

ARE MULTICULTURALIST THEORIES VICTIMS OF THE “CULTURAL ESSENTIALISM” FALLACY?

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In this essay, the author seeks to show that one of the main objections raised against multiculturalist theories, the cultural essentialism fallacy, provides no decisive or conclusive grounds for rejecting one variant of these theories which are conceived along an egalitarian line of argument and emanate from a liberal culturalist/nationalist perspective. After examining what he considers to be one of the best defences of the politics of protection of cultures, namely Kymlicka's egalitarian argument, the author goes on to show that none of the versions of the cultural essentialism objection found in the recent books on multiculturalism by Brian Barry, Seyla Benhabib and Amy Gutmann, namely the “stasis”, the “holistic”, and the “distinctness” fallacy, appears sufficiently persuasive to undermine the egalitarian argument.

Multiculturalist theories have mobilized a great deal of political philosophers' energies during the 1990s. The writings of authors such as Will Kymlicka, James Tully, Charles Taylor, Bhikhu Parekh, Iris Marian Young or Chandran Kukathas, only to mention these names, are all characterized by an effort to make liberal theory more sensitive to the «cultural difference», that is, to the fate of minority groups like African Americans, women, immigrant and ethnic groups or national minorities. Multiple objections have been raised until now against these theories. Many liberals suspect that the support for cultural and ethnic claims represents, under many if not all circumstances, a threat to the flourishing of human rights and an obstacle to the enforcement of liberal principles, such as universalism and egalitarianism. Others contend that multiculturalist theories mistakenly encourage the culturalization of group identities, thereby blurring the more urgent economic disparities between social groups and giving undue prominence to the politics of cultural recognition over the politics of redistribution. Finally, many object that multiculturalist theories commit what is often called the fallacy of “cultural essentialism”. Such a label underlies a certain conception of culture originating mainly from Herder's concept of *Kultur* and from German romantic nationalism identifying culture with *Volksgeist*. From this perspective, culture would reflect the spirit, the ethos or the mentality of the people, so that each culture would represent an all-encompassing and self-contained whole, voicing the unique and distinctive

essence specific to each people. For many liberals, this view of culture would be profoundly mistaken; most of them believe it to be precisely what inspires the multiculturalist objective of politically or legally protecting specific cultures.

In this article, I will focus on this last objection raised with much insistence by Brian Barry, Amy Gutmann, and Seyla Benhabib in their recent books on culture and cultural claims.¹ Despite all the differences between them—be they attributable to their theoretical perspective (which ranges from egalitarian liberalism to deliberative democracy and discourse ethics) or the specific themes emphasized in their books—there is a congruence of views between the three philosophers as to the danger of cultural essentialism lurking in the path of the multiculturalist enterprise, that is, the danger that the protection—legal or administrative—of cultures leads to the enclosing of culture within arbitrary barriers or enclaves, administered by the political elite. Is this critique justified? This is what I shall examine in detail in the present article.

First, I shall recall the main, probably the best, argument given until now for the politics of protection of cultures, namely Kymlicka's egalitarian argument, and present the main objections raised against it, among which the cultural essentialism objection appears to be central (I). Then (II-IV), I shall make a distinction between three meanings given to cultural essentialism found in the writings of Barry, Gutmann and Benhabib, and show that none of them provides decisive or conclusive grounds for rejecting the egalitarian argument as regards the politics of protection of cultures. The main thesis defended here will be that, if certain multiculturalist theories ever turn out to be victims of one form or other of cultural essentialism, the case has still to be made for those multiculturalist theories conceived along an egalitarian line of argument and from a liberal nationalist perspective.

I

Will Kymlicka has probably offered one of the most convincing defences of the politics of protection of cultures in his first book (1989, Chapters 8 and 9)² where, essentially, he attempted to show that cultural membership is a «primary good» in Rawls's sense. For Rawls (1971, 440-452) self-respect is, besides rights and liberties, powers and opportunities, and income and wealth, a crucial primary good insofar as it is something that every rational man is presumed to want as it forms

¹ See Barry (2001), Benhabib (2002) and Gutmann (2003). I will also occasionally refer to the collected papers on Barry's *Culture and Equality* edited by Paul Kelly (2002).

² Naturally, Kymlicka's egalitarian argument for the protection of cultures is also to be found in his *Multicultural Citizenship* (1995a), where the argument is developed at length, in particular in chapter 6.

a precondition of any rational plan of life. Rawls supposes that all primary goods are more or less equally distributed in a given society and, according to the second principle of justice, social and economic inequalities should be arranged so that primary goods are to the greatest benefit of the least advantaged. Kymlicka's proposal is to make explicit what Rawls leaves implicit. First, that a central part of the social bases of self-respect is to be found in the individual's cultural membership, in his or her upbringing within a specific culture. Culture would provide a context of socialization indispensable to personal identity, it would provide individuals with a context of meaningful choices, a sense of self-esteem and a sense of secure belonging. If we suppose that this idea is sound, then Rawls's arguments for the importance of self-respect also become arguments for the importance of cultural membership. As a consequence, the second point Kymlicka makes explicit is that cultural membership inevitably becomes a matter of justice, and cultural claims, in the same way as social and economic claims, become an aspect of equal opportunity and egalitarian politics. Many liberals have long assumed that the political community to which one belongs is rather culturally homogenous, so that social and economic inequalities (or the pluralism of the conceptions of the good) occur only among the individual members of such a community, never between different cultural groups. The naïve assumption that our belonging to a pervasive and culturally homogenous political community is something that should be taken for granted and would be in a sense naturally "pre-given" is a mistake that many liberals, such as Mill, Rawls or Dworkin, have made to some extent. This cannot seriously be maintained in our multicultural societies. All the current demands made by the various cultural, ethnic and national minorities show clearly that such a culturally uniform society is an abstraction, that inequalities also happen to exist between majority and minority cultural groups within the same political community. The egalitarian argument Kymlicka advances relies on the same choice/circumstance distinction as the one made by many egalitarian liberals since Rawls and according to which egalitarian politics must, to be fair, try to compensate as far as possible for inequality of circumstance rather than choice. If belonging to a culture was simply a matter of choice, it would be hard to make a case for a politics of protection of cultures since the latter could be interpreted as a form of public support for expensive tastes over less expensive ones. The egalitarian argument for the protection of cultures can be summarized as follows:

1. In the same way as people's belonging to certain disadvantaged economic, social, racial or sexual groups, people's belonging to certain disadvantaged cultural groups, such as non-sovereign minority nations, manifests inequalities which arise from the social lottery, that is, from mostly unchosen circumstances.
2. The harmful effects of these unchosen circumstances are normally conceived of as the proper concern of redistribution measures and egalitarian politics.

3. Conclusion: measures intending to rectify inequalities derived from people's belonging to certain disadvantaged (historically dominated or oppressed) cultures become a part of any sensible egalitarian politics.

The previous argument can be contested essentially in two ways. First, one can put premise (2) into question. For instance, one can oppose the idea that egalitarian politics has something to do with the chance/choice distinction or claim that such a distinction is flawed and unclear, even among egalitarians, so that the real aim of egalitarian politics should be to remove oppression rather than merely counteract the effects of bad luck, given that the latter is the result of pre-existing unjust political institutions.³ But such a critique risks undermining, not only a possible multicultural politics founded on egalitarian considerations, but liberal egalitarianism as such, at least the kind of egalitarianism developed by many liberals since Rawls. Those specifically addressing the issue of multiculturalism usually oppose premise (1) and I will confine myself to examining their objections.

In order to refute premise (1), the strategy that seems particularly recommended consists of placing cultural claims on the choice side of the choice/circumstance distinction, thereby downplaying the value and importance of cultural membership or disqualifying it as a possible prospect for egalitarian politics. This is the strategy followed mainly by such authors as Buchanan (1991, 52-64, 1998), Habermas⁴ (1996; 2005) and Waldron (1995), a strategy that articulates one of the two dominant views about the value of cultures, which I call "cosmopolitan". According to this view, particular cultures have no inherent or intrinsic value. Their value is only instrumental and resides in their capacity to provide their members with the cultural goods necessary to make meaningful choices. But it matters little what particular form those cultural goods may take and this is why particular cultures need no protection. To claim the contrary would amount to saying that

³ For example, this is the critique addressed by Susan Mendus (2002) to Barry in Kelly (2002).

⁴ The position upheld by Habermas in his last essay on cultural claims (2005) is, at least at first glance, uneasy to grasp correctly. On the one hand, and unlike many liberals, he contends that culture has an intrinsic, non-instrumental value for its members (Habermas 2005, 17). On the other, however, cultural rights should, according to him, not be restricted to access to cultures of origin—too often falsely conceived of as homogeneous wholes, and thus reified into closed totalities—but rather give access to a variety of cultural goods and traditions (Habermas 2005, 18). On this point, he explicitly endorses in a footnote Jeremy Waldron's view of culture. I think the most coherent reading of Habermas's position is the one outlined in the present article, which I call the cosmopolitan reading: only culture in general (understood as the more or less confused and hybrid background of cultural goods and traditions) has an intrinsic value (as this cultural background is necessary for the development of personal identity). However, no particular culture is indispensable to personal identity and this is why particular cultures need no protection. At worst, they do not exist at all; at best, they only have an instrumental value (that of providing the cultural material necessary for the development of individual identity).

certain collective goods have a value in themselves, independently of that of individuals, and that they must be protected even to the detriment of the well-being of individuals. But such a view is incompatible with the fundamental *raison d'être* of the system of rights and liberties prevailing in most liberal democracies intended to protect individuals, the only beings possessing any ultimate value. As a consequence, once the familiar basic liberal rights are protected, including the rights to free expression and association, people's access to cultural goods is *ipso facto* secured: all cultural groups can compete fairly in the "cultural marketplace" and the state has no role to play in this. Otherwise, it would illegitimately favour some groups over others.

According to the second view, sometimes called the liberal culturalist or nationalist position, outlined in varying degrees in the writings of Kymlicka (1989, Chap. 4 and 8; 1995a, Chap. 5), Margalit and Raz (1994, 133-139), Miller (1995, 35-47, 193-194), Raz (1986, 198-207), Tamir (1993, Chap. 1 and 2), and Tan (2000, 68-77), culture, understood mainly as national culture, has an intrinsic value. However, for most of the authors mentioned above, particularly Raz, this does not prevent individual autonomy and well-being from being an ultimate intrinsically valuable good. On this point, the liberal culturalist/nationalist point of view is no different from the cosmopolitan point of view. The difference lies in the conviction of the former that some collective goods, such as the cultural context provided by a specific national or societal environment, also possesses a *derivative* intrinsic value, in the sense, not of having a value *independently* of the individuals' well-being and autonomy, but of being a *necessary condition* of such well-being and autonomy⁵. As mentioned above, singular cultures would provide their members with the enabling conditions for the exercise of individual freedom, that is, a context of meaningful options, a sense of self-esteem and a sense of secure belonging. Cultural cosmopolitans would probably concede that individuals must have at their disposal a cultural context in order to make meaningful choices. The shaping of moral personality and the exercise of individual freedom would be very hard to conceive without any cultural background. For this reason, we have to assume that there is some internal connection between culture and personal well-being and autonomy. What cultural cosmopolitans reject is the view that *particular* cultures represent a condition for personal well-being and autonomy, and therefore need protection. What is needed in order to have a meaningful range of choices is

⁵ Liberal nationalists are not always clear about the kind of value that should be ascribed to culture. Some of them, like Kymlicka, in order to avoid the communitarian defence of the worth of communities that often presents collective goods as self-sufficient objects, ascribe only an instrumental, non-intrinsic value to culture (Kymlicka 2001, 62). But in the light of the distinctions made above, and of Kymlicka's conception of cultural membership as a 'primary good', the instrumental reading appears rather misleading. For a critique of this instrumental understanding, see Binder (1993, 250-256).

only a cultural context in general, whatever form that may take. But culture “in general” needs no protection.

Needless to say, only the liberal culturalist/nationalist view of culture is compatible with premise (1) of the egalitarian argument presented above. If the cosmopolitan view turned out to be true, any endeavour to make culture the target of some egalitarian politics would be doomed to failure. Three arguments in support of the cosmopolitan, and against the liberal culturalist/nationalist, view are particularly worth considering:

1. The “range of options” argument (Waldron 1995, 105-108): If what is needed in order to exercise autonomy is a meaningful range of options, then the particular culture in which some people are raised may provide fewer or less meaningful choices than other cultures. Familiarity with more than one culture is more likely to extend and enrich our range of options. Therefore, the assumption that personal autonomy and well-being are tied up with belonging to one particular culture is highly questionable, and so is the need to protect particular cultures.

2. The “multiple identifications” argument (Buchanan 1998, 293-299): In pluralistic societies, national allegiances are not shared to the same degree by all individuals. For many people, national ties appear only at the end of their list of preferred allegiances. Attachments to friends, our family or our neighbourhood, to a religious group, a sports team, a city, or even to such more abstract poles of identification as the cosmopolitan and humanitarian ideals, often far outweigh national sentiments. As a consequence, the protection of particular cultures cannot plausibly be grounded merely on the alleged central value their members ascribe to them.

3. The “endangered species” argument (Habermas 1996, 257-264; 2005, 20-23): Unlike endangered natural species, cultures cannot reproduce themselves without the will and the autonomy of their members, who must be convinced of the worth of their traditions and have the motivation to carry them on. It therefore makes little sense trying to artificially secure cultural integrity, whatever the means—political or judicial—involved. That would be contrary to any form of critical appropriation of one’s cultural heritage, to any possibility of transforming or abandoning, not only pieces of one’s traditional beliefs and customs, but also the linguistic medium in which they are voiced. If what precedes forms the inescapable condition of any cultural vitality, then the administrative protection of cultures risks causing precisely what the defenders of the liberal culturalist/nationalist view surely wish to avoid, namely the folklorization of cultures. In the end, liberal culturalists are victims of a fallacy commonly called “cultural essentialism”.

All three objections seriously challenge the liberal culturalist/nationalist view of culture and also, by the same token, any egalitarian argument for the protection of cultures that it might generate. For the purposes of this paper, I will disregard the first two objections, regarding which some have already offered plausible if not conclusive responses,⁶ and concentrate solely on the third which has not been dealt with in depth. Indeed, cultural essentialism has different meanings and is used in

different contexts. This is particularly clear in the recent writings of Barry, Gutmann and Benhabib, in which the fallacy of cultural essentialism is a central objection raised by the three authors, but according to different descriptions of the phenomenon. However, I doubt whether the objective of protecting cultures betrays a kind of cultural essentialism according to any of these descriptions. This is what I would like to demonstrate at present.

II

In a first sense, cultural essentialism would commit what we may call the “stasis fallacy”. According to this description, cultural essentialism refers to the view that cultures should remain identical through time, and that cultural integrity depends on this identity or non-alteration through time. This is most probably the sense Habermas’s “endangered species” argument intended to voice. And this is also the sense mainly emphasized by Barry, although the expression “essentialism” is rarely explicitly utilized in his book (2001, 11, 261). It is nevertheless the stasis fallacy that attracts most of Barry’s attention and that he sees at work, in particular, in the writings of James Tully (in Barry 2001, Chap. 7; Kelly 2002, 206-212). He denounces it for one main reason: It makes no sense to pretend that a practice could be so central to a culture that revising it would cause the whole culture to

⁶ To my knowledge, the most plausible response to the first objection has been offered by Kymlicka (1995a, 84-85). Kymlicka first says that access to our own culture represents a condition of access to other, foreign cultural materials and, secondly, that the possibility of genuinely moving between different cultures is rarer and more difficult than it seems at first sight, since it supposes a form of (cultural, social, linguistic) integration into another way of life, which is a long and costly process. Another less persuasive response has been given by Lichtenberg (1999, 172-173) who argues against the danger of a single worldwide culture. The most convincing response to the second objection is that most people, most of the time, regardless of the place national sentiments occupy in their lives, will be deeply affected by the disparagement or possible decay of their culture. People’s bond to their own culture is not merely a subjective phenomenon based on contingent preferences, tastes or conceptions of the good, but a fact attested by numerous studies in psychology, sociology, linguistics, etc. (Kymlicka 1995a, 86-90; Moore 2001, 53-57). Moreover, the disparagement of minority cultures—such as indigenous peoples or national minorities—has objective damaging effects on their members, regardless of the importance of national sentiment to them. Majority decisions about immigration, official languages, political boundaries or the division of legislative powers have historically endangered or fragilized the flourishing of minority cultures without—unlike other groups or associations—the infringement of any apparent individual human right as usually recognized in liberal constitutions. These past injustices currently burden their members with important and insidious social costs (Bauböck 1999, 142-144; Carens 2000, 177-199; Einsenberg 1998; Kymlicka 1995a, 108-115; 2001, 69-90; McGarry 1998; Réaume 2000). It is all the above factors, and not merely the subjective preferences for one’s own culture, that justify the egalitarian politics towards cultures.

disintegrate. If human rights or any reasonably justified legal provision impede a traditional practice to be performed, why should the rights and laws be adapted to this practice and not the reverse? Taking the case of the Aboriginal Musqueam culture as example, it is clear for Barry (2001, 256), and this contrary to the court decision, that prohibiting their members from fishing a certain body of water on grounds of natural conservation would not have provoked the entire annihilation of their culture, even if fishing that specific body of water is a central part of it. For Barry, not only have all human beings an equal capacity for culture, as Charles Taylor rightly insists upon, but they also have “an equal capacity for cultural adaptation” (ibid., 256). The main defect of cultural essentialism according to the above description would be either to pretend that culture cannot evolve, change, progress, whether from a cognitive or a moral point of view, or to believe that such a change might be so drastic as to threaten the integrity of the culture as a whole.

I think Barry is entirely right. It is difficult to see how cultural survival could depend on the preservation of just one specific practice or cultural belief or value. If we define “culture” only in terms of such specific practices, beliefs and values that characterize a way of life prevailing at a particular moment, then any significant change in this way of life will be interpreted as a threat to the culture as a whole. It is possible that the representatives of many indigenous peoples have historically understood and formulated their claims in this unfortunate way, and still continue to do so. And many governments have themselves often responded by requiring that land rights, for example, be given only on condition that indigenous peoples maintain the purity or authenticity of their way of life (Kymlicka 1995a, 104). But it is not in this limited sense that most liberal culturalists/nationalists, such as those referred to earlier, understand culture which generally refers to a more or less institutionally complete societal environment in a given territory. Kymlicka’s early distinction between the “character” of a culture and the cultural “structure” (1989, 166-172) is very instructive to clarify this point. The character of a culture refers to what a culture is at a given moment of the time: the cultural beliefs (scientific, moral, metaphysical, religious) prevailing at a particular moment, the type of customs, habits or political institutions in force, etc. The cultural structure, on its side, refers to the *conditions* without which a culture, whatever its “character”, could not flourish. It refers, for example, to the existence of a common and public language, to the existence of minimal and viable shared public institutions (social, economic, political, etc.), not to mention the history and cultural traditions, these components of the cultural structure that provide the members of a culture with a context of meaningful choices⁷. Defined this way, it is

⁷ According to Kymlicka, the absence of a viable cultural structure would be one of the distinctive features of immigrant and ethnic groups in contrast to national minorities, and this would explain the differential treatment that each of them should receive. The immigrants/national minorities distinction is another hotly debated issue I cannot engage in here.

very implausible that the transformation of some specific cultural practice would lead to the demise of an entire cultural community, whatever their members might believe. If the politics of protection of cultures is to make any sense, it must protect, not the particular traits of some cultural community (its “character”), but the “institutional minimum” required for that community to flourish as any other normal society does, deciding for itself what habit or custom is or is not worth pursuing.

I think the only plausible way of considering culture as a possible object of egalitarian justice is to view it in this very limited (institutional) sense of equality. This does not—and should not—amount to saying that “all cultures are of equal value”, since this would come down to the relativistic fallacy rightly condemned by Barry (2001, 136-141, 252-271). The institutional sense of cultural equality (equality as to a viable cultural “structure”) is perfectly compatible with the idea that cultures are unequal (as to their “character”), that is, that they all have propositional content and embody beliefs and values that may reveal themselves as true or false, right or wrong, and thus remain essentially revisable.

To sum up our examination of the first sense of cultural essentialism, one must recognize that it provides no conclusive grounds for rejecting the egalitarian argument presented earlier. No doubt Barry is right in condemning the widespread opinion that a traditional practice could be so central to a culture that revising it could threaten its integrity. But this criticism simply doesn’t apply to the way most liberal culturalists/nationalists conceive of culture and its possible protection, which relates, as Kymlicka has clearly pointed out, only to its basic structure, not its contingent character. However, one might say it is only one of the meanings ascribed to cultural essentialism and these meanings have not all been dealt with yet. Let us now examine the other senses of this objection before drawing any conclusion.

III

In a second sense, cultural essentialism seems to commit what is often called the “holistic fallacy”. Under this description, cultural essentialism refers, not only to the identity of cultures through time, but also to their uniformity at any moment of time. According to this version of essentialism, cultural integrity would depend on this internal homogeneity of a culture. This sense is emphasized mainly by Benhabib and Gutmann. The former apparently sees such a fallacy in the work of Michael Walzer (Benhabib 2002, 39-42), Charles Taylor (*ibid.*, 51-58) and Kymlicka (*ibid.*, 59-68) and does not consider the responses by other theoreticians of multiculturalism such as James Tully or Bhikhu Parekh to be really convincing (*ibid.*, 5). Benhabib’s own “narrative” concept of culture (*ibid.*, 5-7) appears at the extreme opposite of such a kind of cultural essentialism. According to her, cultures

must be envisioned from the inside, from the point of view of the participants in cultures, which is expressed through narratives. Such narratives not only tell stories about “who we are”, but they also critically appraise them from multiple angles that cannot be assimilated to the artificial and reductionist moulds (the national, cultural or ethnic identities) imposed by the political and cultural elite (among whom are to be found the multiculturalists themselves). The essentialist conception of culture would be external with respect to the participants’ self-representation of cultures, which would be the opposite of the homogeneous and unitary identities imposed by the elite: multiple, plural, hybrid and disseminated.

Gutmann also shares with Benhabib the crucial idea that cultures are not internally uniform and homogeneous wholes. For her, not only is the idea that a single cultural membership may encompass the identities of its members something unlikely to exist anywhere in the world, but even if it existed, it would be undesirable “because the claim that individuals cannot think beyond a single culture is threatening to individual freedom” (Gutmann 2003, 48). In other words, what Gutmann is rejecting is exactly the Herderian view of culture according to which each single culture forms a pervasive and self-contained whole voicing the distinctive essence of a people. Maintaining such a view amounts to claiming that a “single culture completely comprehends and constrains their thinking, imagining and hoping” (ibid., 49), which is impossible. To support her view, she discusses at length the case of Julia Martinez on the Santa Clara Pueblo reservation (ibid., 44-53), to whom the United States Supreme Court, in a historical decision, has denied equal status with Pueblo men regarding the right to intermarry. Martinez would be the perfect example of an internal dissonant voice within a group that is worth being heard and supported, a voice expressing the particular point of view of a subgroup (in this case women) which cannot be assimilated to that of the «whole» culture. Still in support of her thesis, Gutmann also gives the example of individuals like Salman Rushdie whose identities draw upon many cultures, illustrating the rule that «individuals are capable of thinking and imagining creatively beyond a single culture, and some do so even at great peril to their lives» (ibid., 51).

One may concede Benhabib and Gutmann the point that many theoreticians of culture and multiculturalism sometimes tend to give a rather communitarian gist to cultural attachments. They often define such attachments as founded on shared ends, values and conceptions of the good and presume to some extent that they are constitutive of the identity of individuals. But it would be a mistake to limit all conceivable way of viewing cultural attachments to such a communitarian account. For instance, the liberal view of cultural attachments, as found in the writings of Mill, Miller, Rawls, Tamir, Kymlicka and many others, extends to the larger political community to which numerous subgroups (families, religious and ethnic communities) belong. Bonds to a national culture are usually weaker than to a family or a religious group. They generally consist of attachments to a commonly shared vernacular language and public institutions, or to a common history. This is

the case, not only for the members of almost all liberal democratic states in the world, but also for the members of many non-sovereign national groups, like the Quebecois, the Scots, the Flemish, etc.

I think the mistake committed by Benhabib and Gutmann is to suppose that strong cultural ties are possible only in cultures portrayed as small traditional and homogenous communities defined by shared conceptions of the good and thick identities—those that fit to some extent the Herderian concept of *Kultur*—and to generalize the dangers of the comprehensiveness of cultural or national identity from the case of these closed traditionalist groups. But there can be “thin” and “thick”, “open” and “closed” comprehensive identities, usually depending on whether they support liberal or illiberal values. When a culture is depicted as a liberal political community, as is done by most liberal culturalists/nationalists, cultural and national identity, generally limited to a thin identity around language, history, and public institutions, is perfectly compatible with the fact of pluralism. In such a culture, the most deep-seated axiological dissents (on abortion, capital punishment, euthanasia, sexual roles, etc.) not only can, but, as a matter of fact, do co-exist more often than not with this kind of cultural and national identity. If what I am saying is right, then the holistic fallacy seems to have to do, not so much with the comprehensiveness of a culture or cultural bonds, as with the liberal or illiberal ways of institutionalizing such bonds. When identity is based on liberal values, cultural or national identity may be encompassing, in the sense of equipping every person with a sufficiently large linguistic, institutional, cultural and historical background, while remaining thin and open by enabling people to debate, revise, put into question and even transform this identity or construct other aggregated identities.

Benhabib and Gutmann could probably agree with the previous analysis. But for them, this question would still remain: should any egalitarian politics towards cultures support illiberal cultures? Many indigenous peoples whose cultural practices do not entirely measure up to liberal standards do not define their identity in the way described above, but still demand some form of political recognition. Does the egalitarian politics towards cultures, in such cases, not run the risk of falling into the trap of some holistic cultural essentialism? Such a query raises the issue of the individual rights of *internal* minorities, that is, the dissenting individual members of a minority group, and the attitude majority nations should have towards their demands. There are roughly two main views about this. According to the first, espoused for instance by Gutmann with regard to the Santa Clara Pueblo case, but also by many liberals, members of minority nations in liberal states should be subjected to the same constitutional principles as those ruling the members of the larger political community. In the Santa Clara Pueblo case, this implies that the US Supreme Court should have ruled in favour of Martinez’s demands and grant her equal status with men as acknowledged in the US Charter for all other women. For such a view, national sovereignty, whether writ large or small, can never trump individual rights (Gutmann 2003, 47-56).

According to the other view, shared by Kymlicka (1995a, 163-170) and Tan (2000, 32-34, 59-64), one ought to make a distinction between *making a judgement* and *acting on that judgement*. As Tan puts it:

This distinction allows for the provision that while a liberal state may judge a particular private practice as unacceptable according to liberal principles, it need not forcibly impose this judgement, for whatever (e.g., moral and strategic) reasons. For example, a state may feel that to enforce its judgement (even if it believes it to be right) against a cultural group is not only contrary to the accepted democratic procedures of that society (and perhaps therefore a great harm in itself) but also self-defeating without assent by sufficient members of the group (Tan 2000, 59-60).

In other words, according to this distinction, the universality of human rights is not denied. Illiberal practices are neither tolerated nor recognized. Rather, questions are asked as to the best way of *implementing* human rights, not only with regard to foreign states, but also domestic indigenous cultures. Not forcibly intervening in, or ruling over, some cultural groups does not imply not acting at all. Other actions than intervention can be explored:

We can imagine a state taking sides against the sexist practices of a cultural community by funding awareness campaigns, providing forums for debate and discussion, teaching the value of domestic equality in public schools, sponsoring special opportunities for the women in the community, and so on, without actually forcibly intervening and ruling out these cultural practices as illegal from the outset (Tan 2000, 60).

Finally, the policy suggested by Tan and Kymlicka on human rights in foreign countries as well as internal affairs of indigenous and national minorities is—except in humanitarian situations of gross violation of human rights where forcible intervention is required—one of diplomacy, dialogue, persuasion and education rather than the recourse to force and compulsion.

Each view described above is coherent. But only the latter is compatible with an egalitarian politics towards minority cultures as it does not undermine the self-respect and institutional autonomy of indigenous and national minorities, whereas the other view has the defect of taking for granted that federal courts should normally be the authorities entitled to intervene in, or rule over, the domestic affairs of non-sovereign nations, thereby risking succumbing to some form of paternalism. But then, isn't the reverse of this tantamount to becoming victim of the kind of holistic cultural essentialism denounced by Gutmann and Benhabib? I do not think so. As mentioned, the aim of the policy suggested with respect to non-liberal cultures is by no means to (negatively) tolerate illiberal practices,⁸ even less

⁸ This is what distinguishes the approach described above from the kind of multicultural policy, founded on the toleration of illiberal groups and practices, supported by such authors as M. Halbertal and A. Margalit (1994) or C. Kukathas (1995).

to (positively) support the flourishing of closed, uniform and homogenous ways of life; it is rather to induce internal reforms, without yet endangering the institutional autonomy of the communities *within which* those reforms ought to be carried out.

In the light of the above discussion, what should we conclude as to the *second* sense of cultural essentialism according to which multiculturalist theories would be victims of a kind of cultural holism? I fear, once more, that the arguments put forward are not sufficiently convincing to undermine the egalitarian argument for the politics of protection of cultures. Although Benhabib and Gutmann make an interesting and important point when discussing the dangers of the comprehensiveness of national groups and the risks involved when the egalitarian cultural politics faces illiberal cultures, these dangers and risks can be alleviated once one investigates more thoroughly the nature of national allegiances, distinguishes between those that are acceptable and those that appear less acceptable, and specifies the kind of policy concerning non-liberal cultures that seems most compatible both with liberal canons and modes of action that are respectful of the institutional autonomy of minority cultures.

IV

In a third and final sense, cultural essentialism would commit what is sometimes called the “fallacy of distinctness”. According to this description, cultural essentialism refers to “the view that human groups and cultures are clearly delineated and identifiable entities that coexist, while maintaining firm boundaries, as would pieces of a mosaic” (Benhabib 2002, 8). According to this last version of essentialism, emphasized mainly by Benhabib, cultural integrity would depend on the possibility of individuating cultures. But since cultures have so much influenced each other over the centuries, such an endeavour would inevitably be doomed to failure. For Benhabib, one had better view cultures as “constant creations, recreations, and negotiations of imaginary boundaries between ‘we’ and the ‘other(s)’.” (ibid.). Cultures would represent relational properties, dialogical facts, transforming themselves through symbolic trade between human groups and, just as they are, they would constitute open, perfectible and constantly developing realities. The trap of cultural essentialism in this case would be to rigidify, reify or fetishize cultures by making them as congruent as possible with population groups, by reducing them to closed and immobile worlds, always identical with themselves, thereby doing nothing but “balkanizing” or “enclaving” cultures.

Perhaps we have here the clearest expression of the cosmopolitan view of culture I discussed earlier: Since there is no such thing as clearly individuated cultures, particular cultures need no protection; the only thing that is required in order to have a meaningful context of choice is a cultural background in general, without predetermined boundaries. Most liberal culturalists/nationalists find such

a view rather counter-intuitive on the grounds that it cannot help explain why and how the disparagement or decay of a specific culture, most of the time and by most people, can be experienced as a harm.⁹

One may nevertheless concede Benhabib and other cultural cosmopolitans the point that nations and cultures are not brute facts objectively existing in the external world, but “imagined communities” whose nature is for the most part symbolic and subjective. One may also easily agree that few cultural groups in the world can successfully insulate themselves from, or immunize themselves against, every foreign cultural influence and more so in a more and more globalized and interconnected world. What appears to be questionable is the underlying assumption that cultures cannot be individuated. This is so for two reasons.

First, cultures are not only subjective facts, but also objective, “sociological” facts. Just as people from the United States, Britain or France, most Quebec, Scottish or Flemish people represent themselves (subjectively or as participants) as a distinct culture or nation. But whatever the degree, or extent of this self-representation among the members of each society, the sociological fact that there is in each case a concentration of people in a given territory, sharing the same public language, the same public institutions, and (perhaps except for recent immigrants) the same history can hardly be disputed. As an observer one normally regards this as the distinctive traits of a culture. This is not to say that “culture”, as a subjective phenomenon, can be made perfectly congruent with a given population group. But few will deny the brute sociological fact that certain dominant public and institutionalized ways of life and practices tend to correspond to certain population groups. Benhabib’s main defect in her account of culture is to emphasize only the subjective aspects of a culture—to conceive of it as a phenomenon that should be viewed solely from the inside, from the perspective of the participants—and to neglect the objective aspects of a culture.

It follows from this a certain conception of the relation one has with other cultures. Cultural cosmopolitans take as the paradigm of such a relation the instrumental point of view of someone considering other cultures, including his or her original culture, as a source of cultural supplies he or she can use as he or she sees fit. But this view of culture as a fragmented instrument at the disposal of unsocialized selves is an abstraction that can in no way serve as a usable model of how individuals normally enter into dialogue with, or learn from, other cultures. One never apprehends other cultures or elements of other cultures as a “*tabula rasa*”, but one always brings one’s own cultural heritage. And we can presume that the latter is normally provided, at least at first glance, not by some abstract and unspecified “cultural life-world” or “civilizational culture”, nor by some other ultraspecific, idiosyncratic, marginal culture, but by our own, distinct and separate national culture. It is normally in our own vernacular language that writings—tales,

⁹ See note 5.

poems, novels, essays—, just as television series, movies or theatre plays emanating from other cultures are translated. It is also normally through our own distinct cultural experience and our own distinct national history that we are inclined to interpret and try to better understand other cultural experiences and historical narratives. In a nutshell: even if all cultures influence each other and are in the long run inclined to transform themselves through this influence—that is, to transform their “character”—every singular culture, unless it is threatened with extinction by some external power, does not stop existing institutionally as a separate culture for all that. Each one assimilates and integrates this influence within its own institutional environment and societal structure.

Conclusion

I’ve tried to show that one of the main objections raised against multiculturalist theories, the cultural essentialism fallacy, provides no decisive or conclusive grounds for rejecting them. At least, it provides no decisive or conclusive grounds for rejecting *one* variant of multiculturalist theories conceived along an egalitarian line of argument and emanating from a liberal culturalist/nationalist perspective. I’ve demonstrated that none of the versions of the cultural essentialism objection found in Barry’s, Benhabib’s and Gutmann’s recent books appears sufficiently persuasive to undermine the egalitarian argument for the politics of protection of cultures that Kymlicka, in particular, puts forward. The distinction between the character of a culture and the cultural structure allows a coherent response to the first sense of the objection, where cultural essentialism is understood mainly as the “stasis fallacy”. The second sense of the objection, the holistic fallacy, provides no further grounds for rejecting the egalitarian argument. I showed that concern about the dangers of the comprehensiveness of a culture or the relevance of an egalitarian politics towards illiberal cultures, is unfounded once we clarify different (acceptable and less acceptable) kinds of cultural and national identities and different (desirable and less desirable) modes of action as regards non-liberal cultures. Finally, I showed that the last sense of the objection, the fallacy of distinctness, reveals a view of cultures that exhibits more defects, and is more counter-intuitive, than its liberal culturalist/nationalist counterpart.

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