foundational principle of liberalism. Consequently, Kymlicka has no qualms about sacrificing diversity in society as pluralism is not the primary objective of his theory. This is a paternalist perspective as it denies the possibility that approaches other than liberalism are valuable. Individual citizens, especially immigrants, are coerced to accept the primacy of liberalism and denied the option of choosing alternative approaches. Instead of allowing people to pursue the cultural directions that they see fit, Kymlicka believes that it is the role of the multicultural state to interfere in the cultural choices of its citizens as "there is no reason to leave this sort of psychological integration to chance."336 In contrast, Berlin objects to paternalistic interference in the lives of citizens as he believes that the ability to engage in the process of choice-making is a constitutive component of human beings and limiting choices through the type of interference that Kymlicka endorses is paternalistic. Furthermore, Berlin is critical of state interference in outlining the components of the "good life." The value that Berlin sees in liberalism is in its ability to accept tolerance and endorse individual choice. In positing liberalism as the
ideal, Kymlicka moves beyond Berlin's view of liberalism and establishes liberalism as "the good" that the state should assist citizens in pursuing; even if this entails limiting the choices of citizens and "[manipulating them] whether by force or offers of rewards." Instead of promoting pluralism, Kymlicka's project is to create a theory of liberalism that does not adequately acknowledge the existence of cultural diversity (like cultural dress and cultural holidays) but that does not necessarily assist in sustaining cultural pluralism; especially if cultural pluralism in any way jeopardizes the liberal ideals that he reveres.

In privileging liberalism above pluralism, multicultural justice is drastically limited as the only cultural communities entitled to the remedies of cultural injustice are those that are liberal. Apparently, the multicultural justice that is derived from Kymlicka's conception of cultural freedom and equality of opportunity is only applicable to liberal groups.

Examining the role of liberalism in Kymlicka's theory from a pluralist approach illustrates the priority that Kymlicka assigns to liberalism and the implications of the role of liberalism in his theory. Kymlicka's approach to human rights entrenches the liberal principles associated with human rights doctrines in society. In doing so, Kymlicka does not allow for the possibility that human rights may express cultural bias and therefore, disadvantage cultural communities that do not support the principles that Kymlicka supports. Kymlicka's discussion of the relationship between liberalism and pluralism overlooks the conflicts that exists between these two principles; thus, ignoring the loss that occurs when these two concepts of combined within his theory. Finally, Kymlicka uses liberalism as a standard for addressing competing claims of justice and this diminishes the plurality of the multicultural society that he envisions. Moreover, this

337 Isaiah Berlin, "Two Concepts of Liberty," 137.
standard compromises multicultural justice by privileging ethnocultural communities that have ties to the liberal tradition while disadvantaging those that lack strong bonds to liberalism.
CONCLUSIONS

Will Kymlicka's conception of multicultural citizenship has substantially contributed to the debate over minority rights in liberal democratic societies. This debate has included numerous critiques of Kymlicka's ideas from a variety of perspectives including liberalism, communitarianism, post-modernism, feminism, international relations theory, and democratic theory. While much has been learned by examining Kymlicka's theory from these perspectives, approaches to the study of multicultural citizenship have not yet been exhausted; therefore, new information about this field is yet to be uncovered. In order to assist in further diversifying the analyses of liberal multiculturalism, this thesis utilizes Isaiah Berlin's pluralism as a lens through which Kymlicka's theory of liberal multiculturalism may be viewed. In employing an approach inspired by Berlin and supplemented by Iris Marion Young's politics of difference, new issues of emphasis are identified and critiqued in Kymlicka's theory of multicultural justice. To differentiate the results of this analysis from those of other critics of Kymlicka, this concluding chapter will provide a brief review of the literature that has arisen in opposition to Kymlicka's theory of minority rights. Following this review, the pluralist approach used in this thesis will be situated in the contemporary debate over liberal multiculturalism. Finally, I will discuss the importance of including Berlin's pluralism in the multicultural debate.
5.1 The New Debate Over Minority Rights

Liberalism

Criticisms from those within the liberal tradition have been made about Kymlicka's theory of minority rights. Kymlicka asserts that his approach promotes the liberal values of equality of opportunity and freedom. Equality of opportunity is secured by allocating special rights to cultural minority groups while freedom is achieved by protecting cultural diversity. The equality of opportunity that Kymlicka associates with the liberal tradition has been criticized on the basis that Kymlicka's argument "is unclear how secure access to one's societal culture is to be measured in relation to the benchmark of equality both by itself and in relation to other primary goods."338 Some critics view Kymlicka's commitment to liberalism as overshadowing his attempt to protect cultural diversity; thus compromising his ability to secure cultural freedom. For example, Janet Ajzenstat observes that Kymlicka's project involves an attempt to meld liberal and communitarian values together. However, "[h]e saves the purely liberal side of his case at the expense of caricaturing minority cultures and demands."339 Similarly, Obiora Okafor contends "that when hard pressed, his [Kymlicka] theory seems to reject a commitment to deep pluralism."340 Chandran Kukathas believes that instead of establishing group rights, liberal individual rights should be used to promote "the cultural health of minority communities."341

While Ajzenstat and Okafor see liberalism as compromising diversity in

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Kymlicka's theory, others see liberalism as being too weak a foundation for his conception of minority rights.

A liberal defence of multiculturalism necessarily advocates a liberal way of life. Consequently, it is not difficult to see why this may not capture the 'hearts and minds' of the very groups it aims at defending... In point of fact, many groups view liberalism itself as a threat to the survival of their culture, not a means of ensuring its flourishing.\(^{342}\)

Furthermore, even if some non-liberals "accepted the principles [of liberalism] on prudential grounds, they would not sincerely believe in them and lead the required liberal life from the inside."\(^{343}\)

Some liberal critics argue that Kymlicka's theory diminishes social unity. Margaret Moore observes that like many other proponents of multiculturalism, Kymlicka assumes "that multicultural policies of recognition will not entrench differences and will not lead to a more divided, more fragmented society."\(^{344}\) Kymlicka's assertion that immigrants choose to integrate into mainstream society exemplifies this tendency for liberal multiculturalists to overlook the potential for cultural rights to fragment society. Moore contends that a common and inclusive public sphere that is "permeable in the sense that a variety of cultural groups will feel included" is a project to which liberal states should aspire.\(^{345}\) Wolin echoes Moore's concerns as he believes that Kymlicka's theory entrenches cultural difference. Wolin argues that Kymlicka's approach "proceeds in a direction opposite from that of democratic citizenship: toward the entrenchment of


\(^{345}\) Margaret Moore, 190.
difference, with all the attendant problems of particularism and ghettoization."

Finally, critics of Kymlicka's liberalism compare him to other theorists within the liberal tradition to illustrate the flaws in Kymlicka's reasoning and to identify superior methods of addressing cultural pluralism in contemporary liberal societies. Janet Ajzenstat evaluates Kymlicka's theory of minority rights in terms of the liberal theories of Rawls and Dworkin; concluding that there is a discrepancy between Kymlicka's interpretation of these theorists and what Rawls and Dworkin actually say about their own theories. In addition, Bikhu Parekh compares Kymlicka's theory of multiculturalism to that of Joseph Raz. From Parekh's perspective, Raz's conception of pluralism is more tolerant of immigrants than Kymlicka's theory of multicultural citizenship.

Communitarianism

One of the tasks of Kymlicka's project is to refute the assertion that liberalism places undue emphasis upon individuals and reduces the significance of communities. Through his model of multicultural citizenship, Kymlicka seeks to prove that "liberalism contains a thin communitarian thrust." However, Charles Taylor is not convinced that Kymlicka's theory is successful in combining liberalism and communitarianism. According to Taylor, the basis for Kymlicka's theory of multicultural citizenship "is firmly within a theory of liberal neutrality." In addition, Taylor questions Kymlicka's

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347 Janet Ajzenstat, 190.
348 Bikhu Parekh, Rethinking Multiculturalism, 104.
349 Janet Ajzenstat, 190.
assertion that culture is an important pre-requisite for enabling individuals to "define and purse [their] own conception of the good life" as this does not address the future survival of the cultural community. Richard Wolin questions communitarianism in Kymlicka's theory; arguing that the self-realization that is gleaned from culture "may well be essential for a well-rounded life...[but] there is nothing to prevent such an ideal from operating at cross-purposes with the moral demands of justice, which are based on the egalitarian precept that all human natures are of equal worth." That is, Kymlicka incorrectly conflates cultural self-fulfillment with freedom.

**Feminism**

The examination of the connection between feminism and multiculturalism is a growing field of research that seeks to better understand and articulate the relationship between these two perspectives. Susan Moller Okin has contributed to research in this area by asking the question "Is multiculturalism bad for women?" In her essay on the subject, Okin expresses concern that "there is considerable likelihood of tension between [feminism and multiculturalism]--more precisely, between feminism and a multiculturalist commitment to group rights for minority cultures." Okin devotes a portion of this essay to examining Kymlicka's approach to multicultural citizenship. From Okin's perspective, even if multiculturalism is restricted to liberal cultural groups "feminists--everyone, that is, who endorses the moral equality of men and women--

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351 Charles Taylor, 40, footnote.
should remain sceptical. In Okin's estimation, even Kymlicka's liberal defence of minority rights poses problems for women as it does not recognize the pervasiveness of sex discrimination within cultures. Moreover, Kymlicka focuses on overt acts of gender discrimination while ignoring the covert acts of discrimination against women--especially in the private sphere. This is a significant omission as Okin believes that:

in many cultures in which women's basic civil rights and liberties are formally assured, discrimination practiced against women and girls within the household not only severely constrains their choices but also seriously threatens their well-being and even their lives. And such sex discrimination--whether severe or more mild--often has very powerful cultural roots.

In light of the impact that multiculturalism may have upon women, Okin is critical of Kymlicka's multicultural paradigm.

**Concepts and Categories**

Kymlicka is criticized for the definitions and categories that he uses in classifying states, ethnocultural groups and rights. With respect to his analysis of states, Kymlicka asserts that states can be multination and/or polyethnic. Okafor believes that within the category of multination state, there are two subcategories: states formed through settlement and states that are not formed through settlement. According to Okafor, Kymlicka fails to recognize the existence of this distinction within the category of multination states and this "is an important omission which can affect the generalisability of his theory because while most of the world's multination states are of the non-settler

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type, he concentrates on theorizing the settler type."

Alan Cairns points out that Kymlicka's discussion of Aboriginals overlooks the diversity within the category of 'nation' as well as the differences among Aboriginal peoples. Cairns argues that Kymlicka uses the term 'Aboriginal' yet restricts his discussion of Aboriginals to status Indians; failing to address the fact that 'Aboriginal' encompasses Inuit, Métis and other non-Status Indians.

Cairns contends that analysis of multinational Canada needs to differentiate between 'big' nationalism (Québecois), 'small' nationalism (Aboriginal) and 'headless' nationalism (English-speaking Canada) that, lacking its own institutional clothing, self-identifies as the leading embodiment of pan-Canadian nationalism.

Similarly, Iris Marion Young sees difficulties with Kymlicka's system of categorizing groups. In her estimation, rather than grouping ethnocultural communities into the rigid and mutually exclusive categories of 'nation' and 'immigrant', a multicultural continuum provides a better method of identifying the differences that exist between these groups.

One category of ethnocultural group that is rarely mentioned in Kymlicka's theory is English-Canada. Richard J. F. Day observes that Kymlicka's silence on the English-Canadian majority coupled with his references to colonization leads one "[to] assume that the societal culture that has become known as Canada would be English."

Kymlicka's lack of elaboration upon the role of the majority culture in his theory of multiculturalism

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359 Kymlicka responds to Okin's critique of liberal multiculturalism in Is Multiculturalism Bad for Women?, 31-34. Okin appears to accept some of Kymlicka's responses and modifies her position on multiculturalism.


363 Alan Cairns, 370.


leads to confusion about the rights of majority cultures. Instead of explicitly identifying the role of the majority culture within a multicultural paradigm, Kymlicka uses the term "we" to implicitly refer to the majority culture which in the Canadian situation is English Canada. In doing so, Kymlicka perpetuates a hierarchical relationship between cultural groups as cultural minorities "will find themselves constructed as a 'them' to the text's implicit 'us.'"

In addition to challenging the nation-immigrant distinction in Kymlicka's theory, critics question the terminology that Kymlicka uses in his discussion of rights. Joseph Carens examines the term "polyethnic rights" arguing that it "is not helpful conceptually because it does not draw attention to what it is about the rights (as opposed to who exercises them) that distinguishes them from self-government rights." Arthur Ripstein contends that polyethnic rights are "less inclusive than they appear to be." The dualism that Kymlicka establishes between internal restrictions and external protections is another system of classification that Kymlicka's critics challenge. Patrick Malcolmsen notes that "one is left wondering...whether Kymlicka is not too sanguine about the protection of individuals from the tyranny of local majorities, especially those armed with this new kind of justification via the 'external protection' route." Furthermore, Kymlicka's distribution of rights is questioned as the idea of using level of volunteerism as a determinant of the rights of an ethnocultural group is an

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368 Joseph Carens, 37.
370 Patrick Malcomson, "Review: Multicultural Citizenship: A Liberal Theory of Minority Rights," Canadian Journal of Political Science 29 (1996): 812. Leslie Green makes a similar argument regarding the potential for internal restrictions for national minorities to be used against 'internal minorities' so as to limit the rights of internal minorities and establish a tyranny led by the national minority. See Leslie
oversimplification of migration theory as "the distinction between voluntary migration and 'unfree' migration is not as clear-cut as it seems... 'voluntary' migration can actually be 'forced' by structural factors." Parekh believes that the basis for Kymlicka's distribution of rights is unclear as "it is difficult to see what general principles inform this hierarchy of rights."  

**Something Old, Something New?**

Another charge that has been laid against Kymlicka is that his theory of minority rights fails to provide new insight into the politics of multicultural citizenship. Wolin observes that "liberal constitutional regimes themselves have willingly granted these legal exceptions" that Kymlicka advocates. Thus, Wolin concludes that "one occasionally gets the feeling that he [Kymlicka] has reinvented the wheel." Similarly, Malcolmson believes that Kymlicka's work provides a good survey of the liberal-communitarian debate but does not provide readers with a deeper "understanding of the relationship between freedom and culture." From the perspective of some who question the originality of Kymlicka's views, the success in his theory lies in the fact that it recounts the liberal "story" that so many people are already predisposed to accept in the West. In particular, Kymlicka's approach "is deeply embedded in and in part an articulation of the Canadian political reality." Based upon Kymlicka's concentration...
on the circumstances that currently exist in Canada, the relevance of his theory is limited to the Canadian context and of little relevance to other countries.

This synoptic overview identifies some of the key criticisms that have emerged from the body of literature surrounding Kymlicka's theory of minority rights. Some of the issues that were described in this overview are also illuminated by an analysis of Kymlicka's theory through Berlin's pluralist framework (for example, the problems with the categories of nation and immigrant). However, what distinguishes Berlin's pluralism from some of the other approaches is Berlin's commitment to extending pluralism to all aspects of analysis and theory in spite of the conflicts and losses that inevitably arise from such an approach. In the subsequent section, Berlin's pluralism will be situated within the debate over minority rights.

5.2 Towards a New Debate Over Minority Rights

The preceding overview of the debate surrounding Kymlicka's theory of multicultural citizenship illustrates some of the key problems that have been identified with Kymlicka's theory. A lively debate has emerged around the strengths and weaknesses of Kymlicka's theory of minority rights and participants in this debate come from a variety of disciplines and ideological perspectives. In addition to summarizing the critiques of Kymlicka's theory, the previous section provides a context in which to situate Isaiah Berlin's pluralism within the new debate over minority rights. Berlin's pluralism is profound and the implications of his pluralist analysis force us to address the conflicts, incommensurability and loss involved in the struggle to balance competing goods. In order to infuse Berlin's pluralist analysis into the current debate over liberal
multiculturalism, this thesis utilizes Berlin's paradigm as a lens through which to evaluate Will Kymlicka's conception of multicultural justice. This pluralist analysis is not simply a critique of Will Kymlicka's work. Through applying a Berlin's approach to Kymlicka's theory, this analysis highlights the problems for multicultural justice that arise when liberalism is used as a framework for establishing and sustaining cultural diversity.

Kymlicka was selected as a representative of contemporary liberal theorists of multiculturalism as he is an influential thinker within this debate and his theory provides a comprehensive approach towards balancing liberalism and pluralism in culturally diverse societies.

Kymlicka and Berlin both see value in liberalism and pluralism yet they differ in their conceptions of the relationship between these two principles. Berlin's work prioritizes pluralism and values liberalism for its ability to assist in preserving plurality. In contrast, Kymlicka's aim is to ensure the primacy of liberalism in society and therefore, pluralism is secondary in his theory of minority rights. Based upon the differing approaches employed by Berlin and Kymlicka in conceiving of the relationship between liberalism and pluralism, their theories are dramatically different both theoretically and practically. In comparing Berlin and Kymlicka in this manner, one sees that Berlin's commitment to pluralism is substantially more profound than that of Kymlicka. Berlin's pluralism permeates all levels of analysis and all parts of his work--even his methodology. Furthermore, Berlin's pluralism enables him to view liberalism as one of many tools that can be utilized in order to address the plurality that is inherent in human affairs. Liberalism is not an ideal to which human beings should aspire. Instead, the liberty associated with the liberal tradition should be valued because it enables
individuals to engage in choice-making—an essential tool for navigating the pluralist world of human affairs.

This analysis of Kymlicka's theory of multicultural citizenship through Berlin's pluralist perspective identifies various problems with the liberal approach to multicultural justice. The results of this analysis fall into two general categories: distributive justice and the role of liberalism. Kymlicka employs a distributive model of justice for the purpose of allocating ethnocultural rights to cultural minority groups. The intent of this model is to remedy injustices that currently pervade culturally diverse, liberal societies by empowering ethnocultural minorities with rights and resources to assist them in achieving cultural equality of opportunity and exercising cultural freedom. In assessing the limitations of the distributive paradigm in promoting multicultural justice, Berlin's pluralist approach coupled with Iris Marion Young's pluralist methodology provides a framework through which to examine Kymlicka's theory. One problem with this model of distribution that is identified by this analysis is the limited capacity of the distributive paradigm to address issues of multicultural justice. In focusing on issues of distribution, the liberal multicultural framework that Kymlicka employs overlooks other conceptions of justice that may assist in identifying and combating injustices and this in turn limits the potential for the realization of multicultural justice within Kymlicka's theory. Iris Marion Young observes that the distributive paradigm can be helpful in addressing injustices in diverse societies yet it is not a sufficient basis for justice as not all issues of justice can be addressed through redistribution.

The second limitation for multicultural justice in Kymlicka's distributive paradigm relates to the specific manner in which he distributes rights among
ethnocultural groups in his theory of minority rights. Kymlicka bases his differential treatment of national and immigrant minorities upon circumstances such as historical agreements, aspirations and volunteerism. In examining the justifications for Kymlicka's distribution of rights from Berlin's perspective, one realizes the fragility of the foundation upon which Kymlicka constructs his theory of minority rights as it is evident that each explanation for treating immigrants and nations differently is inadequately supported and contestable. In addition, the differential allocation of rights compromises multicultural justice by denying immigrant minorities the equality of opportunity and freedom that Kymlicka's theory purports to extend to ethnocultural minority groups. This in turn limits cultural plurality by rendering immigrant groups vulnerable—ultimately leading to the denial of multicultural justice.

Besides illuminating the barriers to justice that Kymlicka's distributive paradigm constructs, Berlin's pluralism alerts us to the implications of the role of liberalism in liberal theories of multiculturalism. Kymlicka's reliance on human rights, his understanding of the relationship between liberalism and pluralism, and his use of liberalism as a standard for judgement illustrate the primacy of liberalism within his theory. Furthermore, these three aspects of his theory demonstrate how the role of liberalism in Kymlicka's model of multicultural citizenship limits diversity and compromises multicultural justice. In terms of his approach to human rights, Kymlicka assumes a consensus regarding the existence of human rights and the commensurability of rights within human rights doctrines. Berlin's pluralist analysis challenges Kymlicka's belief in an international consensus regarding human rights; arguing instead that human
rights are general truths that are situated within particular contexts and particular eras. With respect to the combinability of human rights, Berlin's analysis of competing human goods alerts us to the fact that conflicts occur between rights. That is, concepts such as liberty, and equality (two values that are typically included in declarations of human rights) conflict with one another and therefore, full liberty and full equality are not combinable. Instead, rights must be balanced and this balancing inevitably results in trade-offs whereby one right is abridged for the purpose of exercising another.

The relationship that Kymlicka establishes between liberalism and pluralism in his theory of multicultural citizenship compromises multicultural justice by prioritizing liberal principles above plurality. The problems that result from the priority that Kymlicka assigns to liberalism within his theory of multicultural justice are evident through evaluating Kymlicka in terms of his critique of liberal neutrality and examining Kymlicka's theory through Berlin's pluralist perspective. Kymlicka believes that liberal neutrality is an inadequate approach for dealing with justice in diverse societies as this strand of the liberal tradition prioritizes stability above justice and is biased towards the majority cultures. While Kymlicka is critical of liberal neutrality for valuing stability and purporting to be neutral, Kymlicka's own theory is also susceptible to these problems. Kymlicka's treatment of immigrant groups exemplifies an attempt to justify the injustices of perpetuating the inferiority of cultural minority groups for the sake of maintaining order and stability in ethnocultural relations. Moreover, like the liberal neutralist position that Kymlicka criticizes, his theory expresses biases. By prioritizing liberalism above plurality within his conception of cultural minority rights, Kymlicka ensures that liberal

377 Ramin Jahanbegloo, 114.
principles are privileged while non-liberal positions are disadvantaged. Kymlicka himself admits that non-liberal ethnocultural minority groups should be liberalized through state-led intervention in the cultural marketplace.\textsuperscript{379} He is particularly adamant about ensuring that immigrants adhere to the principles of liberalism that he reveres; asserting that in immigrating, they voluntarily accept the liberal principles of the receiving country.\textsuperscript{380}

In addition to the problems that emerge when one applies Kymlicka's standard of evaluating liberalism to his own theory, examining Kymlicka's approach from Berlin's pluralist outlook displays additional problems with the relationship between liberalism and pluralism in liberal multiculturalism. Berlin's approach to liberal pluralism focuses upon the inevitability of conflicts, tensions and trade-offs in a pluralist society. This understanding of a pluralist world enables Berlin to acknowledge that goods can be incompatible with one another; thus leading to loss. In Berlin's articulation of his theory of pluralism, he recognizes that liberalism and pluralism are distinct concepts that should not be conflated and may not always be combinable. This astute observation enables Berlin to acknowledge that the relationship between liberalism and pluralism is not always a peaceful one. Rather, one must continually balance these concepts and practices as they regularly conflict with one another. In examining Kymlicka's perspective through Berlin's pluralist analysis, it is evident that Kymlicka does not recognize the loss entailed by the nature of the relationship that exists between liberalism and pluralism. Instead, Kymlicka appears to believe that both concepts are complementary and as a result of this oversight, Kymlicka fails to realize that in prioritizing liberalism above pluralism in his

\textsuperscript{379} Will Kymlicka, \textit{Multicultural Citizenship}, 94.
\textsuperscript{380} Will Kymlicka, \textit{Multicultural Citizenship}, 170.
theory, diversity is lost and multicultural justice is sacrificed.

Berlin's pluralism also identifies the problems that result from the use of liberalism as a standard for adjudicating claims of justice within Kymlicka's theory. One concern for multicultural justice that results from utilizing liberalism as the primary method of judgement in Kymlicka's theory is monism. In using Berlin's description of monism to evaluate Kymlicka's theory, it is evident that the permanent privilege assigned to liberalism in mediating claims of justice is problematic as it establishes an *a priori*, permanent standard. This is problematic as it entrenches a singular method for addressing issues of justice rather than addressing claims of justice within the context in which these claims arise. In addition, liberalism as a standard within Kymlicka's theory excludes non-liberal and illiberal groups and individuals and denies them access to justice on the grounds that they do not agree with the liberal ideological perspective. Furthermore, in entrenching the primacy of liberalism within his theory, Kymlicka implicitly asserts the infallibility of liberalism; therefore denying the possibility that alternative approaches have value. Paternalism also results from establishing liberalism as a standard for judgment. By privileging the liberal approach to justice and imposing a system of incentives and disincentives to encourage citizens to live in a manner that is consistent with acknowledging the primacy of liberalism, Kymlicka behaves paternalistically towards citizens of multicultural society.

Kymlicka could learn a great deal from Isaiah Berlin. An initial reading of Kymlicka's work leaves one with the impression that he is engaging in a new field of study which lacks a substantial tradition or history. This is a fallacy. Isaiah Berlin devoted his career to investigating the role of plurality in society and within individual
human beings. Berlin not only illuminated the relationship between pluralism and liberalism, but he also identified the tension, incommensurability and decision-making that accompany a genuinely pluralist outlook and practice in human affairs.

In overlooking the relevance of Berlin's theory, Kymlicka falls prey to significant problems that Berlin warns against including monism, paternalism and idealism. Future research within the field of liberal multiculturalism would do well to incorporate the pluralist approach of Isaiah Berlin. Berlin's pluralism challenges those involved in the current debate over minority rights to look outside the liberal tradition for new ways to understand and administer multicultural justice. Liberalism must be contested from a genuinely pluralist perspective if multicultural justice is to be more inclusive, less utopian, and more authentically plural in all its dimensions.
BIBLIOGRAPHY


