

# **Liberal Multiculturalism and the Principle of Partiality**

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## Abstract

The aims of this thesis are the normative insights we gain from combining the two separate discussions in political philosophy - on liberal multiculturalism and on the partialities towards relevant political targets (co-nationals, co-citizens, non-citizens). This merge provides a refinement of the notion of partiality, which I believe to be raw in the treatment of many authors, and it opens up significant issues about the scope of justice defended by liberal multiculturalism.

The latter provision opens up two central issues of the thesis: 1.) Do the public institutions that follow principles of liberal multiculturalism manifest illegitimate attitudes of co-national partiality?; 2.) Do the public institutions that follow principles of liberal multiculturalism manifest illegitimate attitudes of co-citizen partiality, while ignoring members of disadvantaged societal cultures outside state borders? To the first questions I answer in the negative, while I offer a conditional ‘yes’ for to the second one.

The thesis is divided in four parts. The first two sections deal with laying out the terrain and preparing the merging of the relevant concepts. In section 1, I refine the principle of partiality to differentiate between co-nationals and co-citizens, as well as individual and institutional partiality. In section 2, I describe the characteristics of liberal multiculturalism and existing attempts to balance it with models of global justice. Section 3 deals with the first central issue, showing that the institutions of liberal multiculturalism are impartial towards ethnocultural groups by applying group-differentiated rights. Section 4 deals with the second central issue by showing that the scope of justice needs to be extended to societal cultures

outside state borders, but also that we should justify prioritizing inner societal cultures on instrumentalist grounds.

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## Introduction

The topic of this thesis is the relation of two distinct literatures in normative political philosophy – the one on liberal multiculturalism and the one on the principle of partiality, or at least, concerning the latter, the domain that concerns the justification of partial attitudes that are central to the issues of political philosophy. These relevant kinds of partiality are often referred to as ‘co-national partiality’, ‘partiality towards countrymen’, or ‘co-citizen partiality’; sometimes we might come to identify notions of partiality in the more general political concepts of ‘nationalism’, ‘cosmopolitanism’, or ‘patriotism’, when these terms are not merely descriptive, but normatively prescriptive. My interest in the topic at hand lies in the fact that both of the philosophical discussions have something to gain from their merge. The discussions on these kinds of partiality have a frequent problem of not differentiating the various agents that can be targets of partial attitudes, as well as the moral and political justifications that are required in these distinct cases. I believe that in many cases the various aforementioned terms that the literature on partiality uses are treated as interchangeable (meaning that by ‘co-national’ and ‘co-citizen’, some authors mean the same thing), which becomes very regrettable once liberal multiculturalism sheds some light on how modern states look like, and who we can be partial to, even only within this closed context of the nation-state. It is not clear in the various articles on partiality in which philosophers debate with each other that they are using exactly the same referent, and we are facing the danger that their contributions sometimes circumvent rather than engage each other without them even knowing. The framework of liberal multiculturalism is helpful here in clearing out these possible misunderstandings.

So far, I have outlined how the theory of liberal multiculturalism helps refining the discussion on partiality. But there is an even greater normative contribution to be sought *vice versa* – how does the discussion on partiality help clarify liberal multiculturalism’s normative positions, and does this application of concepts surface any problems of the view? In other words, what partial attitudes are possible and to be expected in a regime of liberal multiculturalism, and which of them can be normatively justified? This helps me to frame out two central problems this thesis faces:

1. Does liberal multiculturalism presuppose an unjustified form of partiality towards co-nationals? Additionally, does the defense of liberal multiculturalism involve any unjustified attitudes of partiality within the closed context of the state?

To these questions I answer in the negative. I claim in the thesis that the defense of liberal multiculturalism, and group-differentiated minority rights it supports, is grounded in claims of compensatory justice, and as such helps to make institutions more impartial. As far as targets of partiality within the context of the liberal multiculturalist state are concerned, institutions do not aim at privileging any recognized ethnocultural group. I investigate this issue thoroughly in Section 3.

2. Does liberal multiculturalism’s defense of impartial public institutions presuppose an unjustified form of partiality towards co-citizens (the sum of individuals legally residing within state borders)? That is, is it an injustice that individuals have obligations to assist disadvantaged societal cultures (cultures with established public institutions) within the boundaries of the state while ignoring obligations to assist disadvantaged societal cultures in other states?

To these questions I answer in the positive, but with a pinch of salt. I claim throughout the thesis that the argumentation of liberal multiculturalism, grounded on the moral significance of establishing societal cultures as contexts of free autonomous choice, on the importance of free choice of immigrants when they move from one culture to another, and on the problem of injustice, infers the extension of the scope of justice, making it normatively mandatory for regimes of liberal multiculturalism to assist societal cultures outside state borders. I allow, however, that regimes of liberal multiculturalism might be obliged to prioritize societal cultures on their own turfs on grounds of the efficiency in distributing the moral labor societal cultures owe to one another to particular regimes of liberal multiculturalism. I analyze this issue in Section 4.

While the linearity of these two sections might not be apparent, it does indeed exist, as does the connection between the final two sections with the first two. The purpose of the first two sections is laying out the terrain for the central issues. This is vital because it introduces the idea of merging these two literatures into one. In the first section, I refine the notion of partiality and explicate its targets under the influence of liberal multiculturalism. In the second section, liberal multiculturalism and its sibling theory liberal nationalism are explained with a look at how certain authors attempted to balance these theories with certain models of global justice. In the third section, I make the first step in showing that liberal multiculturalism is not only fitful for balancing with these models, but that it can be said to involve cosmopolitan principles in its closed state context – which I somewhat clumsily coin “inner cosmopolitanism”. Finally, the fourth section questions the “inner” part of the term by showing that liberal multiculturalism’s rationale itself implies extending the relevant scope of justice. Additionally, borders of the regime of liberal multiculturalism are normatively

justified only because of the efficiency they may provide in the distribution of political and moral labor.

I open the first section by examining the general notion of partiality. The notion of partiality can be claimed to have versatile targets, and some such attitudes are said to be more easily justifiable than others.<sup>1</sup> While some have tried to rid us from partiality in discussions on morality altogether,<sup>2</sup> there is now a general recognition of some forms of partiality as justifiable – such as that towards family, close friends, and spouses. The justification of co-national partiality and the partiality for those that reside within the same state borders as we do sometimes seeks justification on analogous, and sometimes on different grounds. Proponents of the intrinsic value of such partialities say, for example, that individuals either share some special history with their co-nationals,<sup>3</sup> or that individuals are “embedded selves”, whose identities are tied to those partialities.<sup>4</sup> On the other hand, proponents of the instrumentalist value of partialities claim that they are somehow valuable for achieving something else, such as the manifestation of more general moral duties<sup>5</sup>, even though these kinds of arguments are seldom referred to as insufficient for the attitudes nationalists and patriots generally feel, or the obligations they take upon themselves to uphold when their co-nationals or co-citizens are concerned.<sup>6</sup> I clarify in this section that the refinement partiality requires is the distinction between co-nationals, referring to those who subscribe to a common ethnocultural identity, and co-citizens, as those legally residing within the territory of a state

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<sup>1</sup> John Cottingham, “Partiality, Favouritism and Morality,” *The Philosophical Quarterly* 36, no. 144 (July 1, 1986): 357–373, doi:10.2307/2220190.

<sup>2</sup> William Godwin, *Enquiry Concerning Political Justice, and Its Influence on Morals and Happiness: By William Godwin* (printed for G. G. and J. Robinson, 1798).

<sup>3</sup> Thomas Hurka, “The Justification of National Partiality,” n.d.

<sup>4</sup> David Miller, “Reasonable Partiality Towards Compatriots,” *Ethical Theory and Moral Practice* 8, no. 1/2 (April 1, 2005): 63–81, doi:10.2307/27504338.

<sup>5</sup> Robert E. Goodin, “What Is So Special About Our Fellow Countrymen?,” *Ethics* 98, no. 4 (July 1, 1988): 663–686, doi:10.2307/2380890.

<sup>6</sup> Igor Primorac, *Patriotizam* (KruZak, 2004).

unit. I also differentiate what we might claim to be individual partiality and institutional partiality.

I open Section 2 by stating the general usages of the terms ‘nationalism’, ‘multiculturalism’, and ‘cosmopolitanism’, and then proceed to explain how they are put into use by theories of liberal multiculturalism and liberal nationalism. Will Kymlicka’s liberal multiculturalism from *Multicultural Citizenship*<sup>7</sup> is treated as the central conception proposed, even though I mention other proponents of the theory as well.<sup>8 9</sup> Here my aim is to delineate liberal multiculturalism and its important assets for the purpose of properly merging it with the discussion on partiality. I also mention and evaluate several claims of compatibility of nationalism and cosmopolitanism,<sup>10 11</sup> as well as cosmopolitanism with a more instrumental conception of partiality within state borders.<sup>12</sup>

In section 3, I investigate how partial attitudes manifest themselves in a regime of liberal multiculturalism, as well as their justifications. The central question here, to reiterate, is whether there are partial relations between co-nationals when placed next to co-citizens and whether they can be normatively justified. Or, to use Joseph Raz’s notion of the moral challenge: what is the moral reason for going down the road of multiculturalism in the first place, if we uphold liberal politics which arise out of the application of a universal humanistic morality?<sup>13</sup> I start this exposition with the thought experiment of the pluralist island, where I show that liberal multiculturalists, within the context of the state where different ethnocultural

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<sup>7</sup> Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (Oxford University Press, USA, 1996).

<sup>8</sup> Yael Tamir, *Liberal Nationalism* (Princeton University Press, 1995).

<sup>9</sup> Kai Nielsen, “Cosmopolitan Nationalism,” *The Monist* 82, no. 3 (1999): 446–468.

<sup>10</sup> Kok-Chor Tan, “Liberal Nationalism and Cosmopolitan Justice,” *Ethical Theory and Moral Practice* 5, no. 4 (2002): 431–461.

<sup>11</sup> Will Kymlicka and Kathryn Walker, eds., *Rooted Cosmopolitanism: Canada and the World* (Univ of British Columbia Pr, 2012).

<sup>12</sup> Martha C. Nussbaum, “Patriotism and Cosmopolitanism,” *Boston Review*, November 1994, <http://bostonreview.net/BR19.5/nussbaum.php>.

<sup>13</sup> Joseph Raz, “Multiculturalism,” *Ratio Juris* 11, no. 3 (1998): 193–205, doi:10.1111/1467-9337.00086.

groups reside, practice cosmopolitan values. I justify this claim by making the pluralist island the “only” state of the world. In this section I also lay out the liberal multiculturalist notion of a ‘societal culture’: “a culture which provides its members with meaningful ways of life across the full range of human activities, including social, educational, religious, recreational, and economic life, encompassing both public and private spheres. These cultures tend to be territorially concentrated, and based on a shared language.”<sup>14</sup> I then defend it from general criticism,<sup>15</sup> and as the primary unit of distribution in the supposed two tendencies of liberal multiculturalism.<sup>16</sup> The significance of this is preparing the terrain for adopting societal cultures on the global distributive terrain as key units of distribution.

Finally, in section 4, I lay out the criticism against liberal multiculturalism stating that there are reasons within its own principles and arguments for extending the scope of justice to societal cultures outside state borders. I start by looking at Samuel Scheffler’s distributive objection.<sup>17</sup> I apply this argument on societal cultures as relevant agents of distribution, and anticipate arguments that liberal multiculturalists might uphold to defend distributive preferences and the forming of so-called in-groups – the argument from injustice, and the argument from historical agreements. I then extend my own two arguments which I believe to be strongly tied to the rationale of liberal multiculturalism – the argument from global injustice and the argument from the freedom of immigrant choice. Finally, I argue that there are instrumentalist accounts of partiality<sup>18 19 20</sup> that can ground relations of priority in general

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<sup>14</sup> Kymlicka, *Multicultural Citizenship*, p. 76.

<sup>15</sup> Joseph H. Carens, *Culture, Citizenship, and Community: A Contextual Exploration of Justice as Evenhandedness* (Oxford University Press, USA, 2000).

<sup>16</sup> Robert E. Goodin, “Liberal Multiculturalism: Protective and Polyglot,” *Political Theory* 34, no. 3 (June 1, 2006): 289–303, doi:10.2307/20452457.

<sup>17</sup> Samuel Scheffler, *Boundaries and Allegiances: Problems of Justice and Responsibility in Liberal Thought* (Oxford University Press, USA, 2003).

<sup>18</sup> Nussbaum, “Patriotism and Cosmopolitanism.”

<sup>19</sup> Goodin, “What Is So Special About Our Fellow Countrymen?”

<sup>20</sup> Arash Abizadeh and Pablo Gilabert, “Is There a Genuine Tension Between Cosmopolitan Egalitarianism and Special Responsibilities?,” *Philosophical Studies* 138, no. 3 (2008): 349–365.

obligations of justice, and, thus, maintain the conception of liberal multiculturalism as manifesting efficient contexts of justice.

## Section 1: Refining the Notion of Partiality

In our commonsense understanding of morality and its character, we come to perceive ourselves as equal agents in holding certain rights and fulfilling certain obligations that are shared across the moral spectrum, and which ought not to randomly deviate between other members of this domain. This means that if these rights and obligations are to deviate, the justificatory grounds for such deviation must be due to certain objective circumstances, in the form of particular morally relevant relations among individual agents or groups, or subjective circumstances, in which case we base our justification on the understanding of some aspect of individual attitudes of affection or care towards other individuals or groups. To stray in our general duties in this way might be seen to obtain differently not only with regard to target, but also form and content. The umbrella term for all of these deviations is often termed partiality.

Taken that partial attitudes and obligations are not merely small-print clauses and exceptions which occur as a nuisance in our practice of unbiased moral judgments, partiality occupies a basic role in issues of morality. It should not be understood as noise in our otherwise objective and egalitarian moral reasoning and consideration; rather, as we might come to realize, a lack of partiality in certain cases would, for most, render our moral codes defunct. As John Cottingham states,

“To choose to save one’s own child from a burning building when an impartial consideration of the balance of general utility would favour rescuing someone else first is *not* (as impartialists must claim) a perhaps understandable but nonetheless regrettable lapse from the highest moral standards; on the contrary, it is the morally correct course – it is precisely what a good parent *ought* to do. A parent who leaves his child to burn, on the grounds that the building contains someone else whose future

contribution to the general welfare promises to be greater, is not a hero; he is (rightly) an object of moral contempt, a moral leper.”<sup>21</sup>

Cottingham’s illustration of the burning building is a reference to one of the oldest thought experiments testing our duties of partiality, offered by William Godwin.<sup>22</sup> However, while Godwin follows his radical impartialism (notwithstanding the bitter taste it may sometimes leave in our mouths) in rather saving the Archbishop Fenelon, a great benefactor of mankind, than his own mother or wife (since the pronoun ‘his’ should bear no significance in his moral considerations and judgments, in his view), we intuitively find that such blind impartialism should not always be morally uplifted. Like Cottingham, we may find that to save our own mother or wife in such a case is not only understandable in the case of all human beings, but that it is also morally detestable to do otherwise. A reductionist’s complaint here might be that this “rush of moral disgust” is nothing more than a rationalization of either our biased human psychologies, or constant evolutionist tendencies. It only appears to us that the disgust is moral in nature, when actually, its intensity, due to our psychologies and evolutionist natures, merely projects itself in the moral domain. To be sure, the reductionist’s complaint is not completely insignificant. But if we can trace down further justifications (which I will come to later) for the partiality in question without appealing to our biological and psychological biases, the partiality is, *ipso facto*, not extinguished from the moral domain. Furthermore, the claim should not be that in our moral considerations, our natural tendencies should bear no impact on our decisions – in other words, that “understandabilities” should not carry the mark of morality. As it will be pointed out later, some psychological tendencies influence the forming not only of our partial attitudes, but also

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<sup>21</sup> John Cottingham, “Partiality, Favouritism and Morality,” *The Philosophical Quarterly* 36, no. 144 (July 1, 1986): 357–373, doi:10.2307/2220190, p. 357.

<sup>22</sup> William Godwin, *Enquiry Concerning Political Justice, and Its Influence on Morals and Happiness: By William Godwin* (printed for G. G. and J. Robinson, 1798), pp. 127-8.

their justifications – this will be important in treating the two central problems of this thesis earlier outlined.

Cottingham’s rebuttal of impartialism in Godwin’s burning building case is not, however, a rejection of impartialism in all moral domains. This author himself would be opposed to many political philosophers who aim at instituting partiality at much higher levels than that of familial relations. He identifies partiality as possibly targeting – family, wider kin, clan, patria (in his text synonymous to nation), race, sex, and (somewhat hypothetically) planet.<sup>23</sup> To justify partiality in all of these domains means seeking different grounds in different cases. Specific types of partiality, thus, mark different moral divides between those moral agents to whom we owe a set of universally recognized and, from most normative positions, justified and confirmed duties, and those moral agents who hold a kind of special status within our moral considerations. Like Cottingham, we are quick to acknowledge familial partiality, as well as that towards close friends. But despite the general eagerness for the adoption of these partialities in moral deliberations, some authors claim there are certain kinds of familial partiality that do not seem to earn instant permissibility, such as nepotism.<sup>24</sup> For reasons of trying to avoid such partiality when objective moral reasoning is required, our institutions are calibrated to avoid instances of partiality, and are understanding in its expectations of political subjects when partial judgments are concerned. For example, individuals cannot sit on juries that try their own family members, and spouses cannot be called to testify against each other.

Nearly all earlier acknowledged kinds of partiality have their “dark sides”, and some of the versions of partiality which are thought to endanger the whole notion have their “light sides”. Nepotism certainly represents the morally objectionable and unjust version of familial

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<sup>23</sup> Cottingham, “Partiality, Favouritism and Morality.”, pp. 359-60.

<sup>24</sup> See Cottingham (1986), Beitz (1999)

partiality, which expresses that the partiality in question may only be permitted when those occupying positions in public institutions are not performing their functions. Just institutions within states, even, as I will claim, in liberal multiculturalist states, endorse a viewpoint of impartiality, and the officials of those institutions are expected to endorse that viewpoint while on the job, to avoid malpractice in privileging certain parts of the population. Among the aforementioned versions of partiality, those toward sex and race are almost instantly proclaimed morally repugnant.<sup>25</sup> But even those kinds of partiality may be Janus-faced. The kind of partiality towards race, which we normally find repugnant and refer to as ‘racism’, is in its very definition, a justification of partiality both in everyday life and institutional design based on some notion of superiority of one race over another. Privileging candidates for positions in public institutions on the basis of race would certainly be an instance of such conduct. Placing racial traits on the level of institutional rules that disqualify individuals of certain races from acquiring these positions is even more despicable. Similarly, the most socially relevant ‘sexism’ is condemned because of the male supposition that ‘he’, as a type, is more able, more intelligent, more physically fit to perform jobs than his female counterpart, or that the female’s abilities limit her to the confines of the home and the duties of offspring care. We do not, however, find nearly as condemnable attitudes of certain Blacks or feminists to be partial towards their own race, or sex, respectively, if that partiality is justified as a compensatory necessity due to the historical and ongoing oppression of Whites and males, which sometimes manifests itself in mechanisms of affirmative action.<sup>26</sup> In fact, there are certainly other reasons for such partial attitudes that could be morally considered, as long as

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<sup>25</sup> Hurka, “The Justification of National Partiality.”, p. 139.

<sup>26</sup> My following argumentation about liberal multiculturalism should, by inference, eliminate this occurrence as an instance of partiality, since it will do the same with claims about partiality towards minority group members. However, individuals thus defined may come to grow out of the initial “we have to stick together” attitude, and through the time spent with individuals suffering similar kinds of hardships, develop a particular identity and “culture” associated with their group. The partiality might then be justified on grounds of their mutual interest to safeguard their common legacy. A similar kind of partiality arises on the level of individuals belonging to a national group.

they are not based on notions of superiority, isolation, or homophobia. This only comes to show that the psychologies I mentioned earlier as vital to the emergence of partial attitudes will not be sufficient in their justifications when moral deliberations are concerned.

The most prominent moral controversy of partiality for this thesis targets those individuals who are identified as members of state entities or cultural (and/or national) groups. These discussions touch upon the very roots of the issues of distributive justice – the partial attitudes and justifications impact on the institutional treatment and formation we come to endorse when we determine the contents and scope of distribution. In this thesis, I find it important to discover whether liberal multiculturalism, as the theoretical position under scrutiny, normatively embraces attitudes of partiality, what the exact targets of those attitudes are, what normative recommendations they promote for institutional policies, and whether different kinds of partiality we are to embrace as liberal multiculturalists are coherent with each other. As I have pointed out in the introduction, what is at stake are not only the justificatory grounds for attitudes of partiality within liberal multiculturalism, but also the normative mosaic proponents of that theory are aiming to put together with respect to their provisions of justice both inwards and outwards. I will firstly look into the problems of the partiality debate as it questions the viability of co-nationals and co-citizens as targets of special rights and obligations. Since proponents of liberal multiculturalism rarely speak outright about attitudes of partiality among members of groups (or in Kymlicka's work, societal cultures) or among individuals belonging to the same system of distributive justice, the goal in analyzing the partialities of liberal multiculturalism are not considerations of justificatory grounds alone, but identification of whether normative provisions infer the existence of partial attitudes. Only once these attitudes have been diagnosed as belonging to the position do we proceed to the task of testing their moral and political justification.

Co-national partiality is justified in a number of ways, or different grounds. We normally categorize these justifications in two groups – intrinsic and instrumental. The first justify partiality and special obligations for co-nationals based on the proposition that there is something inherently valuable about co-national relationships and our resulting partial attitudes. David Miller, for example, says that national partiality and the obligations we have towards our ethnocultural group members is closely tied to our identity, which is “partly defined by its relationships, and the various obligations, and so forth that go along with these, so these commitments themselves form a basic element of personality”, while an impartialist ethic sees the subject “as an abstract individual, possessed of the general powers and capacities of human beings – especially the power of reason”. The individuals are thus seen as “embedded selves”.<sup>27</sup> Hurka, as another proponent of an intrinsic justification of partiality, says that co-nationals create their special obligations to each other on “qualities that no one else can share” – from certain historical qualities, deriving from his or her participation with one in a shared history.<sup>28</sup> Instrumentalists, on the other hand, justify co-national partiality by appealing to its instrumental value – by trying to show how people being partial to their co-nationals will have good effects impartially considered, for perhaps, the utilization of duties and rights by division of “moral jurisdiction”. One such position is advanced by Robert E. Goodin, who writes that essentially, not much is special about our fellow countrymen. His rule utilitarian account justifies special care we express for those countrymen on the basis of some efficiency of distribution of moral labor. It just so happens, according to this account, that we share the attitude of partiality with our fellow countryman, but that attitude in itself is not justification for partiality – sentiments in the case of nationals do not amount to moral prioritizing. Certain special obligations that we have for these individuals are in no way due to

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<sup>27</sup> David Miller, “Reasonable Partiality Towards Compatriots,” *Ethical Theory and Moral Practice* 8, no. 1/2 (April 1, 2005): 63–81, doi:10.2307/27504338, pp. 64-71.

<sup>28</sup> Thomas Hurka, “The Justification of National Partiality.”, pp. 148-55.

some special shared features that distinguishes us from everyone else.<sup>29</sup> Goodin's proposal of justifying partiality on the level of countrymen is, of course, not the only in the domain of instrumentalist proposition. An instrumentalist might come to opt for partiality due to similar, yet not completely equal grounds, such as a scope of reciprocity among individuals within the certain territory or group, a share within the common institutions, or a more narrow account of an efficiency approach, such as the obligations for developing moral sentiments among one's nation or state.

The general problem for nationalists in the philosophical domain, both of the intrinsic partiality and the instrumental partiality creed is that many of their justifications do not sound intuitively fitting to someone embracing his nationalist attitude. This person's embraced nationalism does not have to be chauvinist in character, but the love he expresses for his nation and the partial attitude he deems appropriate, cannot, he finds, be reduced to many of these objective justifications. I will mention two examples. Hurka aims to justify nationalist partiality by showing that it is analogous to familial partiality, inasmuch members of the family also prioritize one another because of their common history, the love they have for each other for "qualities no one else can share":

„Thus I love my wife not only as trustworthy, intelligent, and so on but also as the person who nursed me through that illness, with whom I spent that wonderful first summer, and with whom I discovered that hotel on Kootenay Lake. These historical qualities focus my love on my wife as an individual, since no substitute, not even a clone, can be the very person who did those things with me.“<sup>30</sup>

Hurka previously also mentions that the partial attitude he nurtures for his wife cannot be reduced to the sum of qualities she possesses, because that would mean he would be justified in leaving her when a person of more or better qualities comes along. But a similar thing cannot be stated by nationalists about the principle of partiality grounded on a shared

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<sup>29</sup> Goodin, "What Is So Special About Our Fellow Countrymen?," pp. 678-86.

<sup>30</sup> Hurka, "The Justification of National Partiality," p. 150.

history, since it is quite possible I will share a lot more of it with someone who is not my family (or, in turn, my nation) – for example, a teacher in school, in whose class I spent more time than with my grandmother. For those valuing familial care, a shared history will not be enough to pin down the drive they have for fostering such care. Similarly, the earlier mentioned proposal by Goodin is criticized by Igor Primorac, who says that for most patriots (which I here treat within the same category as being one instance of a partial attitude), Goodin’s proposal of a utilitarian rule will be very weak and alien to the essence of patriotism, appearing more as a *Gesellschaft* (a society), which endorses cooperation to achieve certain goals, than a *Gemeinschaft* (a community), which cooperates as an end in itself.<sup>31</sup> Patriots would have to concede that, as Goodin suggests, there’s nothing very special about our fellow countrymen, and that, as Primorac states, the special bond between the patriot and his country and countrymen – a bond of love and identification – is lost. However, in both of these cases, I believe the objections are merely appeals to intuitions, which, in turn, appeal to sentiments. In my argumentation about the various justifications of partiality, when those are applied, I will attempt to avoid such intuitions, since I already established partial attitudes are not itself sufficient for grounding justified partial treatment. To say that some justification for partiality is improper because nationalists and patriots rarely come to think or feel that way will not be considered valid.

Before I proceed in wrapping up this conceptual analysis and proceeding to its application on the theory of liberal multiculturalism, two points need clarification. Firstly, the various renditions of partiality in literature might be confusing considering the terminology they use. We come to evaluate ‘co-national’ partiality alongside affiliations towards ‘countrymen’, or in some cases, ‘co-citizens’. The authors that use such terms do not always

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<sup>31</sup> Igor Primorac, *Patriotizam* (KruZak, 2004), p. 173.

provide sufficient explanations, and it may even be that they use different targets. As David Miller notes in *Justice for Earthlings*, when he discusses the scope of justice:

„Is a political community simply a group of people subject to a common sovereign power or does ‘community’ here suggest something more than this – that the group’s political arrangements reflect a social bond between them that is independent of those arrangements? In addition, if we speak of ‘countries’ as sites of distributive justice, what does ‘country’ actually mean? Does it refer to a geographical territory, a nation, a state, or all of these at once?“<sup>32</sup>

If the stated terms – co-nationals designating nation or culture, and co-citizens designating members of state - are synonymous to each other, then the frame of discussion adopts an outdated and idealized Westphalian conception of nation-states, in which the institution of the state is the manifestation of a general will of a nation, not a multitude of ethnic or cultural agents. This anachronistic conception is not unknown to these discussions. It seems that for many authors, the partiality whose moral contestability is worth considering is that within territorial boundaries. Many of them will invoke ‘the nation’ as if there is only one national group residing within borders, while some of them will not, though both groups of authors will be commented on as belonging to a debate concerning itself with one and the same thing. It will be evident in the complexity of liberal multiculturalism and its recognition of ethnocultural diversity that these terms become different in scope. For the purpose of this paper, the term ‘co-national’ will be used for other members of a person’s ethnocultural group (this may refer to individuals who reside in the same group the person does, but will include other ethnically or nationally related persons), while the term ‘co-citizen’ will be different in kind, and will be used to denote individuals residing in the same territory and enjoying formal legal status of a political establishment’s institutions.

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<sup>32</sup> David Miller, *Justice for Earthlings: Essays in Political Philosophy* (Cambridge University Press, 2013), p. 143.

Secondly, one might object that partiality is not a fitting term to explain institutional measures implemented to establish a just state of affairs. Partiality is, after all, they might claim, an attitude that individuals, not institutions, take when they morally reason about the individuals around them, and the moral principle they apply when they consider certain individuals are (not) supposed to enjoy special treatment. I do not take this objection lightly. However, I have two reasons for sticking to this concept. First, I acknowledge the fact that individual partiality and institutional partiality are not one and the same thing. It is quite possible, for example, that one is partial towards his fellow citizens in everyday moral considerations and pays special heed to their needs in cases when their interests conflict with those of other citizenry, while at the same time, not endorsing an institutional tax provision that would benefit his co-citizens (which he acknowledges) and would not negatively affect him. It is also possible that someone strongly supports institutional regulations that he finds beneficial for all members of his community, and are to be supported even though they demand certain sacrifices from individuals, while never endorsing differential treatment in cases where the interests of two moral agents conflict, one of them being his co-citizen. The same applies to co-nationality. Even cosmopolitans, or those commenting on cosmopolitanism, differentiate between different kinds of cosmopolitanism – moral, that claims all human beings are subjects to a common moral code and that birthplace is morally irrelevant to someone’s moral worth; and political, that maintains the need for institutions of global governance.<sup>3334</sup> However, while these two dimensions of cosmopolitanism (or of partiality) might be different from one another, I believe the conceptual detachment of these two dimensions, the institutional and the personal, are overstated. If institutions are resultant from democratic expression, then the mechanisms and policies brought into function by those

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<sup>33</sup> Will Kymlicka and Kathryn Walker, eds., *Rooted Cosmopolitanism: Canada and the World* (Univ of British Columbia Pr, 2012), p. 2.

<sup>34</sup> Kok Chor-Tan embraces a similar differentiation. See Tan (2002).

institutions will depend heavily upon the deliberations of citizens that include personal considerations of what the different kinds of subjects to governmental authority are and what treatment they deserve. In other words, personal morality bears great weight in our decisions about whether institutions should accredit some with special rights and obligations, while excluding others. The granting of certain special rights, for example, is promoted by liberal multiculturalists, in the case of certain types of ethnocultural minority groups, like indigenous societies. Needless to say, there are limits and barriers in constitutional societies as to how far the granting of special rights and obligations, or the exclusion from them, can go. But consider, for example, the case in which we refer to certain laws as being partial towards one particular group of individuals, while simultaneously discriminating another. We would most likely refer that partiality back to a socio-demographic set of circumstances of one group attempting to dominate the other, or the set of bureaucrats who designed the law, but who were, in turn, motivated by a democratic incentive. I wish to say here, merely, that institutional partiality towards a particular group of citizens is heavily influenced by the partiality of persons. This causal connection is, I believe, implied in the aforementioned text by Goodin. I mention here one of the examples Goodin uses to show how our own citizens may be differently treated than foreigners, through our public officials:

“We, through our public officials, may quite properly take the property of our fellow citizens for public purposes provided they are duly compensated for their losses; this is especially true if the property is within our national boundaries but is even true if it is outside them. We cannot, however, thus commandeer an identical piece of property from a foreigner for an identical purpose in return for identical compensation. This is especially true if the property is beyond our borders; but it is even true if the property is actually in our country, in transit”<sup>35</sup>

The partiality built or installed into institutions may not only be manifested in laws benefiting members of certain groups at the expense of members of other discriminated

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<sup>35</sup> Goodin, “What Is So Special About Our Fellow Countrymen?”, p. 668.

groups. The manifestation may very well be in the absence of these laws. Such is, in my opinion, the case that liberal multiculturalism strongly opposes – when certain ethnocultural subgroups in society are not given the opportunity to form their own institutions with their own cultural seal, but must conform to the culturally biased institutions of the society's dominant group. The lack of differential treatment, in this case, ties to what Kymlicka calls 'benign neglect'. I will come back to this point a bit later in this thesis.

## Section 2: Liberal Multiculturalism, Liberal Nationalism, and the Cosmopolitan Conceptions of Justice

The relevance of the partiality debate for issues about distributive justice is the rise of certain special responsibilities and rights on the levels of separately recognized polities and their institutions, as well as the attitudes of individuals who claim membership in those polities when they deliberate about issues of justice and its application on their political institutions. The divergent attitudes of partiality and their political and moral justifications are translatable into conceptions that we have long understood to hold great prominence in theoretical debates – nationalism (partiality to members of one’s own perceived nation institutionally explicated in their right to establish their own “nationally marked” institutions, that hold jurisdiction over a designated territory), multiculturalism (which is conventionally understood as the term for recognition of our pluralist surroundings, and the normative accommodation of such diversity within what were previously monoculturally organized nation-states), and cosmopolitanism (generally, a universalist rendition of individuals’ moral status, as well as the claim about the moral and political arbitrariness of cultural belonging and state borders in assigning rights to and treating individuals).

When conventionally understood and utilized in mainstream politics, these terms hold obvious tensions between themselves. How is it possible to advocate nationalism and cosmopolitanism at the same time? These terms in particular appear to be in diametrical opposition, and even reactionary to one another. Simultaneously, it is not out of the ordinary for many people to express endorsement of all of these terms and their underlying “movements” when they are considered superficially. For most people, the magnetism of the national ‘we’ is not a hindrance for stating approval of cosmopolitanism and multiculturalism as the new political movements that aim at, say, overcoming the inegalitarian global economic

system that fails to treat individuals as equal claimants, in the case of cosmopolitanism, or recognizing the importance of other people's cultural claims or ties to their cultural identity, suppressed by a perceived dynamic of cultural homogenization, in the case of multiculturalism. Therefore, it would not be out of the ordinary for an individual to identify both with certain cosmopolitan and multicultural aims (theories that also might be considered as opposing each other, since one is thought to disregard cultural membership, while the other celebrates it), and at the same time claim that his nation and his country's well-being are issues of great importance in his life.

How do we make sense of this occurrence? Are such individuals merely deluding themselves, by subscribing to "fashionable" attitudes normally linked with political and social progress? While this may well be true for many, this is not necessary. Once again, political philosophy comes to the rescue. The variety of interpreting and applying the terms 'nationalism', 'multiculturalism', and 'cosmopolitanism', in political conceptions of justice allows for the compatibilities. This section aims to make sense of these positions. Here, I also try to showcase the terminological tendencies with which certain justifications and attitudes of partiality (or the lack of it) have been associated with. Liberal multiculturalism, the position that is being exposed to analysis in this thesis,<sup>36</sup> somewhat ironically seems to include both nationalism, in a 'thin' form, and patriotism, as a partial attitude towards the citizens of the multicultural state when compared to members of alien societal cultures, while at the same time can be claimed to be open to certain cosmopolitan convictions, and even, in my opinion, be required to uphold a more inclusive global conception of justice considering its treatment of societal cultures within its borders. A proponent of cosmopolitan justice, it appears, might even endorse liberal multiculturalism and its partialities from an impartialist point of view. I will look into that possibility in the final section. I start by looking into liberal

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<sup>36</sup> Here I primarily refer to Will Kymlicka's *Multicultural Citizenship* (1996).

multiculturalism and its relation to its sibling theory, liberal nationalism. After that, I proceed to assess the flexibility of multiculturalism to include a cosmopolitan conception of justice. Is it possible for a theory to normatively uphold two different kinds of partiality for those residing within their state borders and still leave space for endorsing some kind of distributive globalism? In what is to come in the following sections, I claim that the way in which liberal multiculturalism manifests partialities between and within groups not only leaves this space open, but sets further requirements of extra-territorial justice upon such regimes.

## ***2.1. Liberal Multiculturalism and Liberal Nationalism***

The emergence of multiculturalism in world politics as it initially appeared in the late 80s and early 90s was not at all complementary with nationalism, but rather opposing what might be termed nationalism's monocultural tendencies. It may be true that in Canada and USA, whose politicians used to refer to these as immigration countries, admitting incomers into the common melting pot, nationalist rhetoric was not always explicitly used to oppose multiculturalism. It was often the case that multiculturalism was condemned for placing too great an emphasis on cultural belonging and its relevance in the political domain, which was deemed opposite to the elevated liberal value of state neutrality with regard not only to ethnicity, but to religion and race as well. Initially, the drive of this political current was limited to public recognition. As Nathan Glazer points out, the multiculturalist position "rejects assimilation and the melting pot, for the benefit of the salad bowl or the glorious mosaic", in which members of diverse ethnic and racial groups are given the public right to maintain their distinctiveness.<sup>37</sup> At the moment of Glazer's treatment of the subject, at least in

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<sup>37</sup> Nathan Glazer, *We Are All Multiculturalists Now* (Harvard University Press, 1998), p. 12.

terms of public recognition, his claim that ‘we are all multiculturalists now’ had become prevalent and dominant in normative considerations.

In the area of normative political philosophy, multiculturalism also represented a common belief that the liberal ideal of the neutral state cannot be maintained. Many liberal authors, like Kai Nielsen or Will Kymlicka, felt too little emphasis was placed on the nation, culture, and ethnicity in theories of justice, especially when taking into consideration the profound impact they seemed to have on governance and political fluctuations. Another was the realization for some, like Yael Tamir, that, for a long time, nationalism was taken to be incompatible to universalist liberalism: „...any deviation from universalist arguments on grounds of national or cultural rights was henceforth objected to, fearing it would legitimize „separate, but equal“ discriminatory politics“.<sup>38</sup> The old liberal ideal of John Stuart Mill that the principles of nation and state should coincide in order to produce a homogenous unit,<sup>39</sup> and its more recent reforming by Rawls with the idea of the neutral liberal state,<sup>40</sup> was strongly objected to by liberals who thought that, in the real world of politics, ethnocultural affiliation plays a substantial role in political governance. Mill's nation-state ideal seemed rather impossible in the contemporary world considering the following data offered by Kymlicka: „Most countries today are culturally diverse. According to recent estimates, the world's 184 independent states contain over 600 living language groups, and 5,000 ethnic groups. In very few countries can citizens be said to share the same language, or belong to the same ethnonational group“.<sup>41</sup>

The realization that liberal egalitarianism can no longer be fueled by traditional liberal ideals of benign neglect (with regard to cultural differences) and state neutrality spurred the

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<sup>38</sup> Yael Tamir, *Liberal Nationalism* (Princeton University Press, 1995), p. 141.

<sup>39</sup> John Stuart Mill, *Considerations on Representative Government* (Parker, Son, and Bourn, 1861).

<sup>40</sup> John Rawls, *A Theory of Justice: Original Edition* (Belknap Press of Harvard University Press, 2005).

<sup>41</sup> Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (Oxford University Press, USA, 1996), p. 1.

accommodation of liberal egalitarianism and modes of nationalism. The theories of liberal nationalism and liberal multiculturalism that arise from this realization thus point to a deficient assumption in the liberal framework about the character of institutions that are elevated to deliver justice onto the relevant subjects; however, these theorists do not detach themselves from the core values of liberal theory. The institutional egalitarianism liberals pursued up to this point following this moot ideal is not abandoned as an overarching value – liberals just have to seek equality by means of other mechanisms, possibly less straightforward than the blind equality of institutional treatment certain liberals used to endorse, and endorse even today.

To incorporate the ethnocultural factor into the normative considerations of political philosophy, one must point to the normative value of national or ethnocultural membership to liberal considerations.<sup>42</sup> The justification of that position was offered by authors usually identified as liberal nationalists. Liberal nationalism is the view that liberal values of individual autonomy, social justice and democracy are best realized within the context of a national culture. The national (or societal) culture, as Will Kymlicka points out, provides us with meaningful choices for the purpose of fostering our conceptions of the good (or our ways of life).<sup>43</sup> The most important aspect of liberal nationalism is that it rejects the traditional dichotomy between civic and ethnic nationalism, claiming that all forms of nationalism have a cultural component that is reflected and reinforced in the public and social institutions of a nation.<sup>44</sup> Liberal nationalism is very “thin” in kind, meaning that the members of the nation need not be glued by a common sense of a good life, of a common religion, or of purpose, but

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<sup>42</sup> Liberal nationalists and multiculturalists are not the only position pursuant of the liberal accommodation of the nation-element within normative political philosophy. Communitarians seem to be dealing with this balancing act as well, but I will not look more closely into their positions in this thesis. See Taylor (1994), MacIntyre (2007), and Sandel (1998)

<sup>43</sup> Kymlicka, *Multicultural Citizenship*, pp. 82-3.

<sup>44</sup> Will Kymlicka, *Politics in the Vernacular: Nationalism, Multiculturalism, and Citizenship* (Oxford University Press, USA, 2001).

prompts merely that the old liberal aspiration towards a state neutral to national affiliation and benign neglect towards its citizens' claims of national and cultural membership, seems to be a myth, since the predominant cultures, the 'nations' of the nation-states, will always sustain their cultures through their public institutions. The "minimal" elements of nation that mark the seal on public institutions for which these become culturally recognizable are a shared language, national holidays, the organization of the working week, and the emphases in the content of education and law.

The grounds of such liberalism also provide a framework for the position that Kymlicka calls liberal multiculturalism, which, in short, holds that

"states should not only uphold the familiar set of common civil, political, and social rights of citizenship that are protected in all constitutional liberal democracies, but also adopt various group-specific rights or policies that are intended to recognize and accommodate the distinctive identities and aspirations of ethnocultural groups"<sup>45</sup>

The important part of how Kymlicka defines multiculturalism is the inclusion of certain political obligations from the part of the state to *accommodate* ethnocultural distinctiveness, meaning multiculturalism ceases to be the position that merely concerns itself with the issues of recognition (pointed out by Glazer) and discrimination that disqualifies certain cultures from public life, but it also prepares the terrain for accommodating ethnocultural diversity into the discussion on distributive justice. As Kymlicka points out, liberal multiculturalism is not limited to questions of symbolic recognition or identity politics – it also addresses the issues of power and resources. In such a form, it may include rights ranging from regional autonomy and official language status for national minorities, customary law, land claims, self-government for indigenous people, and other group-specific rights. It is this form of multiculturalism that Glazer identifies as "upsetting", focusing on the

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<sup>45</sup> Will Kymlicka, *Multicultural Odysseys: Navigating the New International Politics of Diversity* (Oxford University Press, USA, 2009), p. 41.

injustice and oppression of the minority cultures by the majority,<sup>46</sup> and aiming at making things right by compensating for such pressures.

When liberal nationalists and multiculturalists advocate abandoning illusions about the liberal neutral state, what do they actually mean? What would have to be done in order to reach this ideal? In my view, the ideal of the neutral state, with features such that would not reflect any of the relevant<sup>47</sup> ethnocultural group's traits, is not completely inconceivable. We could, for example, imagine a federation of ethnocultural units that align under some neutral means of social cooperation, like a language that is equally dissimilar from any of the ones practiced within the community. This situation can hardly be attained or sustained, and it is not, according to Kymlicka, regrettable that this is so. It is within culturally specific societal frameworks, claim liberal multiculturalists, that our choices of the good life gain their meaning. Furthermore, the establishment of this context of meaningful choice is something individuals are expected to strive for, and since the majority of individuals prevalently come to bind their feelings of identity with their cultures, the ones in which they were raised, rather than just any culture, the members of the dominant ethnocultural group within society will aim to make their own cultural traits reflected in the operation of institutions. It is the societal culture as the context of choice that establishes the close correspondence between liberal nationalists and liberal multiculturalists. Liberal multiculturalism extends the case of liberal nationalism by pointing out that there are often more societal culture within society, and the members of these cultures relate to each other in ways that brings into question the survival of these affiliations. The specificity of the liberal multiculturalist's account of cultural preservation is that we do not linger on cases of members of a certain group abandoning their ethnocultural affiliations and practices if this was due to free choices of these individuals. The

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<sup>46</sup> Glazer, *We Are All Multiculturalists Now*, p. 18.

<sup>47</sup> By 'relevant', I simply mean those ethnocultural groups and their members that are under the political jurisdiction of the given institutions.

societal cultures are valuable as long as they provide the contexts of choice that are meaningful for individuals that sustain it. However, Kymlicka and others find that there is an abundance of cases in society when the choices in question are not free, but are due to the pressures of that society's dominant ethnocultural group. That group may cause economic and political pressures through the common institutions that, as I pointed out earlier, exemplify ethnocultural characteristics of that very same group.

Let us take a step back now. How do we identify partial treatment within a regime of liberal multiculturalism? What would make inhabitants of such states, or the overarching institutions, partial towards members of a certain societal culture within society, at the expense of others? To establish that, we must first determine the moral aim liberal multiculturalism is trying to achieve with respect to individuals affiliated with various societal cultures within the state. This goal, I believe, is the establishment of contexts of meaningful choice, which provide the possibility for individuals of exercising autonomous agency central to liberal values.<sup>48</sup> The means of identifying partial treatment within liberal multiculturalism may be claimed to be of different ilk. It comes down, some may claim, to the capacities of rights individuals come to hold in their societal cultures and their comparison with one another. If members of a certain group enjoy a greater number of rights within their societal culture, it may be claimed that they are the ones enjoying partial treatment from the common institutions. It is beyond any doubt that in instances of partial treatment, these two conditions, the context of choice condition and the capacity condition, may coincide. In the next section, however, I will show how they also might come apart. I will then establish whether liberal multiculturalism advocates for partial institutions, and whether it allows for addressed instances of partiality among individuals. Before I come to that, I look at how proposals for

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<sup>48</sup> Kymlicka, *Multicultural Citizenship*. pp. 83-94.

cosmopolitan justice usually fare among authors in their relation to liberal nationalism and liberal multiculturalism.

## ***2.2 Accounts of Global Justice and Liberal Multiculturalism***

In this section, in light of the features of the relevant positions I have previously outlined, I glance at existing attempts of prompting models of social justice at the global level that are claimed to be consistent with more contextual views about the scope of justice, especially those of a liberal denominator. Cosmopolitan views of global justice uphold distributive schemes that rarely find necessary and sufficient reasons for curbing their effectiveness at the level of state borders. However, the so-called ‘arbitrariness view’ about state or constituency borders invokes an extreme notion about the relevant boundaries of justice, since it apparently infers that other principles that bear some or most of their reliance on physical borders – such as self-determination or sovereignty – are normatively nil. It is possible for cosmopolitans to adapt the very strong view about the arbitrariness of borders to a more moderate one about borders being normatively relevant, but insufficient to conclusively determine where considerations about justice end, and where they begin.

It has to be noted once more that, like in the case of “watering down” the extreme cosmopolitan position that borders are arbitrary for justice, the nationalism I am dealing with here is also of a softened fabric. Liberal nationalism, and in turn, the societal cultures within liberal multiculturalism, are “thin” when compared to the romantic version of nationalism stating that nations are organic beings whose well-beings are “over and above” their citizens’ livelihoods. Consequently, in such regimes, the corresponding limited version of nation-building that is supposed to establish the bond between the citizenry and their institutions in terms of establishing their meaningful contexts of choice will not include chauvinistic content

and notions of supremacy. A claim may even be made by some that liberal nationalism and multiculturalism are such positions that they embrace a universal morality according to which people are to acknowledge that, like them, others are expected to and entitled to enjoy the participation within culture-laden institutions that provide them with a meaningful context of choice. This is the recognition that all people (or a vast majority at least) are bound to some nation-like conceptions of shared identity, that it plays a major role in the determination of their life goals, and that the choices we make receive their meaning in light of these social facts. Some may object this is an overstatement. Cultures may be important, they would claim, but they do not hold such a firm grasp over the goals and aims we come to set for ourselves. In response, I would claim that they do not have to. Liberal multiculturalism allows that certain people do not feel as tied to their cultural backgrounds as many people are, and may wish for a change of social circumstance that would accommodate their alternative understandings about the good life or the type of society in which it should be pursued. Even if such circumstances are the societal cultures that are very plural, with various cultural inputs from immigrants that have come to inhabit it, this does not mean the individuals that chose to inhabit it become uncoupled from, if not the identities they were raised into, but at least the shared understandings of a common language and the conventions they were previously exposed to. I believe the very case in point that supports such a claim is that of the international communities of students like the one I am currently a member of at Central European University. Though many young scholars came here with the explicit intention of meeting and befriending people from cultures very much different from theirs, and though their participation is often due to normative ideals about a functioning diverse community in which different people concentrate on their similarities rather than differences, but at the same time enriching each other's social experience, individuals still come to gather and group around cultural similarities, because their common share of experience in social conventions

and the supposedly higher level of understanding they gain from conversing in their own languages provides them with a sense of ease far away from home. Hence, even for those strongly opposed to national affiliations, especially to those of a chauvinistic sort, interactions with groups that can interact in a number of shared cultural symbols the individual understands often becomes a matter of his/her interest.<sup>49</sup>

How is the compatibility of liberal multiculturalism and cosmopolitan justice usually perceived? Kok-Chor Tan notes that “some liberal nationalists openly support global egalitarianism, although they have tended only to signal their commitment without offering detailed arguments as to how a dual commitment to nationalism and global egalitarianism is possible.”<sup>50</sup> While it is true that the leading liberal nationalists and multiculturalists Tan mentions - Kymlicka, Tamir, Nielsen – view commitments of support beyond state borders as justified, I think it is an overstatement to claim them to be global egalitarians. Within the liberal domain, duties that institutions of states come to hold for others are of a humanitarian kind, meaning that affluent societies are indeed expected to sustain the poor ones when they lack the possibility of providing their citizens with a decent standard of living. These expectations, however, are not considered duties of justice in most conceptions of liberal egalitarianism. It would also be possible to claim liberal multiculturalists acknowledge that instances of injustice can occur outside state borders, while it is a matter of debate whether this fact calls for extending the scope of justice. Some may claim this is merely a terminological issue that depends on the different emphases we place on ‘humanitarian duties’ and ‘duties of justice’. If we were to embrace the conceptualization of these terms according

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<sup>49</sup> Liberal multiculturalism thus might be claimed to endorse the specific type of cultural affiliations as they exist now, mostly of people being strongly tied to one societal culture. For this reason, it may be claimed to be empirically statistical and normatively current, but hardly constant due to everchanging social circumstances. This might be true. But, in my view, liberal multiculturalism both acknowledges the fact of societies becoming more diverse, as well as that people are not necessarily tied to their cultures and may want to change their settings. It remains true, however, that while people may not only be tied to one culture, they most likely combine different affiliations of the same type.

<sup>50</sup> Tan, “Liberal Nationalism and Cosmopolitan Justice.”, p. 433.

to which the content of the first were duties of priority, while the latter were duties of equality, it would seem that both terms refer to a kind of distributive framework.<sup>51</sup> The point in case would be that even though liberals might acknowledge the community within state borders to foster a distinct system of distributive justice, duties owed to those outside of this system would not, *ipso facto*, be considered normatively less important. This would, once again, reinforce the claim that conceptions of distributive justice are compatible with the position of liberal multiculturalism.

Before I proceed to the next section, I name two other types of argumentation according to which liberal multiculturalism and cosmopolitanism can be claimed to be compatible, and which anticipate the arguments for the extension of duties of justice that I offer in the following two sections. Firstly, Martha Nussbaum claims that

“politics, like child care, will be poorly done if each thinks herself equally responsible for all, rather than giving the immediate surroundings special attention and care. To give one’s own sphere special care is justifiable in universalist terms, and I think that this is its most compelling justification. To take one example, we do not really think that our own children are morally more important than other people’s children, even though almost all of us who have children would give our own children far more love and care than we give other people’s children. It is good for children, on the whole, that things should work out this way, and this is why our special care is good rather than selfish.”<sup>52</sup>

According to this view, the justification of extended duties of justice we owe toward our co-nationals, and co-citizens, in the regime of liberal multiculturalism, would not be due to either our affiliations and inclinations that usually arise from participating in common cultural practices and conventions, or anything that might be deemed intrinsic within co-

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<sup>51</sup> For the basic information about the prioritarianism vs. egalitarianism debate in political philosophy, see Parfit (1997) and Temkin (2003) for both sides, respectively.

<sup>52</sup> Martha C. Nussbaum, “Patriotism and Cosmopolitanism,” *Boston Review*, November 1994, <http://bostonreview.net/BR19.5/nussbaum.php>, p. 4.

national or co-citizen relations, but to the idea that, as cosmopolitans, we might find it necessary that the moral and distributional labor of cosmopolitanism be divided to different agents so that the outcomes are more suitable in terms of providing autonomous agents with a context of choice and, as Kymlicka puts it, decent conditions of living. In this way of arguing, liberal multiculturalism is merely a means for attaining greater goals of cosmopolitan justice. But the cosmopolitanism that embraces liberal multiculturalism would not only revolve around “care”, which Nussbaum suggests in her analogy of family and distributional regimes, but around establishing societal cultures as contexts of choice globally. This is a very appealing view for those sharing intuitions of both cosmopolitanism and ‘thin’ nationalism or cultural habitat as something of importance for autonomous agents. The view accommodates and endorses widespread co-national attitudes and the normative value in ethnocultural division of duties, rights, jurisdiction, and power – but all from the prism of more general cosmopolitan duties. The remaining question, however, that I will have to address in the upcoming sections, is why draw political boundaries so that regimes of liberal multiculturalism include specific societal cultures and not others? What makes relations between these societal cultures so normatively interesting to place them under one state-institutional roof? If we assumed that institutions of all societal cultures were fully realized, the cosmopolitan might be faced with the following question – why do you assume Catalonia should share specific distributional bonds under the multicultural entity of Spain, and not, say, France? Or if the relevant criterion is the outcome, manifested in meaningful contexts of choice, how would you justify the institutional mishmash of Bosnia and Herzegovina?

The final notion according to which a multicultural setting could be compatible with conceptions of cosmopolitan justice is rooted cosmopolitanism. As Will Kymlicka and Kathryn Walker point out, rooted cosmopolitanism is not a monolithic doctrine, and there are several understandings, they claim, how cosmopolitanism might be rooted in particularist

identity.<sup>53</sup> In this thesis, the phenomenon and its theoretical conceptualization are found interesting because the “planted roots” of cosmopolitanism that individuals come to inherit through their specific commitments might be seen as means to attaining cosmopolitan ends. In the next paragraph, I glance at the three different conceptions of rooted cosmopolitanism Kymlicka and Walker offer, out of which I find the first one being part of the argument of many earlier mentioned authors, the second I identify as the instrumental argument for cultural commitments from cosmopolitanism, while I view the third argument as too strong and too demanding.

The first form of rooted cosmopolitanism the authors mention is the idea that rooted affiliations for one’s own ethnocultural setting (or, sometimes, background) are not incompatible with global responsibilities. This, I believe is the argument suggested by authors who argue for liberal nationalism and liberal multiculturalism (Tamir, 1995; Tan, 2002; Nielsen, 1999), but who also view cosmopolitan justice and global egalitarian responsibilities as consistent with it – the compatibility argument has been thoroughly presented in this section. A somewhat stronger form of rooted cosmopolitanism might be considered crucial to the central argument of the thesis – that liberal multiculturalism is not only compatible with cosmopolitanism, but that its internal logic of equally treating societal cultures and acknowledging their value within state borders calls for greater cosmopolitan commitments of distributive justice, as well as that the establishment of societal cultures, which nurture certain particularistic commitments, can be seen as the division of moral and distributional labor. According to this form of rooted cosmopolitanism

“rooted attachments are functionally required to achieve cosmopolitan goals. For example, it is often argued that the achievement of cosmopolitan goals requires the existence of political units capable of engaging in legitimate collective decisions and effective agency, and that requires building a sense of

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<sup>53</sup> Kymlicka and Walker, *Rooted Cosmopolitanism*, pp. 4-5.

membership in and attachment to bounded political communities. To achieve any political goals, including cosmopolitan goals, there must be cohesive and legitimate political units, and such cohesion and legitimacy in turn requires building a sense of belonging or, if you prefer, patriotism. Without bounded communities that inspire feelings of patriotism, there will be no political units with the functional capacity to pursue cosmopolitan commitments”<sup>54</sup>

There is, however, an even stronger form of rooted cosmopolitanism that Kymlicka and Walker mention, and it involves the idea that particularistic attachments can be the moral sources of cosmopolitan commitments. I claim that this argument, in both of the mentioned senses, goes too far. In its first sense, particularistic ethno-cultural attachments are epistemologically required to even understand cosmopolitan goals, since one has to be deeply immersed in his own community in terms of identity first in order to come to understand the moral significance of “the other”.<sup>55</sup> The demand of this argument goes too far in its exclusive epistemological condition of belonging in order to grasp the moral significance of others from a cosmopolitan viewpoint. It certainly is not true that “drifters”, those in a constant state of moving between cultures (for example, families of ambassadors, and especially their children), and who have for some time been detached from their roots, at least in the deep sense, are unable to understand the moral aspirations of cosmopolitan values. To try to defend the argument by prompting the claim that even the “drifters” are sufficiently attached to their core cultures and drain their cosmopolitan feelings from there would render the argument non-falsifiable. It is indeed true that individuals come to embrace cosmopolitan commitments when they are exposed to widespread social injustices, but that may happen from a standpoint that places them in the positions of neither the “self” nor the “other”, but of a third party. Some may even offer a counter-argument that it is not the “deep” sense of identity in an ethnocultural group that sprouts the attachments to cosmopolitan values, but rather the “thin”

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<sup>54</sup> Ibid., p. 4.

<sup>55</sup> Ibid.

sense within a diversified societal culture in a multicultural regime, which mimics the vision of a global community and global values on a local level.

The other sense of this form of rooted cosmopolitanism is the idea that rooted attachments may contain within them “the seeds of more universalistic commitments, such that we can appeal to people’s sense of rooted attachments to help motivate cosmopolitan commitments”.<sup>56</sup> This form of the argument is less controversial insofar that it drops the demanding epistemological condition for attaining cosmopolitan values. Individuals are no longer required to grasp the meaning of cosmopolitanism by being members of a particular ethnocultural side, but they benefit, supposedly, from that membership by being agents in communal commitments and universalizing those commitments in global considerations. Again, this can be true only within those societal cultures that are diverse enough and those overarching institutions that recognize the importance of ethnocultural membership in distributional considerations and promote it by means of education, such as certain societal cultures in liberal multiculturalist regimes. However, this might not be true of all societal cultures, even within liberal multiculturalism. Some newly established societal cultures, which institutionally protect a traditional way of life, might not come to embrace cosmopolitan values. To normatively embrace cosmopolitan values and diversity in community can certainly be considered welcome, but since liberal multiculturalists do not prohibit monocultural communities, and since the members of these communities sometimes tend to embrace an even stronger sense of partiality than those in multicultural societal cultures, it is clear cosmopolitanism will only be rooted in a limited number of settings, where ethnocultural commitments are “thin”, rather than “deep”. Because of these reasons, I invoke the second understanding of rooted cosmopolitanism here outlined as relevant in the

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<sup>56</sup> Ibid.

upcoming sections of the thesis. I will be looking into the functional capacities of bounded communities for cosmopolitan commitments.

### **Section 3: Liberal Multiculturalism as “Inner Cosmopolitanism”**

In this section, I once again raise the issue of the nature of partial relations within the community that accords principles of liberal multiculturalism in its institutional design. I explain here that there are different kinds of partialities that obtain within the regime of liberal multiculturalism. Firstly, the terms ‘co-national’ and ‘co-citizen’ can no longer be treated as if standing in the relation of synonymy, and if we are to justify partial relations between these people standing in these kinds of relations, those justifications need to be grounded on different facts. We understand that the sources of obligations we might acknowledge for our co-nationals might be grounded on certain perceived commonalities, while the obligations we have towards our co-citizens are due to consent to some actual or hypothetical contractual obligations we owe to each other, or they are derived from co-existence in the same polity.

However, how do these relations of partiality obtain within liberal multiculturalism? Which group holds priority in distributive considerations? Does it seem that minority co-citizens are sometimes given greater privileges through negative duties exemptions and some positive rights provisions (for example, the exemption from certain state laws, for say, fishing; or providing greater funds for the realization of polyethnic rights)? How do we explain these phenomena? Does it seem that, through our institutions, if we follow liberal multiculturalists, we may become more partial towards our minority co-citizens than our majority co-nationals (to whom we belong, by hypothesis), that is, members of the same societal culture, regardless whether these individuals are also members of the same bounded political unit? In this section, I take a look at the inner rationale of liberal multiculturalism.

The title of this section might be confusing to some readers. The notion of an ‘inner’ or ‘internal’ cosmopolitanism seems oxymoronic, considering that cosmopolitanism can

hardly carry its name if it were not directed outwards. The key feature of cosmopolitanism is that it includes the space beyond established social borders, in at least some way, and extends the considerations of individuals and institutions to those not previously included, due to some perceived contractual exclusiveness or national separateness. My usage of the term ‘inner cosmopolitanism’ merely refers to my belief that if there was, hypothetically, a single state in the world with multiple ethnocultural groups and with institutions that adopted the principles of liberal multiculturalism, cosmopolitans about justice should not deem it unfit to call that system cosmopolitan. In that sense, state regimes that adopt liberal multiculturalism are “micro-cosmopolitanisms”, as far as the societal cultures and their ethnocultural groups are concerned. I explore that idea in the opening part of this section through the thought experiment of the pluralist island.

In the second part of the section, I answer the question of which attitudes of partiality obtain on the pluralist island, as well as within regimes of liberal multiculturalism generally – that is, who is partial to whom in such regimes, and whether this is justified. I confront two criteria, or notions of when partial obligations obtain with reference to institutions. On one side is the view that institutions are impartial as long as they perceive ethnocultural groups and their members, under certain conditions, as equal in holding the rights to establish societal cultures that serve as contexts of choice, while the other is the view that impartiality obtains as long as the capacity of rights that individuals enjoy across ethnocultural groups and societal cultures remains (roughly) equal.

In the third part of the section, I take a look at whether societal cultures should be considered the relevant units of distribution, as states within states. I also take a look at two different aims of liberal multiculturalism – to establish societal cultures, and to diversify existing ones. Which of the two should we prioritize?

### ***3.1. The Pluralist Island***

Imagine a non-populated island in the middle of the Pacific Ocean, large enough to host a vast population and abundant with natural resources. Let us also imagine the temporal setting of this short tale to be the middle of the 19<sup>th</sup> century, and the era of early nation building. Four different European countries have sent maritime expeditions in order to explore the island, and potentially set their colonial roots there. The trouble about the area is that not only are there frequent sea storms and tsunamis around the island, but these storms appear out of nowhere, making it very hard for sea captains to plan their sailing ventures. However, all four expeditions have reached the island and settled there, all four at a different part of the island, but at heavy costs – most of their armadas have been lost in the storms, and the captains dare not venture back due to their unexpectedness. In time, groups become aware of each other's presence on the island, and are determined to subdue the other three. One group, call it group N, is dominant in numbers (they have more members than the three other groups combined), arms, and resources. In a very short amount of time, the members of this group are successful in claiming authority over the three other groups. Group N now holds control over the entire island, which is expressed in a tribute each of the other groups is expected to pay to group N.

A generation passes and the four groups become substantially intermingled with one another. While the memories of their home countries have somewhat faded, there still exists an awareness of former enmities and ethnocultural differences. Aware that if all three subdued groups organize a riot, there is a chance that they might lose a stranglehold over authority on the island, group N allows a limited form of government for each of the other groups over their own appropriated pieces of territory. This is expressed primarily in the languages publicly spoken in the three groups, the religious and other traditions and practices they come

to uphold, and certain communal laws that the groups have passed following the traditions of their ancestors across the seas. However, group N holds no obligation to subsist any of these administrative provisions, or look after the members of other groups and their choices within these groups as if they were their own. Their intention is merely to leave the other groups alone in order to prevent a rebellion. Economically, they remain the most prosperous group on the island. The history of maintaining common institutions with the other groups consists mainly in collecting taxes that are later unjustly distributed.

Yet another generation passes, the populations become even more intermingled, and the patria but a memory. Many individuals in the other groups, especially young people, hold it against their elders that they are trying to forcefully keep them in their communities and limit their life choices, while the members of the dominant group seem to be given more opportunities. The communal laws that are kept in memory of their ancestors are viewed, by some, as petty attempts to hold on to something long lost. A lot of members express this view even when they only partly agree with it – they place value in the identities their communities foster, but are distraught by their illiberality. The young people from different groups of the island unite in order to achieve a more universal treatment for all members of the island. Communal laws are dropped, traditions and practices are upheld less often, and the languages of the inferior groups are now more commonly spoken at home than in public institutions. There are certain religious traditions group members still hold on to, but they tend to ignore the parts of their content that are conservative.

Another generation passes by, and the community on the island hardly remembers that the cultures originate from a faraway country. In fact, to the children of the new generation, the island represents the world. They are aware that there is a world beyond the island and people inhabiting it, but due to its inaccessibility, they pay little heed to such thoughts. Members of the smaller groups become aware that while access to the dominant culture does

grant opportunities that help pursue a wider array of life paths and conceptions of what is good and worthy of pursuit, there is something valuable and meaningful in establishing social choices under their own cultural mark, even if origins of their culture are no longer accessible to them in memory and tale. They are determined to frame at least some of their life choices against the background of those traditions, due to the value they ascribe to these identities, the ease of speaking their own languages, and the feelings of being outsiders in the wider society. Furthermore, the democratic procedures, in which all individuals now participate equally, reflect that individuals still frame their political choices according to their ethnocultural background, and support policy that would make the common institutions promote their own cultures. Members of smaller groups are now easily overruled on matters of state economy that affect “their own” lands, as well as on, for example, matters of education in school, where these groups are unable to tell their children about their common ancestry, on the island and prior to that. For these reasons, a set of group-differentiated rights are suggested that would help the groups institutionalize some of their cultural backgrounds. These may be exemptions from state laws, but may also include a degree of autonomy over matters concerning the community or the territory legally appropriated to this community. The importance for upholding these rights lies not in maintaining cultures as abstract entities, but in that they are valuable and meaningful to the members linking them with these cultures. They remain valuable as long as the individuals in question find them valuable, i.e. if they provide meaning in the social choices these individuals make. In order for these rights to be meaningful, the members of smaller groups also ask to be supported by the resources that are acquired through taxation of the general population. Not only, they point out, is it clear that all people can be expected to frame their life choices according to some ethnocultural identity they come to recognize, but there was also a history of treating the inferior groups on the island as second-class citizens.

Lastly, there is awareness on the island of an abundance of issues that are in need to be discussed with the society at large. The interconnectedness of the groups and the fairly small locality open up a whole range of issues that, in turn, shape the character of their common institutions – a share in resources, common means of protection against the elements, health care, etc. While this scenario of settling intercultural tension of conflict might seem too optimistic, or even utopian to some, my claim here is that, following the inhabitants’ perception of the island being the only relevant “world” in need of consideration, many proponents of cosmopolitanism about justice would find the state of affairs on the island as satisfactory to them. In the last stage of the island society development, the institutions have come to endorse a “true impartiality”, by supporting all the recognized group agents in establishing institutional provisions to sustain their own cultures. I defend this idea of impartiality in the following sub-section.

### ***3.2. Attitudes of Partiality within Liberal Multiculturalism***

At the outset of this sub-section, I must once again note that the terms ‘co-national’, ‘co-citizen’, or ‘countryman’, can no longer be treated as if standing in the relation of synonymy (as it sometimes appear in literature on partiality), and if we are to justify partial relations between these people standing in these kinds of relations, those justifications need to be grounded on different facts. We understand that the sources of obligations we might acknowledge for our co-nationals might be grounded on certain perceived commonalities or on common interest of maintaining the contexts of choice we practice our autonomy in, while the obligations we have towards our co-citizens is due to consent to some actual or hypothetical contractual obligations we owe to each other. The pluralist island exemplifies a case in which, if we claim membership in one of the groups, the referents of terms ‘co-

national' and 'co-citizen' do not always correspond. In that particular case, if we embrace the metaphor of the island as the world that has broken off its ties with the places of cultural origin, we may say that all our co-nationals are our co-citizens, but not all of our co-citizens are our co-nationals. However, in a world where the liberal multiculturalist state is not the only state, we may share a relation of co-nationality with individuals that reside in other states as well.

How do the relations of partiality obtain within liberal multiculturalism? Are there any justifiable relations of partiality in the first place? Which group holds priority in distributive considerations? Does it seem that minority co-citizens are sometimes given greater privileges through negative duties exemptions and some positive rights provisions? How do we explain these phenomena? Let us take a look at the inner rationale of liberal multiculturalism.

Some may claim, from the perspective of partiality, that the acknowledgement of group-specific rights and their implementation in public institutions would be asking too much of the majority nationals within the liberal multiculturalist regime. These theorists endorse the view that a partial attitude is manifest if the set of rights for members of certain cultures becomes greater or their existing set of legal and political obligations shrinks. While members of a certain indigenous group are recognized as our co-citizens, is it not that liberal multiculturalism demands we endorse a partiality of greater extent in the case of our minority co-citizens than our majority co-nationals (to whom we belong by hypothesis)? Is the exemption from certain negative duties or granting certain positive duties to members of minority groups a demand of greater partiality? I do not believe so. In fact, as far as ethnocultural groups within the regime of liberal multiculturalism are concerned, I believe the aim is the establishment of truly impartial institutions. These institutions do not overlook ethnocultural groups in forming race-blind, ethnicity-blind, or culture-blind legislature, but acknowledge the circumstances in which the highest institutions of the state primarily reflect

the interests and cultural particularities of the dominant group (in most cases, the majority). I will argue here that a supposed partiality towards minority groups is not partiality at all, but rather compensatory advantage provided to minority co-citizens, who are also individuals of social groups suffering disbenefit. Thereby, I attempt to justify liberal multiculturalism as the emancipatory project of citizenization which does not endorse partiality towards minority groups, but compensates them for historical disbenefit, and aims at inter-group equality within individual societies. I link this argument to Kymlicka's argument of equality, his claim of the impossibility of a culturally neutral state, and his rejection of "benign neglect".

Let me begin from the claim that in liberal multiculturalism, individuals are expected to uphold a limited attitude of partiality towards their co-nationals, which is expressed in the maintenance of their common institutions that bear a cultural mark (in education, law, conventions, etc.). Individuals are not only expected to want to exhaust their freedoms in a context of choice, but are aware that the establishment of that context of choice needs to be a common endeavor and reflect the choice of other individuals sharing in that ethnocultural identity. The content of the ethnocultural practices and conventions the group adopts institutionally can vary substantially. Though one of the aims of liberal multiculturalism is to diversify societal cultures so that they offer a wider array of choices to individuals, the members may come to embrace certain illiberal norms that would help the group members keep their culture to themselves, which may occur even in more liberal cultures.<sup>57</sup> The partiality towards group members is a common fact of life and a consequence of decades of nation-building. In fact, Kymlicka claims that the liberal ideal of a state completely neutral with regard to culture is unattainable, not merely because members of the dominant societal culture establish institutions that reflect their cultural interests, but because these features

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<sup>57</sup> For example, it is not unheard of that some native English speakers depreciate the attempts to make „their“ language the means of global communication.

seem to be inevitable. For example, the public institutions, or institutions of education, have to operate in a language, and that language will most likely be that of the dominant group. The ethnocultural features of institutions may appear in a number of different areas, such as the public holidays, or the state symbols the institutions promote. However, this social fact reflects a tendency of the dominant group to be partial towards sustaining their own ethnocultural features, and not others, in the forming of social institutions in pluralist settings. This tendency is justified by recognizing a deep bond most people have toward their own cultures, and the legitimate interest they have in sustaining that bond.<sup>58</sup> Thus, in most cases, citizens are partial towards establishing institutions reflecting their own cultures. This is not a morally condemnable fact. I agree with Kymlicka that this tendency is morally legitimate and understandable. But like him, I acknowledge the pressures cultural domination, if we may call it that, creates on smaller groups that can barely sustain their societal cultures.

Let us now assess whether there is partiality in granting group-differentiated polyethnic rights to minorities or in exempting them from certain more general obligations. Since those participants of the debate who acknowledge that this is a kind of partiality towards minority groups propose equal treatment in terms of rights for all, they correspond the proponents of so-called benign neglect Kymlicka opposes. Proponents of benign neglect believe equality (which I believe is strongly tied to the notion of impartiality) is achieved by granting individual rights, which already acknowledge individual differences; the true equality demands equal rights for all individuals regardless of race or ethnicity. But Kymlicka points out that it seems certain minority rights remove inequality rather than create it, thus promoting equality rather than violating it. As I have already mentioned, some groups are the victims of the dominant group partiality in the state's institutions. In order to sustain their own societal cultures, national minorities need to face economic and political decisions that are

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<sup>58</sup> Kymlicka, *Multicultural Citizenship*, p. 156.

made by the majority. They can be dominated in the process of voting over matters of resources or policies vital for maintaining their societal cultures. This danger of survival is not something the dominant culture has to face, which unveils a deep inequality.<sup>59</sup> Hence, Kymlicka proposes that group-differentiated rights, such as territorial autonomy, rights to veto, rights to land and language rights, can help in diminishing the vulnerability of minority groups, and, in turn, the earlier mentioned inequality.

I believe that Kymlicka's aim at diminishing inequality between the dominant and the inferior ethnocultural groups within multicultural states is the attempt at achieving institutional impartiality. Its establishment does not merely reside in the facts about the number of rights and duties individuals of certain groups may come to hold, but also depends on the social and ethnocultural facts about dominance of particular groups. Granting special rights or exemption from bans that citizens normally have to abide by is not minority citizen partiality, but compensation for political and economic pressures introduced by institutions reflecting the dominant societal culture. In conclusion, liberal multiculturalists legitimize and endorse a thin co-national partiality, but aim at institutional impartiality for co-citizens through the provision of group differentiated rights. Since they understand co-national partiality may produce unjust circumstances in the multiculturalist states, institutions need to compensate those who are at a disbenefit from it – mainly, members of minority societal cultures.

In this sub-section I have portrayed and justified how liberal multiculturalism shows a “genuine understanding” and endorsement of cultural membership as valuable in a limited form of co-national partiality individuals belonging to specific ethnocultural groups come to practice, by establishing institutions which aim at enabling and supporting each of the

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<sup>59</sup> Ibid., pp. 158-9.

recognized ethnocultural groups in creating their own contexts of choice, thus achieving true institutional impartiality. Insofar, liberal multiculturalism passes the moral challenge set by Joseph Raz – what is the moral reason for going down the road of multiculturalism in the first place, if we uphold liberal politics which arise out of the application of a universal humanistic morality?<sup>60</sup> I believe my account shows that these two roads are adaptable.

However, inhabitants of the regime of liberal multiculturalism do seem to justify partiality towards their co-citizens when compared to non-citizens. Can this be justified? Should duties of justice be extended across borders? I explore this issue in the final section.

### ***3.3. Societal Cultures as Primary Units of Distributive Justice***

So far, I have discussed at length the importance of societal cultures as the relevant contexts of choice. In this sub-section, I re-address the very concept of societal cultures as states within states (or the states themselves in monocultural settings), following the case of the pluralist island. I also take a look at what I recognize to be the two aims of liberal multiculturalism in order to highlight the central importance of societal cultures.

I reiterate the definition of societal culture as “a culture which provides its members with meaningful ways of life across the full range of human activities, including social, education, religious, recreational, and economic life, encompassing both public and private spheres. These cultures tend to be territorially concentrated, and based on a shared language.”<sup>61</sup> Kymlicka also points out that the members of these units also have “a shared

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<sup>60</sup> Raz, “Multiculturalism.”, p. 196

<sup>61</sup> Kymlicka, *Multicultural Citizenship*, p. 76.

vocabulary of tradition and convention”,<sup>62</sup> and that they are established in a modern setting of common economic and political institutions and a standardized language.<sup>63</sup> In Kymlicka’s conception, societal cultures are intricately tied with the liberal value of freedom: “Put simply, freedom involves making choices amongst various options, and our societal culture not only provides these options, but also makes them meaningful to us”.<sup>64</sup> To understand these specific ‘meanings’ of culture, one must be familiar with the language and history – the spectacles that grant insight into the culture itself. I believe that it may be possible for outsiders not familiar with the language and history of a societal culture to grasp certain meanings about it and the offered ways of living, which affects their reasons to perhaps abandon their own societal cultures for another. But Kymlicka is right that in order to grasp the full range of cultural possibilities and revisions for one’s conception of the good, one must be familiar with the societal culture’s shared media of understanding. Therefore, while we may have access to some meaning surrounding the choices in a particular societal culture, to make them in full capacity depends on access to societal culture through its means of communication. Cultural membership (and, in turn, co-national partiality) in societal cultures is valuable because it provides these meaningful choices to individuals. As such, societal cultures are the primary units of distributive justice within regimes of liberal multiculturalism.

“Indeed. Kymlicka does not even address the representation of all ethno-national groups equally, but reduces the applicability of this theory to those ethnic groups that are either recent immigrants or are intergenerational communities, who are more or less institutionally complete, occupying a given territory or homeland, sharing a distinct language and history. Under these circumstances, African

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<sup>62</sup> R. M. Dworkin, *A Matter of Principle*. (Oxford University Press, 1985), p. 231.

<sup>63</sup> Ernest Gellner, *Nations And Nationalism* (John Wiley & Sons, Limited, 2006).

<sup>64</sup> Kymlicka, *Multicultural Citizenship*, p. 83.

Americans, gypsies, or Russians in the Soviet successor states are adequately covered, as Kymlicka himself admits”<sup>65</sup>

Joseph Carens adds to this criticism stating that by limiting his account to societal cultures, or those groups that have potential of achieving a societal culture, Kymlicka neglects and discriminates the smaller groups which multiculturalism should be looking after the most – the ones that needs the most help. Also, the idea of meaningfulness attainable only within societal culture not only underestimates non-modern non-societal cultures, but offers a hermetical and problematic view of social meaning. Carens points out it would be implausible to assume that the context of choice from which ethnic immigrants (especially those of the first generation) strategize is determined only by the social practices and cultural meanings made available by their new cultural circumstances:

“...could anyone say that it is the societal culture of Quebec or Canada that makes Judaism or Islam (or even Christianity) ‘meaningful to us’? To be sure, Jews and Muslims use French or English for some (though not all) communications about religious matters, but to describe this as what makes the religious practices meaningful to believers would be missing something important”<sup>66</sup>

Firstly, the objection concerning the narrow scope of societal culture neglects several key points and considerations in liberal multiculturalism. Members of non-societal cultures are not neglected and left out of the provisions of rights granted to ethnocultural minorities. However, we have to pay heed to practicalities. It is always possible that immigrant groups will become greater in number, as will their expectancies of new group-differentiated rights that could possibly be granted to them. But the fact of numbers and expectations rising is not a normative justification, nor does it deal with difficult or sometimes even impossible

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<sup>65</sup> Thomas König, 2001. „The Hegemony of Multiculturalism. A Comment on Will Kymlicka's Theory of Nationalism“. (Politická misao, Vol. XXXVIII, No.5, 2001), p. 50.

<sup>66</sup> Joseph H. Carens, *Culture, Citizenship, and Community: A Contextual Exploration of Justice as Evenhandedness* (Oxford University Press, USA, 2000), p. 57.

conditions in establishing societal cultures. Secondly, Carens is correct in his objection that the meaningfulness claim is too strong. It indeed seems possible for members of religious groups to understand each other across cultural boundaries, while it also seems that individuals who come to decisions about abandoning one societal culture for another at least partly understand the choices these contexts will provide them. The meaningfulness argument can, however, easily be weakened without losing its appeal – we may say that knowledge of language, history and conventions remains important in how members of societal cultures frame the available social choices and their institutional rules. Most of the choices outsiders come to understand are sufficiently similar across cultural boundaries.

Societal cultures, Kymlicka points out, are not only contexts in which ethnocultural minorities become recognized. To sustain it and its institutions, as well as to help its members offer each other a context of choice leading to decent life, state institutions will be required to distribute resources. If they do not do so, they remain culturally biased towards the dominant group which seldom pressurizes other groups into assimilation, and they deny individuals the possibility of cultural membership within their cultures of origin. Such was the case of the pluralist island I have previously outlined. Therefore, societal cultures become the primary units of distributive justice within liberal multiculturalism, the states within states.

The aim of establishing and sustaining societal cultures runs parallel with another aim usually recognized as multicultural, and clearly embraced by Kymlicka. Robert Goodin recognizes two kinds of liberal multiculturalism: 1.) the protective multiculturalism which says that “entrenching minority rights is required in order to protect cultural minorities from oppression by the majority community and the government it elects”<sup>67</sup> and 2.) polyglot multiculturalism that “expands the choice of autonomous agents. Goodin’s point in

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<sup>67</sup> Robert E. Goodin, “Liberal Multiculturalism: Protective and Polyglot,” *Political Theory* 34, no. 3 (June 1, 2006): 289–303, doi:10.2307/20452457, p. 289.

differentiating the two is that they seem to be very distinct kinds of aims, with very different practical consequences. The first kind “sees no particular reason to broaden the cultural mix, beyond that found in any given place at present. It sees nothing of value in a multiplicity of cultures, as such. It attaches value merely to the culture or cultures that happen to be presently extant in some particular place”.<sup>68</sup> Unlike its polyglot counterpart, Goodin points out, it merely tolerates diversity, rather than celebrating it.

Which of the two holds priority in distributive considerations? From an initial glance, it seems that while Kymlicka’s liberal multiculturalism encourages both of these aims, but the aim of establishing and sustaining societal cultures where this is possible holds normative sway over the tendency to diversify existing societal cultures. If we were to prioritize the diversification of culture over providing a context of choice, then we would justify the claim that to enrich a culture with choices by minority groups is more important than enabling those minority groups to establish their own institutions, even when they have been socially and economically pressured into joining the dominant culture or when they feel as outsiders. Again, it may be regretful that certain societal cultures remain predominantly monocultural (in the sense that the context of choice is not enriched by immigrants coming from different cultural contexts), and their members may be persuaded into opening themselves to diversification. However, this is only a liberal hope for autonomous agents claiming membership in those groups, but not a normative obligation. Some societal cultures may be claimed to be better because of the greater set of choices they offer to their members, opening liberal multiculturalism up to the objection that true equality between societal cultures cannot be established without a normative requirement for diversification. But it would be highly problematic to normatively justify such a requirement. In case of groups that are highly protective of their cultural purity within their contexts of choice, but which acknowledge their

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<sup>68</sup> Ibid., p. 294

individuals' rights to opt out, such a requirement would present a severe case of infringement. This conflict shows that societal cultures are not the only important units of distributive justice, but it does support their primacy in such considerations.

## Section 4: Extending the Requirements of Justice

In the previous section, I have outlined how attitudes of partiality obtain in regimes of liberal multiculturalism, and showed how its institutions balance the value of cultural membership (and a corresponding co-national partiality) and an impartial consideration of all ethnocultural groups within the state's borders. But as I have previously noted, partiality may obtain on different levels now that we realize there is a multiplicity of agents to be partial too. While the institutions of liberal multiculturalism may be impartial to all co-citizens residing within state territory, they are partial to those very same individuals when compared to non-citizens. The latter are not considered to be subjects in the scope of distributive justice residents of a liberal multiculturalist regime share between them. The partiality towards co-citizens may sometimes be similar in character to that of the co-national type, but generally it is recognized as resulting from some social contract. Kymlicka mentions such an example:

“Some commentators describe this common loyalty as a form of national identity, and so consider Switzerland a nation-state. I think this is misleading. We should distinguish ‘patriotism’, the feeling of allegiance to a state, from national identity, the sense of membership in a national group. In Switzerland as in most multination states, national groups feel allegiance to the larger state only because the larger state recognizes and respects their distinct national existence. The Swiss are patriotic, but the Switzerland they are loyal to is defined as a federation of distinct peoples. For that reason, it is best seen as a multination state, and the feelings of common loyalty it engenders reflect a shared patriotism, not a common national identity.”<sup>69</sup>

Individuals might also feel this allows certain special responsibilities, both personally and institutionally, to arise to the surface, for the benefit of their co-citizens, and at the expense of non-citizens. In this section, I assess the justifiability of such a strategy.

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<sup>69</sup> Kymlicka, *Multicultural Citizenship*, p. 13.

I have pointed out throughout the thesis, however, that the rationale of liberal multiculturalism should lead to an extension of the scope of justice outside state borders, in its acknowledgement of the importance of cultural membership within a societal culture.

I will divide this section into three parts. First, I will present Samuel Scheffler's famous distributive objection, applying it to societal cultures as agents, and suggest what justifications liberal multiculturalists might offer in response to it by appealing to Kymlicka's work. Second, I offer two arguments in favor of extending the scope of justice that I believe to be strongly tied to the rationale of liberal multiculturalism – the argument from global injustice, and the argument from free immigrant choice. Thirdly, I suggest an instrumentalist strategy that might be able to justify liberal multiculturalism in greater requirements towards societal cultures within borders.

#### ***4.1. The Distributive Objection***

The original version of the argument<sup>70</sup> proposes that there is a group of persons (call them persons A, B and C) that stand in a perfectly egalitarian relationship with each other as far as their general rights and responsibilities are concerned. Let us suppose that the character of these rights and responsibilities is humanitarian, meaning that it includes non-interference in personal autonomy, a prohibition from mistreatment, and a general duty of assistance. Like Scheffler points out, the content of these responsibilities is not itself that important, and it may indeed include certain other responsibilities that would be characteristic of more inclusive distributional regimes. Persons A, B and C stand in this relation until persons A and B determine that it is in their interest to form an “in-group”, that would mandate certain additional responsibilities they now bear for one another. A and B come to find membership

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<sup>70</sup> Samuel Scheffler, *Boundaries and Allegiances: Problems of Justice and Responsibility in Liberal Thought* (Oxford University Press, USA, 2003), pp. 83-6.

in the in-group extremely rewarding, and in time, it comes to constitute an “important aspect of their identity”.<sup>71</sup> Furthermore, the additional responsibilities A and B have come to embrace for one another are not the only modification of relations all three persons now stand in. While A and B still both have certain responsibilities towards C, it appears that in certain situations when, for example, B and C have equal need for assistance, A has a greater responsibility towards B, than it has towards C; or A would be obliged to help B when some special responsibility has to be discharged rather than to tend to some general obligations they both have towards C. It appears that due to the character of the relationship A and B have toward one another, both their special and their general responsibilities are exclusionary when conflicted with general responsibilities towards C.

The initial egalitarian relationship between three agents is no longer present. Even when their general responsibilities towards one another is concerned, A and B stand in a special relationship, since they are allowed to give each other priority in consideration of these responsibilities. At the same time, C’s obligations and responsibilities have not diminished towards the other two persons. Needless to say, the resulting state of affairs is unfavorable to C.

The objection might run in two directions. Firstly, what allows A and B to establish a relation of priority when general duties are concerned, especially while C’s obligations and their strength remains unaltered? Secondly, if the initial state of affairs was egalitarian in character, is it not so that all parties should be considered and consulted before certain parties in the group decide to establish special responsibilities towards one another? What allows A and B to enter the in-group, the relation of special responsibility, while excluding C? These questions are especially troubling, Scheffler points out, when A and B either command more

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<sup>71</sup> Ibid., p. 84.

resources than C does, or the fact that they command more resources is a direct consequence of their membership in their in-group.

Let us now apply Scheffler's objection to the more relevant case at hand. Suppose that A, B and C are not persons anymore, but established societal cultures (or cultures with a potential to be established as societal), which I have previously argued to be the primary units of distribution. Suppose also that the policy makers of all three societal cultures acknowledge most of the claims liberal multiculturalists hold, which I have previously outlined – they believe that freedom, autonomy and meaningfulness of choices is tied to belonging to a societal culture, that people are in most cases attached to the societal cultures in which they were brought up and hardly give them up for other contexts of choice, that institutions of a state cannot achieve the ideal of cultural neutrality, and that people in their political deliberations sometimes behave in biased ways that produce pressures and injustices to certain ethnocultural groups. Let us also assume that prior to entering a union of understanding in these matters, societal cultures A, B and C mostly acted as freelancers that did not refrain from exerting pressures on other societal cultures, practiced assimilation, and embraced a chauvinist notion of nationalism according to which only the maintenance of their ethnocultural elements were deemed important and worth saving. Furthermore, there were other cases in which solutions these units reached were not fair, but not because of an unequal bargaining position they held, but a lack of knowledge about how to make them fair. Let us further assume that societal cultures A and B decide to enter an in-group (a state, i.e. a regime of liberal multiculturalism). They exclude C from certain egalitarian relations they now exclusively share for one another, while also prioritizing each other in consideration of more general duties. To express the importance of these responsibilities in the face of responsibilities shared with others, they proclaim the plain on which these responsibilities

manifest to be “the scope of justice”. For others, they hold what they call humanitarian duties – they do not interfere in what would entirely be considered as matter not their own, they act in situations of mistreatment (for example, genocide, violation of human rights), and they assist in circumstances of extreme poverty. Note that these are only given consideration when A and B do not discharge the same responsibilities for each other. As far as other matters are concerned, they are primarily occupied with the maintenance of societal cultures A and B, as well as the decent life and opportunity these societal cultures can offer. The membership in the in-group proves to be very beneficial for A and B, both in terms of commanding resources, as well as gaining additional options and opportunities for individuals through cultural diversification. The objection runs along similar lines as in Scheffler’s original objection – what justifies the forming of the in-group in the first place? Drawing from Kymlicka’s work, I believe liberal multiculturalists could offer two arguments.

Firstly, it could of course be argued that, in the real world, societal cultures do not just come to live together or form an in-group like in the distributive objection. Rather, some potential societal cultures become formed within the territory of the state, or the existence of more territorially established ethnocultural groups might be a result of historical contingencies. In these circumstances, the larger and more influential group might come to overpower the smaller one. Such is the fate of many national minorities:

“The viability of their societal cultures may be undermined by economic and political decisions made by the majority. They could be outbid or outvoted on resources and policies that are crucial to the survival of their societal cultures. The members of majority cultures do not face this problem. Given the importance of cultural membership, this is a significant inequality which, if not addressed, becomes a serious injustice.”<sup>72</sup>

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<sup>72</sup> Kymlicka, *Multicultural Citizenship*, p. 109.

As I have noted in section 3, liberal multiculturalism recognizes that the co-national partiality citizens express in their opinions and political actions within their ethnocultural group is not something normatively condemnable, inasmuch it represents identification of the subject with the context of choices he pursues to preserve for himself, but it is normatively problematic due to the problems and pressures it creates for minority cultures. A strategy of benign neglect would allow for such pressures to continue, with the probable outcome of minority cultures simply not being able to persevere for long. I am in agreement with Kymlicka that to allow the operation of this “open market” of cultures overpowering one another would result in outcomes that can justifiably be deemed unjust. Therefore, since members of ethnocultural groups must be allowed to maintain their limited form of co-national partiality, which, in effect, possibly creates social injustice to others, the institutions must provide compensation to minorities that assists them in maintaining their societal cultures. This assistance usually comes in the form of group-differentiated rights:

“[...] such as territorial autonomy, veto powers, guaranteed representation in central institutions, land claims, and language rights – can help rectify this disadvantage, by alleviating the vulnerability of minority cultures to majority decisions. These external protections ensure that members of the minority have the same opportunity to live and work in their own cultures as members of the majority.”<sup>73</sup>

As a direct answer to the distributive objection, the response from injustice claims that if there are pressures exerted over a certain societal culture by another, justice demands that the former be compensated by the latter in order to protect it from further intrusions. While I agree with the argument from injustice, three questions need to be raised about its operability – about its scope (i.e. the injustices it needs to concern itself with), about the relevance of agency (whether injustices are only compensated by responsible ethnocultural groups because they are responsible), and whether there should only be a mandate during which responsible

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<sup>73</sup> Ibid.

agents are to compensate the afflicted. To reiterate, is A responsible to assist B and C and provide them with resources if they have been unjustly treated by D and E, or some unidentifiable agent (the question of scope)? Is A obligated to assist B if he has mistreated B, and not obligated to assist C if C has not been mistreated by A (the question of agency)? And finally, are A and B to disband their special relationship once it is been estimated that A has provided sufficient compensation for B (the question of mandate)? I believe both questions of scope and agency are problematic for liberal multiculturalism as I will show in the following sub-section. As for the question of mandate, I argue in the final sub-section that there are reasons for the relationship between A and B to be permanent, not temporary.

Secondly, liberal multiculturalists defend group-differentiated rights, i.e. the privileges of special relationships such as those between A and B, on grounds of historical agreements:

“Those people who think that group-differentiated rights are unfair have not been appeased by pointing to agreements that were made by previous generations in different circumstances, often undemocratically and in conditions of substantial inequality in bargaining power. Surely some historical agreements are out of date, while others are patently unfair, signed under duress or ignorance. Why should not governments do what principles of equality require now, rather than what outdated and often unprincipled agreements require?”<sup>74</sup>

The argument from the importance of historical agreements is an extension of the contractualist position. I claim here that the strength of this argument depends significantly on the type of agreement that has been signed. The agreement itself can either be fair or unfair – if it is unfair, then to claim it is important means that we now believe it should be declared null, and that the afflicted parties should be compensated for their disbenefit; if it is fair, then to claim it is important means we believe such historical agreements are binding in inter-cultural obligations.

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<sup>74</sup> Ibid., p. 116.

In the first case, I believe the argument to merely be the extension of the injustice argument. The unfair historical agreement is a result of social injustice, due to, for example, an unequal bargaining position. As such, this argument does not stand on its own, but is one version of the argument from injustice. In the second case, however, the argument merely begs the question and cannot respond to the force of the distributive objection. It is to assume that two parties have reached an agreement for mutual benefit, and the resulting inequalitarian state of affairs between the parties involved in the agreement and a third party cannot be justified simply by saying that the historical agreements are important. The repercussion of their agreement is that a third party C is now in an unprivileged position through no fault of its own.

There is one way, however, in which both historical agreements, as well as the history of egalitarian relations between two ethnocultural groups, can be normatively relevant for the issue at hand. It might be stated that the history of egalitarian relations produces a certain level of understanding between the two groups that has an impact on how egalitarian responsibilities are discharged in their case. The level of “efficiency” in performing egalitarian duties these groups have come to learn while sharing institutions, which can hardly be replicated in just any locality, presents a strong case for them to prioritize each other when they are in equal need as some external societal culture. I will come back to this argument in the final sub-section.

#### ***4.2. Arguments for Extending the Scope of Justice***

From the outset of this thesis, I have argued that the inner rationale of liberal multiculturalism mandates an extension of the scope of justice to societal cultures outside the

state borders of the regimes that follow its principles. This would infer requirements of compensation for injustices these regimes hold for societal cultures in distant corners of the globe. In section 3, my aim was to show that if there was a single state in the world, and that state embraced the principles of liberal multiculturalism, it may very well be claimed that such a regime of political units resembles one type of cosmopolitan arrangement. For this reason, I have claimed a liberal multiculturalist regime to be a nexus of cosmopolitan principles curbed in a local context – a so-called “inner cosmopolitanism”.

In the previous sub-section, I have anticipated reasons liberal multiculturalists might offer for the aforementioned limitations of the application of such principles to only certain societal cultures sharing a common set of institutions, that is, their response to the distributive objection. In this sub-section, I offer two arguments which I believe to be strongly tied to the rationale of liberal multiculturalism, but which suggest the scope of justice should be extended across state borders. If my argumentation is correct, liberal multiculturalists would have to embrace further requirements of justice towards distant societal cultures, or might even be asked to abandon their position to uphold a global federalism of mutually supporting societal cultures. Here I explore these two arguments.

#### **4.2.1. Argument from Global Injustice**

It is not only necessary for individuals to devise their life plans and conceptions of the good from a culture-laden context of choice, but they might also be reasonably expected to want to reach these choices within the context of choice, or the societal culture, in which they were brought up. Due to severe political and economic disadvantages, certain individuals are not in the position to remain in their societal cultures and are forced to emigrate. If they immigrate into a state that follows the principles of liberal multiculturalism, the very

minimum the institutions provide for these individuals is a set of polyethnic rights. As we have seen in the previous sub-section, liberal multiculturalists acknowledge injustice between societal cultures to be the driving force of providing group-differentiated rights to disadvantaged groups. But what about the injustice that occurs outside state borders? Who takes care of a societal culture that is at a disadvantage, but that is not situated in a regime that would take care of its basic preservation?

First, let me note that there are three kinds of injustices to be recognized here. First is a more general, but no less important notion of global injustice which refers to the inegalitarian distribution of resources and an extremely unequal state of affairs concerning the standard of living across the globe. This inequality is sometimes perpetuated and even deepened due to societal cultures standing in some in-group relation, such as a regime of liberal multiculturalism. The promotion and export of culturally recognized products depends highly on the resources individuals command in a given societal culture. This has given certain cultures great prominence, while many others have remained in a state of anonymity. Moreover, while the export of culture might be a non-intended consequence in the uninhibited movement of goods across borders, many societal cultures have great problems protecting their small cultures and languages from these influences. Second, there is a great number of historically recognized injustices (such as colonialism) that have dramatically impacted the shaping of institutions and the cultural marks they now bear. Finally, there are injustices of the same political and economic kind that liberal multiculturalists try to deal with, but which occur in other states.

I now refer back to the distributive objection and questions I have prompted after presenting the key argument from injustice by liberal multiculturalists. First, as far as the general inegalitarianism in resources allocation is concerned, liberal multiculturalists might

claim that the scope of requirements of justice should not extend that much. However, as I will show in my next objection, a more egalitarian distribution of resources plays a vital role in securing the freedom of choice for people moving from one societal culture to another. A more critical problem for this part of the argument is agency.<sup>75</sup> It might be claimed that our global economic system is not perfect, resulting very often in circumstances of severe inequality. As for struggles concerning culture and language, it is highly regrettable institutions in small countries have trouble maintaining defending their cultural assets under the pressures of globalism. But, the claim proceeds, there is no one to blame for these injustices, just a recognition that there is injustice. However, I believe that the mere fact that there is regret about an unequal distribution, but that can be compensated for the purpose of sustaining societal cultures, bears normative weight. Tom Christiano offers the following argument about regret:

“But injustice can occur even if no one is responsible for it. For example, suppose we set up a system of criminal trials that is the best system humans can establish. It tends very strongly to punish the guilty acquit the innocent and it does better on this score than any alternative available to us. Still some innocent persons are punished and some guilty persons are not punished. We know that this will happen but we cannot do better than we are doing given the cognitive limitations of human beings. [...] We cannot be held responsible for the punishments of the innocents because they are performed non-negligently and in ignorance. But there has been injustice.”<sup>76</sup>

There might be some debate whether, in our case of the inegalitarianism of global distribution, no one can be held responsibilities, or shared responsibility is due. As I have noted, the injustices of cultural pressures resulting from this inequality may not be intended,

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<sup>75</sup> I thank professor Rogers Brubaker for pointing this out to me during our thesis workshop.

<sup>76</sup> Tom Christiano. „Immigration, Political Community and Cosmopolitanism. University of San Diego Law Review“ (Fall 2008)., p. 9.

but they present great problems to small societal cultures. As a consequence, the choice of societal culture for individuals is no longer purely shaped by their own life choices.

As for the other two kinds of injustice I mentioned, they are extensions of the arguments liberal multiculturalists offer in defense of forming in-groups. The injustices that arise from historical perpetrations, such as colonialism, can be viewed as similar to unfair historical agreements that ground responsibilities within regimes of liberal multiculturalism. The injustices of the same kind Kymlicka mentions that arise within other regimes are only different with regard to agency – a regime that embraces liberal multiculturalism would be acting upon injustices perpetrated by other societal cultures. But for now, the agency argument does not seem to be powerful enough to justify the forming of in-groups. Liberal multiculturalists place great value in the opportunity for individuals to practice their autonomy within their own societal cultures, as well as the freedom of choice to either change their conceptions of the good or seek their contexts of choice elsewhere. The fact that a societal culture is not to blame if this is undermined for certain individuals is not sufficient justification for neglect. The argument from global injustice has even greater normative strength when it is placed alongside the argument I present in the following sub-section.

#### **4.2.2. The Argument from Free Immigrant Choice**

There is a move in Kymlicka's theory from the entitlement to live in *your* societal culture to the entitlement to live in *a* societal culture. The first entitlement is granted to members of national minorities. The reason why national minorities are, in Kymlicka's theory, aided in maintaining their own culture, is that Kymlicka believes people are expected to want to have access to it, regardless of people's occasional decisions to leave their own culture. This decision Kymlicka rightfully sees as extremely difficult for individuals. But

when people do leave their culture and apply for membership in another state, it is considered they have waived their own cultures, as well as the cultural ties connected to their previous set of social practices, and that they are now willing to integrate into the mainstream society of their newly embraced societal culture. The ethnic immigrants may be given certain polyethnic rights, but it is up to them to maintain the majority of their cultural practices in private life, without any substantial institutional claims to include their own culture.

First of all, Pogonyi points out that the choice of immigration is seldom free (and we may also add, autonomous) to immigrants, and that though the necessity of their exit choice may not be actual persecution, it could be dire economic circumstances.<sup>77</sup> Another response could be a parallel between the process of opting out of a culture because of the promise of better life conditions, and the process of voting for a candidate who you consider to be “the lesser evil”. Voters voting in election often have to consent to package deals offered by the competing parties and candidates. Imagine a vote in which you have to choose between two candidates – one whose policies you do not agree with at all, and one with whom you can find common ground only on about two out of ten policies. You would, of course, vote for the latter. The same applies to immigrant groups. Most of them would prefer to see the opportunities arise in their own cultural backyard rather than to emigrate and make package deal sacrifices, but this is sometimes not in their power.

How is liberal multiculturalism supposed to safeguard its vital liberal asset – freedom of choice – and respond to this objection? Surely, if Kymlicka is to maintain that immigrants give up on their cultures by moving to another societal culture, due to the responsibility of their free choices, the freedom of their choice should not come into question. Kymlicka

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<sup>77</sup> Szabolcs Pogonyi. „Illiberal Practices under the Veil of Multiculturalism.“ (Regio -Minorities, Politics, Society - English Edition 1, 2007, 217-237)., p. 231.

responds to this objection by saying that a solution lies not in helping individuals by granting them group-differentiated rights, but by helping their societal cultures of origin so to make the choices of individuals meaningful and free:

“When we approach this issue from the point of view of an ideal theory of multicultural justice, we assume that we live in a world which is governed by norms of justice, and we ask within this assumption about the specific and distinctive claims that individuals and groups have to the recognition of diversity. This would be a world without radical economic inequality, or a world in which some states are failed states, generating great numbers of refugees. Also, countries would have comparable standards of living and could offer their citizens a chance for a decent life. No one has to move in order to have access to a decent life. This is what we would aspire to as a vision of a just society. The requirements of justice would be to create such a world. In such a world, the individuals opting out of their societies would not be justified in making group specific claims upon their new societies.”<sup>78</sup>

Considering this response made by Kymlicka, I do not believe it would be assuming too much to say certain considerations of justice in liberal multiculturalism thus place greater emphasis on providing decent standard of living in external societal cultures, rather than group-differentiated rights within the regime. It is also not far-fetched to assume that societal cultures that cannot ensure these conditions for their citizens would need aid from more developed ones. Therefore, the extension of justice to other societal cultures and their institutions is vital for the establishment of meaningful choice upon which liberals place great emphasis.

Also, how relevant is ideal theory for normative considerations about the scope of justice? Does invoking ideal theory merely spell out what justice would demand in a utopian world? I do not believe so. Liberal multiculturalists can only make the claim about immigrants’ willingness to integrate into their new social circumstances if their freedom of choice is ensured, and that can only be maintained if liberal multiculturalists are

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<sup>78</sup> Will Kymlicka made this response during a lecture on February 27th, 2013.

simultaneously striving towards a more egalitarian global distribution which provides all potential immigrants with a chance of decent life in all societal cultures.

### ***4.3. Justifying Liberal Multiculturalism as Part of an Instrumentalist Strategy***

My argumentation in the previous sub-section has been that there are certain claims that can be drawn from the doctrine of liberal multiculturalism which infer extended requirements of justice towards non-citizens residing in external societal cultures. Such argumentation would disallow any of the societal cultures A, B and C to form their own in-groups, and would suggest that duties of assisting other cultures in sustaining their institutions are a more general requirement of justice. In this sub-section I suggest a possible strategy according to which forming of in-groups, i.e. regimes of liberal multiculturalism, could be normatively desirable, but only if these in-groups discharge general responsibilities in more efficient ways, with the ultimate purpose of achieving meaningful contexts of choice in which individuals can practice their autonomy. According to this argument, membership in the in-group would merely allow the relevant parties to prioritize each other in fulfilling their requirements, not to neglect others as if they were not part of the scope of justice.

Let me remind you of Martha Nussbaum's notion of divided responsibilities I mention in section 2, being the more efficient method of performing cosmopolitan duties. Robert E. Goodin takes a similar approach with his 'assigned responsibility model'. According to Goodin, special responsibilities are just means by which more general responsibilities are assigned to particular agents. Like Goodin notes, such a conception has a major impact on our moral considerations: "If special duties are shown to derive the whole of their moral force from their connection to general duties, then they are susceptible to being overridden (at least

at the margins, or in exceptional circumstances) by those more general considerations.”<sup>79</sup> Goodin explains that to assign responsibility over an agent or a group of agents designates a division of moral labor that improves our general output. The crucial point is that responsibility is assigned in order to stimulate normative efficiency. Abizadeh and Gilibert also argue for different kinds of special duties from the perspective of cosmopolitan egalitarianism:

“There are, in principle, at least three kinds of (general and/or special) duties to which the cosmopolitan egalitarian recognition of a basic good might give rise. The first are moral duties concerning how persons can rightfully be treated [...] (Autonomy is often thought to give rise to such duties; recognizing a person’s autonomy might, for example, normally forbid one systematically to lie to that person.) [...] The second kind are moral duties to provide others with (or not deprive others of) precisely the same good whose recognition as a basic good helps ground the duty in the first place. (An obvious example would be the material resources for subsistence). The third kind are moral duties to provide others with (or not deprive others of) some goods different from the good whose recognition as a basic good grounds the duties. (Special relationships often give rise to such duties: duties concerned with distribution, but not with the distribution of relationships)”<sup>80</sup>

In the case of co-national partial attitudes, it is quite clear how Goodin’s efficiency obtains – in the common language we speak, in the ease of administration, in the deep psychological attachments and a sense of self<sup>81</sup> we link to our contexts of choice. It is thanks to this co-national partiality that a project of maintaining institutions under a common cultural banner is possible. Therefore, either because of the value we ascribe to the abstract notion of culture itself, or purely out of self-interest, we participate in the common project of establishing our context of meaningful choices in which we can pursue our life goals.

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<sup>79</sup> Goodin, “What Is So Special About Our Fellow Countrymen?”, p. 679.

<sup>80</sup> Abizadeh and Gilibert, “Is There a Genuine Tension Between Cosmopolitan Egalitarianism and Special Responsibilities?”, p. 360.

<sup>81</sup> Goodin, “What Is So Special About Our Fellow Countrymen?”., p. 682

However, there is a more relevant question to be asked here. While it is apparent why co-national partiality might be deemed fitting for assignment of general moral responsibilities, why would we assume the same about co-citizen partiality in a society of multiple societal cultures? What is efficient about regimes that embrace liberal multiculturalism? In truth, this depends upon various social contingencies. It is indeed not necessary that a regime embracing liberal multiculturalism will be the most efficient model of discharging responsibilities I have previously outlined. However, I mention here several reasons why that might be the case.

Firstly, I will invoke Hurka's argument from history, but unlike Hurka, I will not claim that the history of relationships within liberal multiculturalism is intrinsically valuable, but rather that it may provide members of both cultures, after decades of cooperation and sharing institutions, with more quality contexts of meaningful choice. Since it is to be expected that individuals from different groups that reside within a single state will more likely tend to move between societal cultures, the contexts of choice that they offer will be enriched. Secondly, even though I have rejected agency in responsibility to be the only normative ground for creating in-groups, the awareness of responsibility can be a great catalyzer in discharging moral responsibilities. In other words, A is responsible for B even if A is not to blame for B needing assistance, but A may be expected to more efficiently discharge its moral responsibilities if A regretted its misconduct of B. Thirdly, liberal multiculturalism may provide the perfect setting for the moderate version of rooted cosmopolitanism I mentioned in section 2 – it is a diverse setting of multiple societal cultures, which, in turn, helps individuals get used to the idea that their institutions have obligations of justice towards non-citizen societal cultures.<sup>82</sup>

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<sup>82</sup> If this argument is correct, then the question of mandate is settled – societal cultures would not disband their ties since their relations would be mutually beneficial.

An earlier objection might be reiterated here that such liberal multiculturalist contexts of discharging responsibilities cannot be a community (*Gemeinschaft*) whose members perceive it as something valuable as such, but only a society (*Gesellschaft*), whose members perceive it as instrument in achieving something else.<sup>83</sup> But from earlier points I have mentioned it can be inferred that this does not present a problem for liberal multiculturalism. It is completely legitimate that members of ethnocultural groups sustain their societal cultures as means of practicing their autonomies and pursuing their own interests. The same goes for in-groups of societal cultures that can be maintained as achieving richer contexts of choices for their members. The members of these societal cultures are not obliged to treat this union as something valuable in itself.

Once again, I would like to reiterate several things. I believe my argumentation in the thesis has been strong enough to persuade the reader that the rationale of liberal multiculturalism implies greater requirements of justice. The defense of liberal multiculturalism in this sub-section does not question the extension of that scope, nor does it propose special responsibilities to be raised within the regime, but merely showcases that in-groups may be formed in which general moral responsibilities will be more efficiently discharged. The efficiency depends on the establishment and maintenance of contexts of meaningful choice, which is only contingently realized within in-groups. If it is proven that the discharge of general moral responsibilities, that have the aim of realizing the establishment of societal cultures, will be better realized outside the in-group, then societal cultures are justified to leave them.

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<sup>83</sup> Primorac, *Patriotizam*, p. 173.

## Conclusion

I have argued throughout this thesis that while the institutions of liberal multiculturalism might rightfully be called impartial, aiming at compensation for co-national partiality in societal cultures which, though necessary for the establishment of meaningful contexts of choice, can have a tendency of creating social injustices, regimes of liberal multiculturalism should involve in their scopes of justice societal cultures not within their own political boundaries. Firstly, I held that group-differentiated rights provided to minority cultures within a regime of liberal multiculturalism are justified as attempts to achieve true equality and impartiality of shared institutions between and toward ethnocultural groups that the regime contains, which I have demonstrated on the thought experiment of the pluralist island. Secondly, the force of the arguments from global injustice and from the free choice of immigrants, which are extensions of arguments prompted by liberal multiculturalists, is sufficient to compromise the view that the scope of justice should remain within state borders. If we are to fully endorse the consequences of these arguments, then we might opt for disbanding regimes of liberal multiculturalism for the benefit of elevating a system of mutually supportive self-governing societal cultures or, we may call it, a federation of societal cultures. I claim, however, that there may be normative value in establishing regimes of liberal multiculturalism which endorse the view that they owe responsibilities of justice to societal cultures outside state borders, but which may give priority to the ones within. This is justified by appealing to the efficiency of discharging these moral responsibilities which might obtain in the regime of liberal multiculturalism.

It may appear that multicultural regimes are a dying breed, with many such regimes around the world disintegrating into single, culturally more homogenous nation-state units, or

on the verge of breaking apart. But the fact of this dynamic does not necessarily draw from the normative strength of liberal multiculturalism – it may well be proved that the discharge of earlier mentioned moral requirements was more efficient in a former regime than in the emergent ones. The theory of liberal multiculturalism thus conceived remains the defense of the claim that there is still something normatively valuable in endorsing it even when it is detached from its notions about the importance of cultural membership and participation in a meaningful context of choice. Perhaps the character and justification of this normative value should be sought in the emerging multinational regimes such as the European Union.

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