Liberal-nationalism and religion: conflicting commitments?

by Frederik Boven

1. Introduction

This paper is about liberal-nationalism and its relation to religion. Specifically, it aims to defend Will Kymlicka's liberal-nationalism against Evan Charney's critique that it would violate the liberal value of religious freedom. Liberal-nationalism is the view that national membership is essential for the realisation of liberal values. One defence of this view, which Evan Charney ascribes to Kymlicka and criticizes, is to argue that commitments to national culture are more important for people's self-identity than other commitments. Charney (2003: 295) suggests that Kymlicka's nationalism leads to a dilemma in religiously pluralistic nation-states: "[w]hat happens when the claims of nationalism (…) conflict[s] with the claims of religion? (…) What, then, of liberalism's commitment to (…) freedom of consciousness (…)?" He suggests that it "leads to an illiberal privileging of identities", he argues, due to a "false dichotomy between liberal and communitarian conceptions of the self" (idem, 301/306).

I will contend that Kymlicka considers shared identity more important for personal identity than shared beliefs, but does not claim that a national identity has priority over other shared identities. Moreover, I shall argue that Kymlicka does not violate the liberal ideal of religious freedom, but rather extends it.

2. The importance of cultural membership

It is important, I think, to distinguish between three aspects of Kymlicka's defence of cultural membership. His first aim is to show that it is reasonable to expect changes in the moral values and political principles of communities. This line of argumentation is directed against *communitarians* who argue that this expectation is too demanding, as some of these beliefs form the very basis of communities, and are constitutive for the selves of their members.[1] Secondly, Kymlicka aims to show that liberals must protect national minorities, rather than have their members integrate in the dominant national group. This line of argumentation is directed against liberal *cosmopolitans* who admit the importance of being cultural, but argue that we do a particular culture.[2] Taken together, the first two arguments must establish that the protection of national cultures facilitates rather than endangers the change of moral values and political principles. Finally, Kymlicka aims to convince liberals that although he incorporates elements of communitarianism in his theory, it is nonetheless outright liberal.[3] In the subsequent

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[1] His main antagonist is Michael Sandel. See Kymlicka 1989: 48-73; 2001: 327-246.
[2] Here, his antagonist is Jeremy Waldron. See Kymlicka 1995: 85, 101-103; 2002: 210-212.
[3] This three-fold aim marks the transition from what Kymlicka calls the first stage of the multiculturalism debate, 'minority rights as communitarianism', to the second stage, 'minority rights within a liberal framework'. (2002: 17-23). Within the second stage, he discerns two liberal attempts to

sections, I shall first clarify Kymlicka's arguments against communitarians (section 3) and cosmopolitans (section 4), and then Charney's counter-argument (section 5). But first a few words on Kymlicka's definition of cultural membership.

In light of his third aim, Kymlicka points to the role of culture in liberal theory. Rawls (1971: 563-4), for example, acknowledges that when we decide how to lead our life, we always start from "definite ideals and forms of life that been developed and tested innumerable individuals, sometimes for generations." Therefore, we commonly have strong bonds to the "language we use in speech and thought to express and understand ourselves" (1993: 277). Dworkin concludes from such observations that liberals must protect cultures from "structural debasement or decay" (1985: 230-3). Thus, Rawls and Dworkin recognize the importance of cultures and their protection. But, Kymlicka stresses, they maintain that liberal states should be neutral towards conceptions of the good.[4] The protection of communities is compatible with neutrality if not its moral values and political principles are protected, but their culture. Dworkin's notion of a 'cultural structure' reflects this distinction: it refers to the "vocabulary of tradition and convention" that provides the members of a certain community with various culturally significant options, but does not favour certain options over others (idem, 231).

For Kymlicka, it indicates a distinction between the *cultural structure* of a community and its *character*; the first being the range of choices available to its members, and the latter those options that are currently endorsed and institutionalised by its members. Kymlicka defines cultural structure as the inherited 'vocabulary' of a community, that is, the *language* and *history* shared by its members (1985: 165/8; 1995: 83). Kymlicka thus observes that "both Dworkin and Rawls require and invoke the notion of a cultural structure (the context of people's choices), which is distinguishable from the character of a culture at any moment (the product of people's choices)" (1989: 178).

Because a community's character does not exhaust the range of options available through its cultural structure, it can be changed while leaving the structure in tact. So, its character is modified whenever the members of that community come to belief that other options available to them are more worth wile, but its cultural structure normally persists. Therefore, cultural membership should be defined, says Kymlicka, as access to a cultural structure rather than having the same beliefs as the (dominant) members of the community. Protecting membership in this sense, means shielding communities from exceptional decay of their cultural structure, without impeding ordinary changes in their character. In the next section, we will see Kymlicka's argument for the *value* of cultural membership.

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accommodate communitarian claims: Rawls' political liberalism, and liberal-nationalism (Kymlicka 2001: 228-244, 261-268). Kymlicka defends the latter..

[4] Contrary to perfectionists as Raz (1986: 162), who believe that the protection of cultures entails abandonment of the ideal of neutrality.

3. The case against communitarianism

Kymlicka agrees with communitarians that claims based on cultural membership have some intuitive force, but he disagrees with their suggestion that it has intrinsic value. It has value because the individual "capacity to make meaningful choices depends on access to a cultural structure" (1995: 84). That is not to say that the primary concern of life is choice, as many liberals would have it: "freedom of choice, while central to a valuable life, is not the value centrally pursued in such a life" (1989: 50). Rather, both cultural membership and choice derive their value ultimately from valuable ends (i.e. ground projects, life tasks). They have instrumental value, in allowing individuals to *acquire* ends and *judge their worth*. In the following, I will analyse these functions respectively.

The acquirement of ends

Kymlicka discerns two communitarian claims regarding the acquirement of our ends. First, a *conception of the self and its ends* as constituted by self-discovery rather than judgment (Kymlicka 2002: 221-8). Sandel (1982: 58), for example, asserts that the self acquires its ends not "by choosing that which is already given (which would be unintelligible) but by reflecting on itself and inquiring into its constituent nature." On this view, one's ends are not merely chosen 'attributes', but 'constituents' of one's identity (Sandel 1982: 150). The self is bound up with constitutive commitments to ends, such as life plans, relations and motivations.[5] Because we ordinarily perceive the self as constituted by such ends changing some of our ends will only be possible at the expense of self-betrayal.

Secondly, many communitarians defend the *social thesis* that individuals are not self-sufficient, but can achieve the good life only in a cultural context (Kymlicka 2002: 244-61). Charles Taylor, for example, states that "[w]e become full human agents, capable (…) of defining our identity, through our acquisition of rich human languages of expression" that we learn "through exchanges with others" (1992: 32). As we have seen, Kymlicka agrees with this thesis, but does not conclude from it that liberal neutrality should be abandoned. He does not deny that something must be taken as a 'given', but suggests that not the ends themselves are given, but merely the vocabulary through which we acquire them. In other words, the self is the result of the acquirement of ends, but rather its pre-condition. Liberals should endorse the 'social thesis', Kymlicka concludes, but combine it which a liberal conception of the self. Next, we will see that on the liberal view of the self cultural membership is not just important for the acquirement of ends, but most of all for judgments of their value.

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[5] On Charney's view, a commitment to an end is constitutive for the self if you feel that you would not be the same person without having that end (2003: 298). Revising it would therefore amount to self-betrayal and a loss of integrity.

The judgment of ends

For his re-interpretation of the liberal self, Kymlicka returns to Dworkin. Specifically, he considers two constraints on how we judge components of our lives (i.e. events and experiences) liberals consider preconditions for leading a good life: the endorsement and the revisability constraint (Kymlicka 1995: 81). The endorsement constraint states that only those components of someone's life should be considered valuable that are endorsed from a first-person perspective: that is, towards which the person whose life it is has a positive attitude (Dworkin 1989: 484-7).[6]

Dworkin criticizes the communitarian idea that endorsement is *additive*. On this view, the components of someone's life can have value from a third person perspective, regardless of the attitude of the person whose life it is. If the latter endorses these components it increases their value, but it is not necessary for life components to have value at all. Notice the relation between the additive view of endorsement and the perception view of acquirement: since your ends constitute your self regardless of your choices, you need not have privileged knowledge of what your ends are. Consequently, the ends of all members may be the same, and the community as a whole may have a more accurate perception of your ends than you yourself have. Combined with the assumption that the character of the community expresses the truth about what ends constitutes our selves, it explains why it might be a good idea to protect this character.

Liberals, by contrast, support what Dworkin calls a *constitutive* view of endorsement: something only contributes to the value of someone's life if the person whose life it is endorses them. Thus, events and experiences can only said to be valuable for one's life if the latter believes that his life would be less valuable without them. Kymlicka (1995: 81) derives from this that the first precondition for the good life is "that we live our lives from the inside, in accordance with out beliefs about what gives value to life". This is the endorsement constraint.

The revisability constraint adds that value judgment should be considered changeable. It is directed against the communitarian claim that when judging the value of their ends, people cannot distance themselves from certain commitments. Dworkin (1989: 448) acknowledges that "no one can put everything about himself in question all at once", but insists that "it hardly follows that for each person there is some *one* connection (…) so fundamental that it cannot be detached for inspection while holder others in place." In the same vein, Kymlicka believes that "[i]t is not easy or enjoyable to revise one's deepest end, but it is possible, and sometimes a regrettable necessity" (1995: 91). If the endorsement constraint stated that individuals should be free from the paternalistic imposement of communal value judgments, the revisability constraint adds that they should have access to plausible alternatives to choose over their current ends. This touches upon the role of cultural structures.

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[6] Dworkin discerns two kinds of well-being (1989: 484). First, one has an interest in having what one desires, for example, good food; this is one's *volitional* well-being. Secondly, *critical* well-being is having things one wants because they make one's life valuable; for example, a close relationship with his children. They are not important because one happens to want them, but because a life without them would be impoverished. The communitarian argument appeals to critical well-being, and so does the endorsement constraint.

The capacity to revise one's ends, says Kymlicka, depends on access to a cultural structure. After all, if the acquirement of ends has to start from a 'given', so has their revision. Thus, the revisability constraint is the pre-condition "that we be free to question [our] beliefs, to examine them in light of whatever information (...) and arguments our culture can provide" (1995: 81, my insertion). Now, the liberal view of the acquirement of ends can be made explicit: our cultural structure provides with *potentially* valuable ends, which we acquire as *our ends* in endorsing them as valuable for us.

To recap, Kymlicka argues against the communitarian view of the self as constituted by ends that derive their value from the character of a community rather than from individual endorsement. Consequently, he beliefs that ends are and should be open to change, and argues that individual choice and cultural membership are instrumental towards the acquirement and revision of endorsed ends. In the next section, we will turn to the argument against cosmopolitans and for the value of membership of your own culture.

4. The liberal-nationalist case against cosmopolitism

In *Multicultural Citizenship* (1995), Kymlicka not only advances his argument against communitarians, which he proposed in *Liberalism, Community, and Culture* (1989), but also develops a new line of argumentation – under influence of liberal-nationalist theories from the early 1990's, notably those of Margalit & Raz (1990) and Tamir (1993). [7] The new thread is directed at cosmopolitans, i.e. Jeremy Waldron. Waldron admits that access to *a* culture is important, but maintains that "meaningful options may come to us as items or fragments from a variety of cultural sources" (1992: 783).[8] Consequently, "it can no longer be said that all people need their rootedness in the particular culture in which they and their ancestors where reared", which leaves minority rights "roughly on the same footing as the right to religious freedom" (idem, 762). In a word, people have no longer strong ties to the culture in which they were raised. Moreover, cultural enrichment is not facilitated but impeded by the protection of particular cultures.

Kymlicka disagrees and draws attention, again, to the place of cultural ties in liberal theory. Most liberals, he argues, implicitly accept that people cannot be expected or required to give up their cultural membership, even if some people choose to do so. Rawls (1993: 277) for example, acknowledges that cultural ties are "normally too strong to be given up", so that people should be expected to live their life within the same culture. This is confirmed by the fact that cultural ties have not become weaker, as Waldron expected. The assumption implicit in this expectation is that cultural ties are based on a shared conception of the good or shared political principles; in brief, on the character of a culture (1995: 87). If people are allowed to question and reject the traditional values of their community they are less likely to share the same beliefs, so that there ties to the community would weaken. But the fact that liberalisation has not weakened cultural ties shows that the source of national unity is not the character of a nation but its identity;

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[7] To simplify I will limit my discussion to the first.
[8] See Kymlicka 1995: 85, 101-103.

that is, its cultural structure. These structures are mostly still in place, and explain why cultural ties are still strong.

In *Cultural Membership* Kymlicka (2002:25) identifies what he previously called, more generally, 'cultural structures' with a 'societal culture': that is, "a territorially-concentrated culture, centred on a shared language which is used in a wide range of societal institutions, in both public and private life". His suggestion that we need a cultural structure that allows us to acquire and revise various ends is now worked out in terms of a societal culture: they incorporate a diversity of religious and political beliefs, and a plurality of customs and lifestyles, which it balances and constrains by linguistic and constitutional cohesion. This tie between cultural structure and nations is the core of Kymlicka's argument against cosmopolitanism.

Decisive is the influence of Margalit and Raz, who identified six characteristics of groups that are candidates for the right of self-determination (1990: 443-6). Broadly, they pick out two kinds of groups. Firstly, groups which are *constitutive* for the identities of its members; membership is not based on achievement, but on mutual recognition of belonging to the same group. This recognition is based on general characteristics that are socially salient, and is important because it grounds people's self-esteem, appraisal not of their ends, but of themselves as valuable. Secondly, Margalit and Raz pick out groups that are *pervasive*; their culture encompasses many important aspects of life, so that they significantly determine the options of people growing up among their members. *Encompassing* groups, which are both constitutive and pervasive, are candidates for self-determination (Margalit & Raz 1990: 448).

Kymlicka's notion of 'societal cultures' is based on this notion: they constitute the personal identity of their members to a significant degree, due to their pervasiveness. Therefore, Kymlicka says, "national identity is particularly suited to serving as the 'primary foci of identification'" (1995: 89); suited, because it is not based on ends, so that it does not preclude the revision of ends. Since nations are not the only groups that are based on shared identities, this is not a unique feature: all identities groups can in principle be the primary foci of identification. Kymlicka acknowledges that "in addition to (…) nations, there are also many types of non-national cultural [and religious] groups, which seek recognition" which have a valid claim "within the institutions of the larger society" (2002: 41, my insertion). Moreover, Kymlicka implies that national groups may be more suited than other identity groups, because of their pervasiveness.

In conclusion, the argument for the importance of cultural membership is not directed against sub-national interest groups, but against cosmopolitans who deny that people generally have strong ties to their culture. The argument is that cultural structures not only constitute people's capacity for choice, but also their self-esteem. In the final section, I will criticize Charney's interpretation of and argument against Kymlicka.

<u>5. Charney's counter-argument</u>

Recall Charney's claim that Kymlicka defends an 'illiberal privileging of identities'. His counter-argument roughly involves two claims. First, Kymlicka would contradict himself, and secondly, in prioritizing of national identity over religious identities he would fail to respect religious freedom.

Claim 1: Kymlicka contradicts himself

Charney states that "Kymlicka's insistence that ends (…) are not constitutive of our sense of identity is (…) perplexing given that he argues vigorously for the constitutive nature of our cultural-national communities" (Charney 2003: 299). Kymlicka would contradict himself in claiming that cultural-national membership is not "potentially revisable", whereas "other ends and attachments" are (idem, 300). As I see it,

Charney's interpretation suffers from an ambiguity in Kymlicka's use of the term 'constitutive commitment'. It has one of three meanings: [1] the commitments to *ends* communitarian belief to constitute the self; [2] the access to a cultural structure which constitutes personal autonomy; [3] the recognition of belonging which constitutes one's self-esteem. Kymlicka denies the existence of (1), while emphasizing the persistence of (2) and (3): while people often change their ends over the course of their lifetime (1), they do not usually cease to be cultural (2), nor do they commonly move between cultures (3). There is nothing inconsistent in that. Charney, of course, interprets Kymlicka differently: he amalgamates (2) and (3), and interprets them as one 'end' among others.

Consider the relation between (2) and (3). I have argued that Kymlicka's defence of (2) is directed against communitarians, and (3) against cosmopolitans. But Charney confuses the two. He argues, for example, that "we cannot assume the existence of (…) *identification* with de national culture from the fact that certain features of the nation (…) have exerted a normative influence upon the individual" (Charney 2003: 303). He is right, but this is not what Kymlicka claims. Quite the opposite, Kymlicka agrees that the constitution of autonomy is not enough to explain the ties people feel towards a particular culture. Therefore, he adds the argument that we feel a sense of loyalty to our own culture because of its importance for our identity: belonging to this or that culture is an important aspect of people's self-esteem.

Moreover, access to a cultural structure is not just an 'other end', but a precondition for the acquirement and judgment of ends. Charney denies that the self can be such a precondition, because he assumes that "on a view in which there can be no identity-defining (…) commitments, there can be neither self-betrayal nor integrity", while insisting that we sometimes see a change in our "beliefs as to what is valuable in life" as an "instance of self-betrayal" (2003: 298). This critique simply misfires, since Kymlicka does not deny that we can have commitments in this sense (e.g. Kymlicka 1989: 49; 2001: 329). He admits that we are committed to ends, but denies these are given prior to individual endorsement, or would be unchangeable. As I see it, both Kymlicka and Charney agree that revision is ultimately possible, but may be difficult.

Charney is right to suggest that Kymlicka would disagree that ceasing to value an end would be experienced as self-betrayal. But Charney's assumption that we do normally understand ourselves in that way is mistaken. Although he quotes two definitions of integrity as failing to *act* in accordance with your ideals, he implicitly assumes that integrity is failing to *preserve* your ideals. But feelings of self-betrayal occur when we act against an end we still value, not when we no longer consider an end valuable. If self-betrayal is defined as 'failing to act', Kymlicka clearly agrees with its possibility.

Claim 2: prioritizing national identity violates religious liberty

Charney (2003: 300) reads Kymlicka as saying that "cultural or national membership is the only (…) end that can be constitutive of (…) a person's sense of identity". This would lead to a hierarchy of loyalty claims: "Claims made on behalf of the nation must override all other possible claims made on the individual, whether of religious commitment (…) or personal conscience, because it is only in betraying the nation that one can betray oneself" (idem, 303). This underlies Charney's claim that Kymlicka's liberal-nationalism would violate the liberal value of freedom of religion.

Apparently, Charney overlooks the role religious freedom has in Kymlicka's theory. Characteristic for liberal religious tolerance is that it comes in the form of *individual* freedom of consciousness.[9] The traditional liberal argument, as Kymlicka sees it, is the liberty to revise your ends (i.e. your religious beliefs) if you no longer value them. So conceived, freedom of consciousness is based on the endorsement and revisability constraint (Kymlicka 1995: 81). However, there is also a communitarian argument for individual freedom of consciousness, as Rawls (1985: 241) observes. The argument is that religious beliefs should be recognized as constitutive of the individual's self, and thus as not liable to revision. It supports liberal neutrality, according to Rawls (1985: 241), if communitarians admit that religious commitment can only be viewed as non-negotiable in their private life. Charney has this conception of religious freedom in mind, and his disagreement with Kymlicka concerns how negotiable ends should be. But Kymlicka's aim is the same as Rawls': to accommodate communitarian claims in political theory, without jeopardizing neutrality. The difference is that in Kymlicka's view freedom of conscience should not be extended by accepting that religious ends in the private sphere may be non-negotiable. Instead, it should be extended with the right to have access to a cultural structure that offers meaningful options for revision of your ends. This supports my conclusion that Kymlicka's plea for the importance of national identity is not directed against religious identities.

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[9] Contrary to forms of tolerance that grant religious freedom to communities rather than individuals, and thus allow religious communities to impose restrictive religious laws on their members. For example the 'millet system' of the Ottoman Empire. Cf. Kymlicka 2002: 230.

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