

CULTURAL IDENTITY AND THE NATION-STATE

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Cultural Identity and the Nation-State

Preface

The affirmation of cultural difference, the resurgence of nationalism and religious fundamentalism, and new emphases on ethnicity, together with the emergence of economic and political globalization, have created sharp problems for older conceptions of citizenship and universal rights within democratic societies. This book considers current philosophical and political arguments concerning alternative conceptions of cultural and national identity, as well as the theoretical conflicts that have emerged about pluralism and multiculturalism within nation-states, rights for minority cultures, and national self-determination. Several of the essays focus on alternative models of cultural diversity and the issue of state support for culture in general and for minority cultures in particular. A related theme is the tension between the recognition of diverse cultures, on the one hand, and of cosmopolitan or universal frameworks of human rights, on the other. The question is addressed whether new norms or values, along with new forms of governance, are required in this current context. The role of democratic and civic institutions is also scrutinized here, as is the function of constitutional adjudication for contemporary democracies.

Several authors explicitly reflect on United States, Canadian, and French perspectives on these issues, since policies and practices with respect to cultural identity have recently come under especially sharp scrutiny in public debate in those countries, with competing models for the treatment of immigrants and cultural minorities among their citizenry. Yet, the considerations raised clearly have

an impact on democratic states generally, particularly in the current context of globalization, insofar as these societies attempt to maintain universalist traditions of justice and rights, while giving new weight to the diversity of cultures within them. Economic, technological, and political globalization introduce new complexities into this situation, not only by establishing global interconnections between heretofore more self-contained cultures and regions but also by extending commercialization and a certain homogenization, even of cultural traditions, worldwide. This distinctive intersection of democracy, globalization, and cosmopolitan frameworks of rights poses new questions about recognizing cultural identities and the scope of national or political communities, which in turn prompts some of the reflections and analyses collected here.

Among the issues addressed in this volume are the following:

- Multicultural versus integrationist approaches to ethnic differences in matters of language, education, and the support of culture more generally. Is cultural pluralism always required, or is there a role for a national culture?
- Different models of the assimilation of immigrants and their rights. Furthermore, are the requirements for recognizing native groups with their own institutional forms of self-governance different from such requirements for immigrant groups?
- The meaning of self-determination, and the basis and scope of this idea. What is the significance of an individual's right to cultural expression and development in this context? Do new forms of political or ecological cooperation give rise to a new interpretation of self-determination beyond the limits of nation-states? What are the limits of rights to national self-determination?
- Is the unity of a nation-state found in its prepolitical community or in its political constitution as a state, and what is the impact of this for issues of the self-determination of peoples? What is the role of a constitution in setting the framework for democratic decision making, and how is this role understood in various contemporary nation-states?
- How can democratic states cope with the dual and apparently contrasting problems posed by religious fundamentalisms and by the increasing role given to market relations that the global economy produces? What are the new opportunities and also the new problems for democratic governance that are posed by increasing economic and political globalization?
- How can one deal with oppressive cultural practices that may violate human rights—for example, female genital mutilation? What is the role of universal conceptions of human being in grounding the human rights and in permitting a critique of such practices?
- Does the state have an obligation to support culture generally and, in that case, also the diverse cultures of ethnic minorities? Can it do so in a fair way that does not violate its neutrality or basic standards of democratic procedure? Is a tyranny of the majority culture(s) inevitable within nation-states?

does not in fact hold that the unity of a society is independent of the particular social relationships or ties of members but rather thinks that distinct peoples should be allowed independence. For Morris, Enlightenment states can maintain their contemporary cosmopolitan self-image only by disregarding the “protonationalism” evident in Jefferson. In his conclusion, Morris defends the idea that a commitment to (certain) universal rights of persons is compatible with understanding the unity of societies to be at least partly based on particular social relations, including those of a national sort.

In his essay “Could Canada Turn into Bosnia?” the philosopher Frank Cunningham observes how philosophers and political theorists attempting to understand national conflicts typically address a standard group of questions—the definition of “nation”; the relations among individual, national, and subnational group rights; democracy and nationhood; nationalism and globalism—and adopt well-defined stances from which to make their prescriptions—for instance, from the standpoint of liberal individualism, communitarianism, or political realism. Considering the example of the national conflict between Anglo Canadians and Franco Quebecers, his essay maintains that when the situation of the first nations (or native Canadians) is taken politically into account (as is also happening elsewhere), the questions and standard answers to them, as well as the prescriptive stances, are inadequate and need reinterpretation. This is partly due to the unique political and moral challenges presented by land claims and other requirements for transgenerational redress and partly because notions like “sovereignty,” “right,” and “democracy” in aboriginal usage strain nonaboriginal attempts at conceptual and political accommodation. Cunningham suggests that this point becomes especially relevant in the context of contemporary violent conflicts of an ethnic or national sort.

How can contemporary democratic governments hold together multicultural nations? In his “Blood Brothers, Consumers, or Citizens? Three Models of Identity—Ethnic, Commercial, and Civic,” Benjamin R. Barber suggests that democracy itself provides a way of dealing with multiculturalism by emphasizing civic identity as an extension of democratic membership—that is, citizenship. Especially in the United States, commitment to constitutional principles, along the lines of Habermas’s “constitutional patriotism,” plays a role in uniting people otherwise divided by private faith, race, gender, class, or ethnic origins. Yet, Barber notes that in recent years the underlying conditions on which the effectiveness of constitutional commitment depend have eroded. Along the lines pursued in his well-known book *Jihad versus McWorld*, Barber observes that two powerful rivals for identity have tended to overwhelm that of the citizen: a renewed tribalism or “blood brotherhood,” on the one hand, and a postmodern commercial identity, on the other hand, in which people are taken as consumers, in the context of economic, technological, and market forces that demand integration and uniformity. He calls this latter context a “McWorld,” tied together by communications, information, entertainment, and commerce. Barber argues that these two

- What are the relations among cultural identity, ethnicity, and nationality? What is the import of recent globalization processes for recognizing cultural identity and ethnicity within the framework of nation-states? Are there new forms of citizenship that are appropriate in this context?

With essays by philosophers and political theorists from the United States, Canada, and France, this volume takes up these largely new and difficult questions concerning cultural identity in the nation-state. Although significant theoretical analyses of these questions already appear in the literature, several of the essays in this collection argue in various ways against the grain, representing distinctive approaches to self-determination, multiculturalism, individual and group rights, and the relation of these to a constitutional framework and to a democratic civil society. The essays tend to proceed by reviewing alternative positions and arguing in rather dialectical ways for positions that reconcile the conflicting views and preserve the strengths of the existing alternatives in plausible new syntheses.

The first topic in the collection is the idea of self-determination. In what sense should it be given moral weight? In his essay "The Ethics of Self-Determination: Democratic, National, Regional," Omar Dahbour argues that this idea has played an important, if problematic, role in recent debates about the ethics of international relations. He notes its historical importance in nineteenth-century demands for statehood of European nationalities, followed by the national liberation struggles in the colonial world during the early twentieth century and, in more contemporary terms, in the moves toward secession by certain national groups. Yet, despite its political importance, self-determination in Dahbour's view has some morally troubling dimensions. He regards it as an ambiguous concept that is to a degree compatible with the major tendencies in recent international law and ethics but in other ways undercuts those same tendencies. His essay distinguishes three different interpretations of this principle of self-determination, which he calls democratic, national, and regional. While Dahbour endorses the democratic interpretation, he notes some of its limitations. He criticizes one prominent philosophical justification for the national interpretation of this principle that he calls the "right to culture" argument. He then argues for what he calls a regional principle of self-determination, which bases it in an ecologically-defined conception of community, and notes some implications of adopting this principle for various issues in international, environmental, and business ethics.

Christopher W. Morris, in his "Peoples, Nations, and the Unity of Societies," takes up the perplexing question of what makes a society one. He questions the common view in Enlightenment cultures such as those of the United States or France that the unity of a culture cannot depend on preexisting social ties—for example, those of nationality, feelings of community, or religious faiths—without those states losing their universalism. This position is identified in the American case with the writings of Thomas Jefferson, but, according to Morris, Jefferson

alternative identities share an anarchic absence of common will or of conscious and collective human control under the guidance of law—in short, democracy. By contrast, Barber calls for a foundation for civic unity that is fully compatible with democracy. This would constitute a “third way . . . between private markets and coercive government, between anarchistic individualism and dogmatic tribal communitarianism,” which he finds in the public space of a civil society.

The issue of the potential conflict between recognizing diverse cultural practices and universalistic standards of human rights or democracy in a cosmopolitan or global context poses difficult normative problems for political philosophy. For example, how can we avoid cultural relativism without imposing universalistic standards on other cultures? In “Two Concepts of Universality and the Problem of Cultural Relativism,” Carol C. Gould considers the recent efforts of philosophers such as Martha Nussbaum and Amartya Sen to propose universalistic conceptions of human beings and their properties or capabilities in place of views that emphasize differences in cultures or gender. These proposals in turn permit us to criticize cultural practices that may be oppressive to women or to deal with the problem of persistent poverty in less developed countries. Gould is critical of abstractly universalist conceptions of human beings that remain overtly essentialist in their willingness to specify a determinate list of human characteristics. She notes the older criticism that such views may in fact be historically and culturally biased by deriving their characteristics from dominant groups. She argues further that, when put forward as a basis for development and for human rights, such views may in fact import Western liberal conceptions of norms of development and rights under the guise of the universally human. In the second part of her essay, Gould contrasts this essentialist understanding of universality with an alternative conception of “concrete universality” that advances a more social account of norms, in which they are understood as intercultural creations. Yet, she goes on to suggest how the latter conception can nonetheless leave room for traditionally universalist norms such as the equal freedom recognized by democratic societies and the human rights.

In “The French Republic and the Claims of Diversity,” Catherine Audard takes up the central issue of how much a modern state needs to recognize the diverse cultures within it and how it can do so. She focuses on the French conception of *laïcité* (roughly, secularism), which is often criticized for illiberalism and a rejection of the claims of diversity. She questions how valid such criticisms are and whether they withstand a more nuanced view of the nature and purposes of this conception. Audard goes on to ask how *laïcité* can be adapted to the new social and cultural realities of multiethnicity. Her answer is based on a concept of citizenship and its moral standing. Citizenship, for Audard, requires membership in an ethical community, not only integration into a nation-state. In this context, she discusses the issue of the prohibition on Muslim girls wearing the *hidjab*, or veils, in French schools. She suggests that the debate about the hidjab has focused only on the potential split of the French nation into many ethnic groups, bypassing the

question of the needs of the individual for recognition and moral development through cultural, social, or religious memberships. Audard observes that the centralized state feels threatened by minority cultures and wants to enforce their allegiance and their assimilation into the dominant culture. In the construction of a French citizenry through secular education, the purposes of assimilation and of the formation of “good citizens” tend to override simple toleration and basic respect for individual rights. Against that, Audard argues that diversity needs to be seen as a moral need, not only a threat, and is fostered by the very nature of moral identity and the self. She proposes that this has to be acknowledged in a new and richer concept of citizenship within what she calls “the civic nation.”

James A. Cohen, in “Value Judgments and Political Assessments about National Models of Citizenship: The U.S. and French Cases,” continues these reflections by observing that national models of citizenship are often perceived by outsiders in ways that deform their premises and the specific ways in which they function in practice. He takes up two examples: perceptions of the French republican model of citizenship by foreign observers, in particular North Americans, and perceptions of the United States model by French observers. He proposes first that the French republican model of citizenship is not always clearly understood by observers abroad: the constraints it places on the cultural, linguistic, and religious practices of immigrants are less severe and less “assimilationist” than they are taken to be. The multiculturalist perspective of many foreign observers makes it difficult for them to see that the French model is not inconsistent with full tolerance of cultural practices in the private sphere, with “intercultural” policies in the public sphere, and with certain forms of positive or affirmative action, so long as they do not refer explicitly to the ethnic or national origins of beneficiaries. In an analogous way, from the French republican point of view, the United States model of citizenship is often designated as the very example of what to avoid (i.e., the fragmentation of society into ethnic communities that crystallize into political blocs). Starting from this premise, certain French observers take a dim view of any kind of practice involving positive or affirmative action and tend to make value judgments about the United States that are not founded in an understanding of how affirmative action and discourses of multiculturalism function in the U.S. political context. Cohen advocates, in conclusion, a more historicized and contextualized understanding of each national model of citizenship—an attitude that would not preclude value judgments about these models but that would make for more circumspect judgments, grounded in the politically possible.

In the final chapter, “Constitutional Adjudication and Democracy,” Pasquale Pasquino also uses a comparative perspective, drawing on the United States, France, and Italy to elucidate the important issue of the relation of constitutional courts and democratic decision making in modern nation-states. Because of the role of independent constitutional courts, Pasquino notes that a constitutional democracy or state may be understood as one in which the will

of an elected majority can in fact be struck down or modified—at least for a time—by an unelected body that is politically unaccountable. Pasquino takes up the apparent conflict that this poses with democratic values and beliefs, suggesting that a new doctrine of limited government—a postdemocratic rather than a predemocratic one—becomes central for contemporary political theory. The American institution of judicial review is specifically compared with the constitutional court systems that emerged in Germany, Italy, and France only in the middle of the twentieth century. He concludes that the institutions of a constitutional state cannot be deduced from the single value of democracy alone. In his view, while it is a crucial value, democracy is not the only one that we ought to care about, and perhaps it is not even the one we do care most about in constitutional states. In this chapter, as in the previous two, the use of comparative perspectives helps to clarify current issues on the agenda in the United States and other democratic nation-states.

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The Ethics of Self-Determination

Democratic, National, Regional

OMAR DAHBOUR

The idea of self-determination has played an important, if problematic, role in recent debates about the ethics of international relations. Historically, self-determination became important internationally with the demands for statehood of European nationalities in the nineteenth century. It gained additional currency with the rise of struggles for so-called national liberation in the colonial world during the early twentieth century and has retained its global relevance after the success of the anticolonial movements with contemporary calls for secession by national groups in a variety of states.¹

But despite the political importance of the idea of self-determination in the last two hundred years, it continues to be morally problematic. This is because self-determination is a concept with radically different meanings—ones that can be either compatible or incompatible with other current doctrines in international law and ethics, depending on the meaning that is accepted. This chapter will distinguish these different meanings from one another and determine whether self-determination is indeed an important principle to affirm in contemporary international relations (and in what sense).

What I propose to do here is to distinguish among three different interpretations of a principle of self-determination (which I call the democratic, national, and regional principles), giving some examples of each. In discussing the democratic principle, I will note its limitations, while still endorsing it in some form. Then, I will describe and criticize in some detail a recent philosophical justification for the

national principle that I call the “right to culture” argument. Finally, I will advocate a regional principle of self-determination, defining it on the basis of an ecological concept of regions, and note some potential problems with this new principle.

LIMITATIONS OF THE DEMOCRATIC PRINCIPLE

The three different interpretations of self-determination named here can be briefly defined as follows. First, self-determination has meant democratic self-rule by the people of an already existing territory. The clearest case of this is its usage in anticolonial movements in which self-determination meant self-rule by the populations of the colonies. Second, a nationalist interpretation of self-determination indicates advocacy of separate statehood for national groups, whether or not these groups are found within already existing, internationally recognized boundaries. Third, self-determination can be applied to certain contemporary movements for indigenous peoples’ rights or for the autonomy of substate regions from central authorities, when these are advocated as a means of remedying the marginalization or exploitation of groups leading ecologically distinctive ways of life.

It is useful to note the precise differences among these three principles. When self-determination is regarded as a democratic principle, it is equivalent to the idea that peoples in already existing political communities ought to participate in their own governance. But when self-determination is understood to apply to national groups, it is not self-rule as such that is at issue—the national principle could be (and is) the basis for demands made against avowedly democratic states—but the boundaries of the unit, entity, or territory within which self-rule is to be exercised.² Finally, when self-determination is thought of in regional terms, it indicates an interest in the autonomy necessary to protect and enhance the self-sufficiency and distinctiveness of peoples in particular geographic regions or localities.

The democratic principle of self-determination has come to be accepted as an integral part of international law, at least since the promulgation of the Universal Declaration of Human Rights and the United Nations Charter at the end of the 1940s.³ This is not to say that there have not been some persistent critics of the adoption of any idea of self-determination. Such critics have generally been suspicious either of the philosophical underpinnings of self-determination per se or of the elasticity of the term, which seems to allow for a variety of misapplications.⁴

Nevertheless, most international jurists have come to view self-determination as justified on the basis of considerations of consistency, in the following sense. The democratic principle constitutes the assertion that, when a political entity of some kind exists, its people ought to be self-governing. This would seem to be a simple extension of the act of recognizing *any* political entities as self-governing—for instance, through treaties or membership in international organi-

zations such as the United Nations.⁵ If Britain or France, for instance, are recognized as being legitimate international actors (i.e., independent states), then why not also recognize British Guiana or French West Africa as such, since they are already accorded separate status even by their imperial rulers? Obviously, such an idea was most effectively used to justify the independence of colonies from their colonizers.

Of course, this view begs a question that can only be given cursory notice here: namely, why necessarily accord already existing state boundaries legitimacy? This question tends to come to the fore in philosophical discussions of international relations more than legal ones for the obvious reason that international law assumes the legitimacy of states as its primary claimants.⁶ But in various other contexts—for instance, in different interpretations of how to apply Rawlsian hypothetical contract theory to the international realm—the necessary legitimacy of existing states has come into question.⁷

Nevertheless, for our purposes, it is sufficient to assume that if self-determination has *any* legitimate application to international affairs, it is one that, at the very least, accords a right of self-government to all existing states. (It is important to remember here that this—and not a specific type of regime—is what democracy means in the international context.) A final question worth asking about this democratic principle, however, is whether there are any entities to which it is now applicable in the post-colonial era.

One view of how the democratic principle might be extended from a colonial to a postcolonial context is to ensure that, within existing states, no groups or categories of persons are systematically excluded from the same degree of political participation as others. Something like this idea was used to criticize the apartheid regime in South Africa.⁸ An even more contemporary case might be that of Palestine.⁹ The Palestinian problem raises the issue of whether, when a group lacks political participation within an existing state, it may legitimately claim statehood for itself. This would require some specification of when a group has a kind of *neocolonial* status, about which there is no consensus in international law. But such an idea does not seem to be, *prima facie*, an illegitimate extension of the democratic principle.

Without committing myself at this point to one or another interpretation of the democratic principle, I simply want to suggest that it is generally recognized today in some form and may have applicability to certain cases in the postcolonial world. It is important to note, however, that its scope, however extended, will still be insufficient either to mollify nationalists who seek new states or to address the concerns of those who seek to preserve regionally distinct ways of life.

This is because, in the first case, the aim of democratic self-determination is to ensure not that particular cultural nations have states of their own but that peoples generally have the right to participate politically in some state. While this view will not satisfy nationalists, I will maintain, for purposes of allowing the cultural expression of different nationalities (often within the same states), that it should.

A second problem, however, is truly unaddressed by the democratic principle—that of the self-determination of indigenous peoples or exploited substate regions that seek to protect or maintain a distinctive society or way of life within a state. This is, of course, a variant of the classic problem of the domination of minorities within a majoritarian political system—but as applied to minorities constituted not by opinion, interest, or nationality but by particular places, needs, or material cultures. This problem is also ignored or even worsened by a nationalist view of self-determination as essentially applicable to groups with distinctive national identities.

Global ethics, just as much as traditional moral and political philosophy, has been affected by a new interest in cultural identity and difference and the norms that supposedly arise from affirmations of specific identities. In fact, international relations was the first arena in which what is today sometimes called multiculturalism, or, more accurately perhaps, identity politics, was formulated.

Nationalism was seen, at least by its advocates, as challenging attempts to develop universal norms of conduct for relations among states and peoples in the international arena. Instead, nationalism, as an assertion of the rights of culturally distinct groups, was regarded as trumping considerations of legal consistency, distributive justice, or human rights. The remainder of this chapter will examine and criticize one aspect of this assertion—a philosophical justification for the principle of national self-determination—and then present an argument for a principle of regional self-determination that may offer a means of remedying problems that the democratic principle truly does not address.¹⁰

THE NATIONAL PRINCIPLE AND THE RIGHT TO CULTURE ARGUMENT

National self-determination can be defined as the idea that nationalities may rightfully determine the boundaries, membership, and political status of their own communities, including asserting a right to statehood. The ethical justification of this principle begins from the idea that individuals, as moral agents, have rights to their own well-being. Among the conditions for well-being is the ability to engage in the expression of one's cultural mores, values, and customs. Yet, to do this, one must have a right to engage in cultural expression and to the conditions that allow this. Proponents of the national principle argue that a nation-state is often a necessary condition for the realization of this right.¹¹ Thus, an ethical justification of the principle can be understood as based on a “right to culture”—namely, as the idea that the right of individuals to express, participate in, and propagate a distinctive culture requires that the cultural groups of which they are members be able to establish independent states within which these activities can be pursued.

In arguing for the idea of self-determination on ethical grounds, philosophers have sought to derive a justification for the principle by establishing a connection