

SYMPOSIUM: WALZER AND THE MORAL STANDING OF STATES

Categorizing Groups, Categorizing States: Theorizing Minority Rights in a World of Deep Diversity

*Will Kymlicka**

Since 1989 we have witnessed a proliferation of efforts to develop international norms of the rights of ethnocultural minorities, such as the UN's 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, the Council of Europe's 1995 Framework Convention for the Protection of National Minorities, and the Organization of American States' 1997 draft Declaration on the Rights of Indigenous Peoples.¹ This activity at the level of international law is reflected in a comparable explosion of interest in minority rights among normative political theorists. In the same twenty-year period we have seen a proliferation of attempts at formulating a normative theory of minority rights and examining how minority rights relate to broader political values (such as freedom, equality, democracy, and citizenship) and broader normative frameworks (such as liberalism, communitarianism, and republicanism). Key works here include those by Charles Taylor, Jim Tully, Iris Young, Jeff Spinner-Halev, Bhikhu Parekh, Yael Tamir, Joseph Carens, Susan Okin, and Anne Phillips—a rich literature that has informed and inspired my own work in the field.²

In this context, Michael Walzer's work occupies an important but somewhat anomalous role. On the one hand, he was arguably the first political theorist, at least in the postwar era, to take seriously the issue of minority rights. He wrote two groundbreaking articles in 1982 and 1983—"Pluralism in Political Perspective" and "States and Minorities"—which are remarkable for their prescience. They lay out

* This article will also be published in Yitzhak Benbaji and Naomi Sussmann, eds., *Reading Walzer: Sovereignty, Culture, and Justice* (London: Routledge, forthcoming). Thanks to Yitzhak and Naomi, and to the editors and reviewers of *Ethics & International Affairs*, for their helpful suggestions.

virtually all of the relevant normative and theoretical issues in a clear and concise way, several years before minority rights became a hot topic in academia or, indeed, in policy circles. And he has continued to develop these ideas over time, including in his important 1997 book, *On Toleration*, which refines and deepens his account of the basic framework within which to theorize state-minority relations—a framework initially developed in his 1983 article. The resulting corpus of work is among the most intellectually sophisticated available, combining (as does all his work) profound moral reflections with an impressive historical and geographical reach.

Nonetheless, Walzer's work has had surprisingly little enduring impact on multiculturalism debates in either academic political theory or international law. Whereas his work on just and unjust wars dominates the field, his work on minority rights has “more or less disappeared from view.”³

TWO FORMS OF DIFFERENTIATION

One explanation for this puzzle is that Walzer's substantive discussion of minority rights seems to sit uneasily with his more foundational theory of justice, laid out in *Spheres of Justice*. In the latter, Walzer seems to presuppose a high degree of cultural homogeneity within states. His theory of justice requires that social goods be distributed according to their “common meanings” within a society, and this in turn seems to require a fairly thick shared culture among citizens. In a much-cited (and much-criticized) passage, Walzer writes that: “The political community is probably the closest we can come to a world of common meanings. Language, history, and culture come together (come more closely together than anywhere else) to produce a collective consciousness.”⁴ Passages such as this one seem to render the phenomenon of ethnically divided societies invisible. If one of the core presuppositions of a theory of justice is that citizens share a “language, history, and culture,” then the question of how to justly treat those with a different language, history, and culture cannot arise, except as an afterthought or anomaly. Since most theorists (and policy-makers) working on minority rights start from the opposite premise—namely, that language, history, and culture do not come together in a political community—they have looked elsewhere for their theoretical tools.

I will not rehearse that familiar critique here, in part because it is covered in a recent paper by Jacob Levy.⁵ Instead, I want to suggest a distinct (but complementary) explanation for why Walzer's work has not permeated the debate, focusing less on metaethical worries about his account of common meanings, and more on

the practicalities of how he categorizes ethnic diversity. One of the crucial tasks of any theory of minority rights is to bring some conceptual order to the dizzying array of state-minority relations around the world. There is enormous variation between states as to how they treat their minorities; and indeed enormous variation *within* states, as different types of minorities are accorded different kinds of rights, powers, or accommodations from the state. Given this complexity, it seems unlikely that any single formula or model will apply to all minorities at all times. Yet if we are to make progress, theoretically or practically, we need to be able to make some types of generalizations, identifying at least certain common patterns or dynamics of state-minority relations, and trying to make sense of their underlying normative logic.

All of us who work in this field struggle with this issue of generalization and categorization. To oversimplify, we can distinguish two broad ways of theorizing minority rights. One option (the one I have pursued) is to develop a typology of different *types of ethnocultural groups*, and to formulate the rights appropriate to each type of group—for example, one set of norms for indigenous peoples, such as the Maori or American Indians (including rights to self-government, customary law, and land claims); one set of norms for regionally concentrated national minorities, such as the Catalans or Québécois (including rights to territorial autonomy and official language status); one set of norms for immigrants and refugees (including rights to naturalization and reasonable accommodations); and so on. On this view, groups legitimately vary in their minority rights—for example, national minorities and indigenous peoples might have language rights that immigrant groups do not have—but wherever each of these types of minorities exists, the state has a duty to accord them their distinctive rights.

Another option (the one pursued by Walzer) is to develop a typology of *different types of states*, and to formulate the norms that each type of state should respect—for example, a traditional nation-state, such as France, can adopt one set of laws or policies toward cultural diversity, which would legitimately differ from those that are appropriate for a post-ethnic multination state, a federation, a consociational state, or an empire. On this second view, whether an ethnocultural group has a right to official language status would depend not on the type of group it is (for example, national minority versus immigrant group), but on the type of state it finds itself in. A traditional nation-state built around a core ethnonational group might have different duties in relation to minority languages, both for its immigrants and national minorities, than a post-ethnic state that defines itself in nonethnic terms.

In short, we can either have a *group-differentiated* theory of minority rights or a *state-differentiated* theory of minority rights. The former focuses on categorizing the different types of groups, each of which is seen as having a distinctive logic of legitimate claims-making, while ignoring or downplaying the relevance of differences between types of states. No matter what type of state they find themselves in, specific types of minorities are seen as having an intrinsic tendency, and legitimate right, to make certain types of claims, and all states are seen as having the same obligations toward the relevant categories of minorities.

The state-differentiated approach, by contrast, focuses on categorizing different types of states, each of which is seen as having distinctive legitimate approaches to its internal diversity, while downplaying the relevance of group differences within each state. Each type of state is seen as having a distinctive but coherent logic toward diversity, which it appropriately applies to all its substate groups, whether immigrant, regional national minority, or indigenous people.

The Logic of Group Differentiation

These are obviously ideal types. In reality, most theorists and practitioners invariably end up deploying some combination of the group-differentiated and the state-differentiated approaches. There are just too many differences both among minorities and among states to rely exclusively on one approach alone. However, most people do fall clearly on one side of this fault line, with the vast majority of both academic theorists and practitioners endorsing the group-differentiated approach. If one picks up any of the major texts on theories of multiculturalism and minority rights, one is likely to find that the discussion is organized around a typology of groups. The precise typology differs from author to author, depending on their particular interests or geographical focus, but one typically finds a chapter on immigrants, a chapter on indigenous peoples, a chapter on regional national(ist) groups, a chapter on isolationist ethnoreligious groups (such as the Amish), a chapter on African Americans as a historically enslaved group, and so on.⁶ The goal in each case is to articulate the normative basis of each group's claims against the state, where the state is understood in generic terms as a "Western liberal democracy," with the assumption that all Western states—indeed all states that think of themselves as members in good standing of the family of democracies—should operate with similar criteria and principles in evaluating these claims.

This predilection for group-based typologies rests on a number of assumptions that are not always made explicit. I would highlight three such assumptions. First,

it assumes what Charles Taylor calls “deep diversity”—namely, the assumption that different types of groups within each state (legitimately) stand in different relations to the larger state. Different types of groups want to belong to the state in different ways, and to exercise different forms of citizenship. In the Canadian case, writes Taylor:

To build a country for everyone, Canada would have to allow for second-level or “deep” diversity, in which a plurality of ways of belonging would be acknowledged or accepted. Someone of, say, Italian extraction in Toronto or Ukrainian extraction in Edmonton might indeed feel Canadian as a bearer of individual rights in a multicultural mosaic. His or her belonging would not “pass through” some other community, although the ethnic identity might be important to him or her in various ways. But this person might nevertheless accept that a Quebecois or a Cree or a Dene might belong in a very different way, that these persons were Canadian through being members of their national communities. Reciprocally, the Quebecois, Cree or Dene would accept the perfect legitimacy of the “mosaic” identity.⁷

Let us call this the *assumption of intrastate deep diversity in claims-making*. While this passage is framed in reference to Canada, defenders of the group-differentiated approach typically assume—and this is the second key assumption—that this sort of deep diversity arises from, and reflects, the enduring nature of particular types of ethnocultural groups, and hence emerges wherever group members are free to express their identities and aspirations. Given this assumption, any society that allows for the free expression and mobilization of ethnocultural identities—that is to say, any liberal democracy—is likely to witness similar patterns of deep diversity. In any free and democratic society, we should expect to find that indigenous peoples and national minorities seek to belong to the state in a different way from immigrant and refugee groups, with the former seeking forms of territorial autonomy, language rights, and institutional completeness not sought by immigrant groups. Let us call this the *assumption of cross-national consistency in claims-making*.

Finally, it is assumed that any liberal-democratic state should use similar criteria in evaluating these claims, such as principles of individual freedom, social justice (both distributive justice and rectificatory justice), and effective democratic participation. It is these “nationally anonymous” liberal-democratic criteria, rather than nationally-specific narratives or self-understandings, that should determine the normative evaluation of minority claims.⁸ It may well be that some of these group-differentiated claims pose a significant challenge to the self-understandings of particular Western states. Such countries as Germany that have conceived of

themselves as ethnic nations may have trouble accepting the naturalization and accommodation of certain immigrant groups, such as the Turks. Such countries as the United States that have conceived of themselves as voluntary associations of freely consenting individuals may have trouble accepting claims to self-government by historically incorporated national groups, such as American Indians or Puerto Ricans. But national self-understandings are not self-justifying: to reject minority claims that comply with the requirements of core liberal-democratic values simply because they conflict with national mythologies or narratives would be fundamentally illiberal and undemocratic. Let us call this the *assumption of uniformity in normative criteria*.

If we start from these three assumptions, then something like the group-differentiated approach more or less follows naturally. If we assume that different types of groups typically seek different types of rights (whenever they are free to do so), and that these typological differences are stable across (democratic) countries, and that all (democratic) countries should apply the same “nationally anonymous” criteria in evaluating these claims, then a political theory of minority rights is virtually destined to take the form of group-differentiated rights that are applicable to all (democratic) states. In short, minorities are differentiated, states are undifferentiated.⁹

Of course, all three of these assumptions can be questioned. Indeed, some critics have argued that the tendency of political theorists to develop such group-differentiated theories of minority rights depends on “essentialist” and “reified” understandings of ethnocultural groups. Indigenous groups, for example, do not have an inherent “telos” that means they are somehow naturally or inevitably destined to claim land rights and self-government rights. Similarly, there is no “essence” to national minorities that predestines them to demand regional autonomy and official language status, and no essence to immigrant groups that predestines them to demand naturalization and ethnocultural accommodation. The tendency of political theorists to rely on such essentialist assumptions about typological differences is often said to reflect their ignorance of the findings of sociology and anthropology, which reveal the contingent, contested, and strategic nature of these political claims.¹⁰

And yet this predilection for a group-differentiated approach is not just found among academic political theorists. On the contrary, it seems to be the preferred approach among international lawyers as well. As noted earlier, we have witnessed a veritable explosion of new international conventions and declarations on minority

rights that also rely on a group-differentiated approach. For example, within the European context (where international minority rights norms are most developed), there are separate international legal instruments or policy directives targeted at (a) indigenous peoples, (b) national minorities, (c) migrant workers, and (d) the Roma.¹¹ In each case, we see the same threefold set of assumptions that underpin recent political theories of minority rights: namely, (1) that these types of groups typically each raise different sorts of claims, and so should be dealt with separately (intrastate deep diversity in claims-making); (2) that these typological differences are stable across the Western democracies (cross-national consistency in claims-making); and (3) that liberal democracies can and should apply common standards in evaluating these claims (uniformity in normative criteria).

Of course, it is possible that international lawyers are also in the thrall of essentialist assumptions about ethnocultural groups, and that critique too has been made.¹² But we can also find a similar reliance on group-differentiated typologies among the most sophisticated empirical investigators of state-minority relations. For example, the most systematic cross-national study of state-minority relations, Ted Gurr's "Minorities at Risk" project, also relies on the assumption that different types of groups typically make different types of political claims, and that these differences are stable cross-nationally. Immigrants simply do not make the same types of claims as national minorities and indigenous peoples, wherever they are found around the world.¹³ Similarly, the various catalogues, handbooks, and manuals of "best practices" for governing diversity produced by global policy networks, written by and for policy-makers, typically operate on this group-differentiated logic. There are guides to best practices for managing immigrant integration, guides to best practices for addressing indigenous economic development, guides to best practices of bilingualism for national minorities, and so on. All of this assumes that while groups are fundamentally different in their aspirations, states are fundamentally similar, at least insofar as they are democratic states, both in the challenges they face and in the normative evaluations they should adopt in relation to minority claims.

Walzer's work stands as an important exception to this preponderance of group-differentiated approaches. Indeed, he is virtually alone in developing the state-differentiated approach. It is the type of regime, he suggests, not the type of group, that determines the relevant principles of justice to be applied to issues of diversity.

Walzer's Logic of State Differentiation

This approach is found in kernel form in Walzer's original 1983 article "States and Minorities," which distinguishes four regimes of interethnic tolerance: empires (for example, the Hapsburg and Ottoman empires), federations (Switzerland, the former Yugoslavia), post-ethnic multination states (United States, Australia), and nation-states (France, Germany). He argues that each of these regime types has its own distinctive logic of tolerance, and concludes that these four logics "define the goals we must work for" if we are to ensure justice for minorities. In empires, minorities have a right to "bureaucratic tolerance"; in multination federations, they have a right to "genuine autonomy"; in post-ethnic multinational states, they have a right to "a balance of pluralism and individuality"; and in nation-states, they have a right to "universal citizenship."¹⁴ On this approach, minorities are fundamentally similar—there is no need to distinguish different types of minorities within a given regime—but states are fundamentally different, defined by different logics of statehood. National minorities, immigrants, the Roma, and indigenous peoples all have the same right to "bureaucratic tolerance" within empires; they all have the same right to "a balance of pluralism and individuality" within post-ethnic multination states; and they all have the same right to "universal citizenship" within nation-states. Walzer has consistently held to this state-differentiated approach, which is elaborated most fully in *On Toleration*, which offers a similar (if more sophisticated) typology of regimes, each of which is seen as "defining the goals we must work for" in relation to minority rights.

It should now be clear why Walzer's approach has had trouble finding a foothold in the contemporary debate on multiculturalism. A state-differentiated but minority-undifferentiated approach simply does not connect to the governing premises of the larger academic and public debate, which treat minorities as differentiated and states as undifferentiated. I believe it is Walzer's idiosyncratic approach to categorization—more than his controversial theory of justice-as-common-meanings—which explains his relatively marginal role in the multiculturalism debate.

Of course, the two issues are not unrelated. A commitment to a Walzerian view of justice-as-shared-meanings may entail, or at least push in the direction of, a state-differentiated approach to minority rights. If we assume that there are common meanings within political communities, and that these shared meanings differ across political communities, this may incline one toward the assumption that each state is built around a shared understanding of the meaning of diversity,

which it then applies to all types of ethnocultural groups, and that states can then be categorized by the differences in their shared understanding of diversity.

But the connection between these two levels is, I think, more of an elective affinity than a logical entailment. One could endorse Walzer's meta-theory without endorsing his state-differentiated approach to categorization. From the assumption that political communities have shared understandings, it does not follow that each state has just one operative principle that it applies to all types of minorities. There is nothing in the logic of justice-as-shared-meanings that requires people living in empires to apply the same principle of bureaucratic tolerance to both indigenous peoples and immigrants, or that requires citizens of federations to apply the same principle of genuine autonomy to both groups. A political community could have, as one of its shared meanings, that there are morally relevant differences between these two types of groups. (Indeed, it seems clear to me that this *is* one of the shared beliefs found in most Western democracies.) Put another way, Walzer's meta-theory may provide grounds for skepticism about the possibility of uniformity in normative criteria across different political communities, but it does not yet provide grounds for disputing the assumption of deep diversity in claims-making within states, and hence for trying to articulate how group-differentiated approaches might work.

Conversely, one could endorse Walzer's state-differentiated categorization approach without endorsing his meta-theory. One might think there are objective reasons of feasibility or justice why states should avoid institutionalizing differences between types of groups, even if citizens in a particular country have a shared historical disposition to do so. Perhaps citizens have a shared understanding that immigrants have different claims from indigenous peoples, but one might think that liberal justice or international law should seek to contest this inherited understanding, and insist instead that states adopt one conception of diversity (such as bureaucratic tolerance, say, or genuine autonomy) that it then consistently applies to all minorities. States could then be categorized based on which undifferentiated principle it applies to its minorities, yielding Walzerian categorizations without Walzerian metaethics. Put another way, one can reject the assumption of intrastate deep diversity for many reasons other than Walzer's theory of justice-as-social-meanings.

Thus, it seems important to keep these two levels separate. And, as I see it, the main reason why Walzer's work has been marginalized in the multiculturalism debates is that people reject his state-differentiated approach to categorization. Theorists and policy-makers in this field probably have a wide range of views about

the extent to which justice is contextually tied to shared meanings (if they think about that question at all). But whatever their views about metaethics, they seem to converge on the assumption that addressing minority rights issues requires recognition of deep diversity within states, and hence a group-differentiated approach.

I should emphasize that while Walzer's general conceptual approach differentiates states rather than minorities, his more specific historical narratives and examples are full of insights about the differences between various types of minority groups, and about their tendency to raise different types of political claims. For example, in describing the post-ethnic model of multination states, such as the United States, he emphasizes that it could only have emerged in an "immigrant country," where pluralism "originated in individual and familial migration," and where "the largest part of the population was formed by the addition of individuals, one by one," such that "nationality and ethnicity never acquired a stable territorial base." Even where ethnic clustering developed, it "did so by individual choice, clustering for company, with no special tie to the land on which they lived." Walzer emphasizes that where ethnic pluralism takes this immigrant form, minority groups do not "have any basis for or any reason for" claims to national self-government or secession;¹⁵ and he distinguishes this from forms of ethnic pluralism generated by conquest or dynastic alliances, such as the national minorities within the Russian empire, who were "intact and rooted communities . . . established on lands they had occupied for many centuries."¹⁶ In the latter case, Walzer says, these historically rooted national minorities would have chosen self-government if they had been free to do so, and Russification was experienced as a suppression of their natural and rational desire for autonomy. In the case of immigrant groups to the United States, by contrast:

Americanization was aimed at peoples far more susceptible to cultural change, for they were not only uprooted, they had uprooted themselves. Whatever the pressures that had driven them to the New World, they had chosen to come, while others like themselves, had chosen to remain. . . . Because of these differences, the response of the immigrants to cultural naturalization was very different from that of their counterparts in the Old World. They were in many cases acquiescent, ready to make themselves over.¹⁷

Where intact and rooted communities feel the call of national self-determination, the sort of pluralism sought by immigrant groups is "not a demand that politics follow nationality, but rather that politics be separated from nationality . . . it was not a demand for national liberation, but for ethnic pluralism."¹⁸ This model

of post-ethnic pluralism is, he suggests, an “ideal arrangement,” but one that is “founded” on the “distance of the people themselves from their original homeland and their ancient traditions.”¹⁹

TENSIONS IN WALZER’S ACCOUNT

We have here a clear and compelling explanation for why uprooted immigrant groups typically and understandably generate different types of political claims from those of rooted national minorities living on their historic homeland. In such passages as the one quoted above, Walzer gives full voice to the reality of “deep diversity,” acknowledging that different types of groups typically seek to establish different modes of belonging to the larger state. Indeed, these very passages inspired my own attempt to develop a group-differentiated theory of minority rights, distinguishing the autonomy rights of homeland minorities from the accommodation rights of immigrant groups. Drawing on Walzer’s formulations, I have argued that if immigrants have no “basis” or “reason” for self-government claims, whereas rooted and intact communities do, then we should conclude that “national liberation” is a legitimate claim of national minorities (in all states), whereas “ethnic pluralism” is a legitimate claim of immigrant groups (in all states).²⁰ Given Walzer’s own eloquent explanations of the different experiences and aspirations involved, why should not all states—at least all free and democratic states—recognize the aspirations to autonomy for their national minorities, and recognize the aspirations to ethnic pluralism for their immigrant groups? For example, why should not France be expected to adopt an American-style model of ethnic pluralism for its uprooted immigrants, and why should not the United States be expected to adopt European-style models of national liberation for its rooted minorities (such as American Indians or Puerto Ricans)?

Yet Walzer himself draws different conclusions from these passages. His ultimate position, as we have seen, is that the rights of national minorities and of immigrants depend on what type of state they live in. And this state-differentiated approach in turn seems to overlap with a geographical differentiation: ethnic pluralism in New World countries, national autonomy in Old World countries. While Old World states have a duty of justice to accept the national liberation of their historic minorities, they are under no corresponding duty to accord ethnic pluralism to their immigrants, and can instead maintain a fairly thorough program of national assimilation.²¹ Conversely, while New World states have a duty of justice to accept

the aspirations to ethnic pluralism by immigrants, they have no duty to accord national liberation to their conquered national minorities, and can instead seek to incorporate them into a model of ethnic pluralism defined by and for immigrant groups. As he explicitly states, “This is the crucial point that follows from acknowledging that there are different sorts of states: in countries like the United States, groups that originally were or incipiently are national minorities—like the Chicanos—can perhaps be dealt with as if they were immigrants.”²²

I confess that I do not fully understand Walzer’s rationale for adopting this state-differentiated (and geography-differentiated) model. Perhaps Walzer felt that it was logically required by his metaethics. But if so, I think that is a mistake, for reasons mentioned earlier, and it generates deeply counterintuitive results. It is not clear to me why denying self-government to rooted communities living on their historic homelands is wrong when done in Russia but not wrong when done in North America, or why denying immigrants the freedom to express their ethnic particularity is wrong when done in North America but not wrong when done in France. It surely does not matter, morally speaking, what the longitude and latitude is.

To be fair, Walzer does acknowledge that ethnic pluralism (or even national autonomy) for immigrants may be required in France if assimilation fails,²³ and that autonomy for national minorities may be required in the United States if post-ethnic pluralism fails.²⁴ But he still seems to think that France has the legitimate right to try to impose assimilationist policies on immigrants in a way that the United States must not, and that the United States has the right to try to impose an ethnic pluralist model on national minorities in a way that Russia must not. Nonimmigrant national minorities in the United States, unlike in the Old World, do not have a *right* to national liberation. As Walzer puts it:

The question still remains whether this kind of equity, adapted to the needs of immigrant communities, can successfully be extended to the racial minorities now asserting their own group claims. Racism is the great barrier to a fully developed pluralism and as long as it exists American Indians and blacks, and perhaps Mexican Americans as well, will be tempted by (and torn between) the anti-pluralist alternatives of corporate division and state-sponsored unification. It would be presumptuous to insist that these options are foolish or unwarranted *so long as opportunities for group organization and cultural expression are not equally available to all Americans.*²⁵

This passage seems to imply that if the American government extends civil rights in a nondiscriminatory way to its conquered and annexed groups, then it

has no duty to respond to their aspirations to autonomy, and no duty to treat them differently from uprooted immigrant groups.

I find this deeply problematic, at odds with even the most basic and widely shared sense of fairness.²⁶ To be sure, as a result of centuries of mistreatment that has undermined their capacity for collective autonomy, members of New World national minorities today often are “torn between” ethnic pluralism and national autonomy. For some members, signing up to the ethnic pluralism model “adapted to the needs of immigrant communities” is the best they can now reasonably hope for. Therefore, I do not want to suggest that the state should impose a national autonomy model on groups that are no longer interested in, or capable of, exercising it.²⁷

But if such groups have lost their will or capacity for autonomy, this surely is the result of historic injustice. Even if today many Chicanos are satisfied with an ethnic pluralism model, surely it was wrong to strip them of the language rights that were guaranteed to them under the treaty of 1848, which was the first step to undermining their will and capacity for national autonomy (and which was done precisely in order to undermine this will and capacity). So, too, with the dispossessions visited upon American Indians. Even if today the best option may in some circumstances be to extend immigrant post-ethnic pluralism to national minorities (although this is clearly not the case for American Indians, Québécois, or Puerto Ricans), surely we want our political theory of minority rights to recognize that the denial of national autonomy in the past was an injustice. But if so, then Walzer’s contrast between New World ethnic pluralism versus Old World national autonomy cannot stand up. What the United States (and Canada) did to its “intact and rooted” groups was as much an injustice as Russification was to Russia’s national minorities. Conversely, there undoubtedly are cases today of national minorities in Russia that no longer have the will or capacity for national autonomy, and for whom something like ethnic pluralism may be appropriate. In both the Old and New worlds, the original injustice of denying national autonomy was the same; and in both Old and New, the long-term effects of that injustice may be that some (but not all) national minorities may be content with immigrant-style ethnic pluralism. It is not clear how Walzer’s state-differentiation (or geography-differentiation) does any moral work in evaluating the justice or injustice of these historical processes.

Walzer implies that the harm of coercively incorporating national minorities may have been less in the New World than in the Old World because New World colonizers (or annexers) had a “thinner” conception of national identity, and so the

“cultural baggage” they imposed on incorporated groups “was always lighter.”²⁸ But it is not clear how this fact—if it is a fact—affects the injustice of colonization, conquest, or annexation. Does the thickness or thinness of a colonizer’s national identity really affect the wrong of the involuntary incorporation of national minorities? Is there some threshold of thinness that gives hegemonic groups a license to annex, conquer, or colonize other peoples?

I do not think Walzer gives us satisfactory reasons for thinking that the fair treatment of national minorities and indigenous peoples depends on the nature of the regime they inhabit. His own arguments about the identity and aspirations of “intact and rooted communities” with a “special tie to the land on which they live” provides a compelling basis for thinking that such types of groups have group-differentiated rights to a language and self-government (where they have the will and capacity to exercise them). Indeed, it seems that his main argument for not endorsing these claims is that they would violate the self-understandings of the countries involved. The United States, he says, conceives of itself as a post-ethnic pluralist state, and this self-understanding allows it to legitimately extend the immigrant model to national minorities. Conversely, the French or Germans understand themselves as nation-states built around a core ethnonational group, and this self-understanding allows them to legitimately resist forms of ethnic pluralism.

This, of course, relates to Walzer’s broader metaethical approach, which ties justice to the common meanings and shared self-understandings that are said to characterize political communities, where (allegedly) “language, history, and culture come together” to “produce a collective consciousness.”²⁹ It seems clear that Walzer wants to give states room to act upon such national self-understandings, and this may explain why he resists a group-differentiated theory of minority rights.

CONCLUSION

To fully address the question of the appropriate role of national self-understandings in moral argument would require a very different article, raising issues that are addressed in the broader literature on Walzer’s account of social criticism and interpretative ethics. Let me simply make two quick comments. First, while Western states do indeed have such nationally-specific self-understandings of pluralism, it is also part of their self-understanding that they are liberal democracies, upholding nationally anonymous values of freedom, equality, and democracy. And those values, I believe, push us in the direction of a group-differentiated theory of minority

rights. This is the conclusion reached not only by various liberal theorists of minority rights but also by the international community, reflected in the proliferation of international declarations, conventions, and charters of group-differentiated minority rights, all of which affirm that such rights contribute to liberal-democratic values.³⁰ It may be that the logic of liberal-democratic group-differentiated rights conflicts with the national narratives of particular Western states. If so, then we have a tension *within* the shared meanings held by citizens of these states. Citizens view themselves as members in good standing of the family of liberal democracies, upholding nationally anonymous values of freedom and equality, and these push in the direction of a liberal-democratic group-differentiated multiculturalism. Yet they also view themselves as bearers of nationally specific “stories of peoplehood” that push *against* these forms of multiculturalism.³¹ A focus on the importance of shared meanings does not resolve this issue, since both the nationally anonymous liberal values and the distinctive national narratives are central to the shared meanings and self-understandings of the society. I see no grounds, even within Walzer’s own metaethics, for saying that the latter should trump the former.

Second, even if we set aside nationally anonymous liberal values and focus instead just on the historic national narratives, we need to question Walzer’s assumption that these narratives rest upon a singular and undifferentiated approach to diversity. For example, it is not true that the United States has historically applied the same principle of post-ethnic pluralism to immigrants, Puerto Ricans, and American Indians, or that multination federations, such as Switzerland and Canada, apply the same principle of autonomy to immigrants as to their historic minorities. It may well be true that Americans often downplay or ignore these differences when they imagine their country, particularly in highly ritualized or rhetorical contexts. But in practice, when confronted with the real world challenges of deep diversity, the United States—like every other Western democracy—recognizes the need to distinguish different types of minorities. Thus, the image of being a “post-ethnic” state is just that—a collective imaginary or myth—and not at all the operative principle that guides legislators and court cases. In his general account of “spheres of justice,” Walzer emphasizes that we identify shared meanings of justice in part by looking at actual practices of how goods are distributed in order to identify the normative logic that is embedded in these practices. If we apply this method to the field of ethnic diversity, it becomes clear that in the United States, as elsewhere, the operative normative logic is group-differentiated. Yet Walzer ignores or sets aside these group-differentiated practices, and does not attempt to understand

their underlying normative logic. Instead, he appeals to a highly ritualized and rhetorical collective imaginary as the basis for his shared meanings. Here again, I see no grounds, even within Walzer's own metaethics, for privileging ritualized collective imaginaries over operative practices as the basis for identifying shared meanings.

In short, even if we start from national self-understandings—and I agree with Walzer that in many argumentative contexts we have no other possible starting point—I believe there are factors that lead us in a group-differentiated direction. These national self-understandings may contain a ritualized self-image that obscures group differences, but they also contain (1) a commitment to nationally anonymous liberal-democratic norms of justice that underpin claims to group-differentiated rights; and (2) well-established and historically rooted norms and practices of group-differentiated rights. Whether we ascend to the abstract levels of ideal theories of justice or descend to a contextual study of each country's traditions, in either case we quickly uncover reasons for shifting from a state-differentiated to a group-differentiated approach.³²

NOTES

¹ This is just a small subset of the relevant declarations, conventions, and charters. For a more comprehensive description, see Will Kymlicka, *Multicultural Odysseys: Navigating the New International Politics of Diversity* (New York: Oxford University Press, 2007).

² Charles Taylor, *Multiculturalism and the Politics of Recognition* (Princeton, N.J.: Princeton University Press, 1993); James Tully, *Strange Multiplicity: Constitutionalism in an Age of Diversity* (Cambridge: Cambridge University Press, 1995); Iris Marion Young, *Justice and the Politics of Difference* (Princeton, N.J.: Princeton University Press, 1990); Jeff Spinner-Halev, *The Boundaries of Citizenship: Race, Ethnicity, and Nationality in the Liberal State* (Baltimore, Md.: Johns Hopkins University Press, 1994); Bhikhu Parekh, *Rethinking Multiculturalism: Cultural Diversity and Political Theory* (Cambridge, Mass.: Harvard University Press, 2000); Yael Tamir, *Liberal Nationalism* (Princeton, N.J.: Princeton University Press, 1993); Joseph Carens, *Culture, Citizenship and Community: A Contextual Exploration of Justice as Evenhandedness* (New York: Oxford University Press, 2000); Susan Moller Okin, *Is Multiculturalism Bad for Women?* (Princeton, N.J.: Princeton University Press, 1999); and Anne Phillips, *The Politics of Presence* (New York: Oxford University Press, 1995). For a useful collection that surveys the field, see Anthony Laden and David Owen, eds., *Multiculturalism and Political Theory* (Cambridge: Cambridge University Press, 2007).

³ Jacob Levy, "Michael Walzer on Political, Moral, and Cultural Pluralism," in Yitzhak Benbaji and Naomi Sussmann, eds., *Reading Walzer: Sovereignty, Culture, and Justice* (London: Routledge, forthcoming).

⁴ Michael Walzer, *Spheres of Justice: A Defense of Pluralism and Equality* (Oxford: Blackwell, 1983), p. 28.

⁵ Levy, "Michael Walzer on Political, Moral, and Cultural Pluralism." My own version of this criticism of Walzer is elaborated in Will Kymlicka, *Liberalism, Community, and Culture* (New York: Oxford University Press, 1989), ch. 11.

⁶ For versions of this sort of typology, see Spinner-Halev, *Boundaries of Citizenship*; Carens, *Culture, Citizenship and Community*; Jacob Levy, *The Multiculturalism of Fear* (New York: Oxford University Press, 2000); and Will Kymlicka, *Politics in the Vernacular: Nationalism, Multiculturalism, Citizenship* (New York: Oxford University Press, 2001).

⁷ Charles Taylor, "Shared and Divergent Values," in Ronald L. Watts and Douglas M. Brown, eds., *Options for a New Canada* (Toronto: University of Toronto Press, 2001), pp. 53–76.

⁸ I take the phrase "nationally anonymous" liberal values from Christian Joppke, "The Retreat of Multiculturalism in the Liberal State: Theory and Policy," *British Journal of Sociology* 55, no. 2 (2004), pp. 237–57.

- ⁹ More accurately, it treats Western liberal democracies as an undifferentiated category, on the assumption that they are all constitutionally committed to nationally anonymous principles of freedom, equality, and democracy. This raises an interesting question about whether or how one can extend theories of minority rights to nonliberal or nondemocratic states. I return to this below.
- ¹⁰ For versions of this critique, see James Johnson, “Why Respect Culture?” *American Journal of Political Science* 44, no. 3 (2000), pp. 405–18; and Rogers Brubaker, *Ethnicity without Groups* (Cambridge, Mass.: Harvard University Press, 2004).
- ¹¹ For a detailed discussion of the “targeted” nature of European minority rights norms, see Kymlicka, *Multicultural Odysseys*.
- ¹² See, e.g., Jane K. Cowan, Marie-Bénédicte Dembour, and Richard A. Wilson, eds., *Culture and Rights: Anthropological Perspectives* (Cambridge: Cambridge University Press, 2001); and the voluminous debate around essentialist assumptions in the international legal discourse of indigeneity (e.g., Adam Kuper, “The Return of the Native,” *Current Anthropology* 44, no. 3 [2003], pp. 389–402).
- ¹³ Ted Robert Gurr, *Minorities at Risk: A Global View of Ethnopolitical Conflict* (Washington, D.C.: Institute of Peace Press, 1993); and Ted Robert Gurr, *Peoples versus States: Minorities at Risk in the New Century* (Washington, D.C.: Institute of Peace Press, 2000).
- ¹⁴ Michael Walzer, “States and Minorities,” in Charles Fried, ed., *Minorities: Community and Identity* (Berlin: Springer-Verlag, 1983), p. 227.
- ¹⁵ Michael Walzer, “Pluralism in Political Perspective,” in Michael Walzer, Edward T. Kantowicz, John Higham, and Mona Harrington, *The Politics of Ethnicity* (Cambridge, Mass.: Harvard University Press, 1982), pp. 6–7.
- ¹⁶ *Ibid.*, p. 9.
- ¹⁷ *Ibid.*, pp. 9–10.
- ¹⁸ *Ibid.*, pp. 10–11.
- ¹⁹ Walzer, “States and Minorities,” p. 224.
- ²⁰ See, e.g., Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (New York: Oxford University Press, 1995), pp. 20–21.
- ²¹ Actually, Walzer’s views on the appropriate norms for the treatment of immigrants in Old World nation-states like France have evolved over time—compare Walzer, “Pluralism in Political Perspective,” to Michael Walzer, *On Toleration* (New Haven, Conn.: Yale University Press, 1997), to Michael Walzer, “Nation States and Immigrant Societies,” in Will Kymlicka and Magda Opalski, eds., *Can Liberal Pluralism Be Exported? Western Political Theory and Ethnic Relations in Eastern Europe* (New York: Oxford University Press, 2001), pp. 150–53. It would take me too far afield to track these changes, which I do not think affect the more basic issue of the choice between state-differentiated and group-differentiated approaches.
- ²² Walzer, “Nation-States and Immigrant Societies,” p. 153. For other statements of this commitment to a post-ethnic pluralism in the United States, see Michael Walzer, *What It Means to Be an American: Essays on the American Experience* (New York: Marsilio, 1992); Michael Walzer, “The New Tribalism,” *Dissent* (Spring 1992), pp. 164–71; and Michael Walzer, “Multiculturalism and Individualism,” *Dissent* (Spring 1994), pp. 185–91.
- ²³ Walzer, “Nation-States and Immigrant Societies.”
- ²⁴ Walzer, “Pluralism in Political Perspective,” pp. 27–28.
- ²⁵ *Ibid.*, p. 27, my emphasis.
- ²⁶ For a similar critique, see Bonnie Honig, “Democracy and Foreignness: Democratic Cosmopolitanism and the Myth of an Immigrant America,” in Laden and Owen, eds., *Multiculturalism and Political Theory*, pp. 373–407. Honig argues that Walzer’s approach to minority rights “normatively privileges one particular trajectory to citizenship: from immigrant to citizen. [This] account captures something about American democracy, while also missing a great deal. American democracy is founded not only on immigration, but also on conquest (Native Americans) and slavery (the forced importation of African slave labor), and, in the post-founding era, on expansion (Hawaii, Alaska, Puerto Rico, etc.), annexation (French settlements in Illinois, St. Louis, and New Orleans as well as a significant Spanish-speaking population in the southwest as a result of the war with Mexico)” (p. 375). As she notes, while “Walzer does invite these other groups to become part of his immigrant America,” he “never asks whether his normative privileging of the immigrant-ethnic-citizen trajectory to membership, and the invitation to adapt to it, may itself obscure particular claims, injustices, and bases of organization for specific groups” (p. 386, n. 33).
- ²⁷ This is an important point in relation to the “essentialism” critique mentioned earlier. Both within normative theories of liberal multiculturalism and within contemporary international law, minority rights are understood precisely as *rights*, not *duties*. Indigenous peoples have a right to seek land claims or self-government rights, but they are under no duty to do so if they would prefer instead to participate through an ethnic pluralism model. Similarly, national minorities have a right to claim official language status and regional autonomy if they so choose, but are under no duty to make these claims if these aspirations are not present in the group. Neither liberal theory nor international law is compatible with

assigning duties of cultural preservation on people who no longer wish to preserve their language or cultural practices. A theory of minority rights, however, ensures that this is indeed their own choice, to be resolved by democratic debate and decision-making within the group, and not something decided for them by the state.

²⁸ Walzer, "Nation-States and Immigrant Societies," p. 153.

²⁹ Walzer, *Spheres of Justice*, p. 28.

³⁰ For a more detailed exposition of how international organizations link group-differentiated minority rights to core liberal-democratic values, see Kymlicka, *Multicultural Odysseys*.

³¹ For an interesting discussion of the "stories of peoplehood" that countries tell themselves, see Rogers Smith, *Stories of Peoplehood: The Politics and Morals of Political Membership* (Cambridge: Cambridge University Press, 2003).

³² What about countries that do not view themselves as members of the family of liberal democracies? In these contexts, both liberal theories of multiculturalism and international legal norms of minority rights may well be perceived as an external imposition at odds with local self-understandings. Indeed, I am not optimistic about the prospects for an international consensus on these issues, in part for this reason. However, even here I think we should be cautious about jumping too quickly to the assumption that the problem lies at the level of different shared meanings of justice. In reality, most minority rights claims can be understood by appeal to very elementary and widely accepted norms of fairness and reciprocity—majorities around the world are doing things to minorities that they would never want done to themselves. One need not be a liberal to see the injustice in that. So the opposition to international norms of minority rights is not so much the inability to find a widely accepted idea of justice to underpin these claims, but rather the fact that these claims objectively pose a much greater threat to individual well-being and collective security in some countries than in others. Within the consolidated liberal democracies, the risks of adopting minority rights are relatively small; in much of the rest of the world, the risks of violence or instability are much higher. This provides ample grounds for being cautious about exporting Western models of multiculturalism, but we misidentify the problem if we assume that it is only or primarily a matter of different cultural values or different understandings of justice. See Kymlicka, *Multicultural Odysseys*, chs. 6 and 7.