

themselves and of others and their judgments of the opportunities and the responsibilities of life are shaped, to an extent, by the existence of such groups and their membership of them. It may be meaningful to claim that our views regarding national self-determination apply only to a populated world like ours. One may point to different principles that would prevail in a world with vast unoccupied fertile lands. Such speculation is utopian but it may serve to highlight some of the reasons for the principles that apply in our condition. To speculate concerning a reality different from ours in its basic social and moral constitution is pointless in a deeper way. Such social facts are constitutive of morality. Their absence undercuts morality's very foundations. We could say that under such changed conditions people will have normative beliefs and will be guided by some values. But they are not ones for which we can claim any validity.

2. This qualification is to take account of the fact that, according to doctrines of limited government, certain matters are outside the realm of politics, and no political action regarding them may be undertaken.
3. Among the exceptions to this rule are the slowly growing importance of supernational, especially regional, associations such as the European Community, the growth of a doctrine of sovereignty limited by respect for fundamental human rights, and the continuing (usually thinly veiled) claims of some states that they are not bound by the international law regarding the sovereignty of states.
4. The fiction-reading public can take the character of a literary elite with mutual recognition as part of its identity. The importance of 'acceptability' in such groups has often been noted and analyzed.
5. This is not meant to suggest that there are not often drawbacks to self-rule. They will be considered below.

4 Minority Cultures and the Cosmopolitan Alternative

JEREMY WALDRON

If it were appropriate to make dedications, this Article would be for Salman Rushdie, who a few months ago celebrated his one-thousandth day in hiding in Britain under police protection from the sentence of death passed upon him in Tehran in 1988. I want to begin with an extended quotation from an essay entitled *In Good Faith*, which Rushdie wrote in 1990 in defense of his execrated book *The Satanic Verses*:

If The Satanic Verses is anything, it is a migrant's-eye view of the world. It is written from the very experience of uprooting, disjuncture and metamorphosis (slow or rapid, painful or pleasurable) that is the migrant condition, and from which, I believe, can be derived a metaphor for all humanity.

Standing at the centre of the novel is a group of characters most of whom are British Muslims, or not particularly religious persons of Muslim background, struggling with just the sort of great problems that have arisen to surround the book, problems of hybridization and ghettoization, of reconciling the old and the new. Those who oppose the novel most vociferously today are of the opinion that intermingling with a different culture will inevitably weaken and ruin their own. I am of the opposite opinion. *The Satanic Verses* celebrates hybridity, impurity, intermingling, the transformation that comes of new and unexpected combinations of human beings, cultures, ideas, politics, movies, songs. It rejoices in mongrelization and fears the absolutism of the Pure. *Mélange*, hotchpotch, a bit of this and a bit of that is *how newness enters the world*. It is the great possibility that mass migration gives the world, and I have tried to embrace it. *The Satanic Verses* is for change-by-fusion, change-by-conjoining. It is a love-song to our mongrel selves . . .

I was born an Indian, and not only an Indian, but a Bombayite—Bombay, most cosmopolitan, most hybrid, most hotchpotch of Indian cities. My writing and thought have therefore been as deeply influenced by Hindu myths and attitudes as

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Muslim ones. . . . Nor is the West absent from Bombay. I was already a mongrel self, history's bastard, before London aggravated the condition.¹

It is not my intention here to contribute further to the discussion of *The Satanic Verses* or of the price its author has paid for its publication.² Instead, I want to take the comments that I have just quoted as a point of departure to explore the vision of life, agency, and responsibility that is implicit in this affirmation of cosmopolitanism. I want to explore the tension between that vision and the more familiar views with which we are concerned in this Symposium—views that locate the coherence and meaning of human life in each person's immersion in the culture and ethnicity of a particular community.

1. Communitarianism

What follows is in part a contribution to the debate between liberals and communitarians, though those labels are becoming rather tattered in the modern discussion.³

Although there is a rough correlation between the liberty claimed by Rushdie and the ideal of liberal freedom, the life sketched out by Rushdie really does not answer to the more earnest or high-minded characterizations of the liberal individual in modern political philosophy. Modern liberal theorists place great stress on the importance of an autonomous individual leading his life according to a chosen plan; his autonomy is evinced in the formulation and execution of a life-plan and the adoption of ground-projects, and his rights are the liberties and protections that he needs in order to do this.⁴ Liberals stress the importance of each individual's adoption of a particular conception of the good, a view about what makes life worth living, and again a person's rights are the protections he needs in order to be able to choose and follow such values on equal terms with others who are engaged in a similar enterprise.⁵ The approach to life sketched out by Rushdie has little in common with this, apart from the elements of freedom and decision. It has none of the ethical unity that the autonomous Kantian individual is supposed to confer on his life;⁶ it is a life of kaleidoscopic tension and variety. It is not the pursuit of a chosen conception of goodness along lines indicated by Ronald Dworkin;⁷ nor does its individuality consist, in Rawls's words, in 'a human life lived according to a plan.'⁸ Instead, it rightly challenges the rather compulsive rigidity of the traditional liberal picture.⁹ If there is liberal autonomy in Rushdie's vision, it is choice running rampant, and pluralism internalized from the relations between individuals to the chaotic coexistence of projects, pursuits, ideas, images, and snatches of culture *within* an individual.¹⁰

If I knew what the term meant, I would say it was a 'postmodern' vision of the self. But, as I do not, let me just call it 'cosmopolitan,' although this term is not supposed to indicate that the practitioner of the ethos in question is necessarily a migrant (like Rushdie), a perpetual refugee (like, for example, Jean-Jacques Rousseau), or a frequent flyer (like myself). The cosmopolitan may live all his life in one city and maintain the same citizenship throughout. But he refuses to think of himself as *defined* by his location or his ancestry or his citizenship or his language. Though he may live in San Francisco and be of Irish ancestry, he does not take his identity to be compromised when he learns Spanish, eats Chinese, wears clothes made in Korea, listens to arias by Verdi sung by a Maori princess on Japanese equipment, follows Ukrainian politics, and practices Buddhist meditation techniques. He is a creature of modernity, conscious of living in a mixed-up world and having a mixed-up self.

I want to use the opportunity provided by Rushdie's sketch of such a life to challenge the claims that are made by modern communitarians about the need people have for involvement in the substantive life of a particular community as a source of meaning, integrity, and character.¹¹ One of the things that we are going to find, as we proceed with this exploration, is the importance of pressing the communitarian on the meaning of the term 'community.' Many of us have been puzzled and frustrated by the absence of a clear understanding of this concept in some of the assertions made by communitarians like Alasdair MacIntyre, Michael Sandel, Charles Taylor, and Michael Walzer.¹² I do not mean the absence of a precise definition. I mean the absence of any settled sense about the *scope* and *scale* of the social entity that they have in mind.

When they say that the modern individual is a creation of community,¹³ or that each of us owes her identity to the community in which she is brought up,¹⁴ or that our choices necessarily are framed in the context of a community,¹⁵ or that we must not think of ourselves as holding rights against the community,¹⁶ or that communities must have boundaries,¹⁷ or that justice is fidelity to shared understandings within a community,¹⁸ what *scale* of entity are we talking about? Is 'community' supposed to denote things as small as villages and neighborhoods, social relations that can sustain *gemeinschaft*-type solidarity and face-to-face friendships? What is the relation between the community and the political system? Is 'community' supposed to do work comparable to 'civil society,' picking out the social infrastructure of whatever state or political entity we are talking about? If, as John Dunn recently has argued,¹⁹ the concept of *the state* no longer picks out a natural kind, denoting as it does political entities as small as Fiji and as large as the United States, as tight as Singapore and as loose as the Commonwealth of Independent States (C.I.S.), is there any sense in

supposing that for every state there is just one community or society to which individuals owe their being and allegiance?

Should we even suppose that communities are no bigger than states? If each of us is a product of a community, is that heritage limited to national boundaries, or is it as wide (as *worldwide*) as the language, literature, and civilization that sustain us? Are we talking about particular communities, at the level of self-contained ethnic groups, or are we talking about the common culture and civilization that makes it possible for a New Zealander trained at Oxford to write for a symposium in the *University of Michigan Journal of Law Reform*?²⁰

I suspect that the popularity of modern communitarianism has depended on *not* giving unequivocal answers to these questions. I suspect that it depends on using premises that evoke community on one scale (usually large) to support conclusions requiring allegiance to community on quite a different scale (usually small).

For the purposes of this Article, I want to single out one meaning of the term as worthy of special attention. It is 'community' in the sense of *ethnic* community: a particular people sharing a heritage of custom, ritual, and way of life that is in some real or imagined²¹ sense immemorial, being referred back to a shared history and shared provenance or homeland. This is the sense of 'community' implicated in nineteenth- and twentieth-century nationalism. I shall use community in this sense as a sort of counterpoint to my exploration of Rushdie's cosmopolitan ideal. I want to pin down the communitarian critique of the cosmopolitan style of life to something like the claim, made by the German historian Johann Gottfried Von Herder, that (in Isaiah Berlin's paraphrase) 'among elementary human needs—as basic as those for food, shelter, security, procreation, communication—is the need to belong to a particular group, united by some common links—especially language, collective memories, continuous life upon the same soil,' and perhaps 'race, blood, religion, a sense of common mission, and the like.'²²

Some will protest that it is unfair to pin matters down in this way. Michael Sandel, they will say, is not Johann Gottfried Von Herder. But the aim is not to underestimate the subtlety of any particular philosopher's position. From time to time, it is important for us not only to read the ordinary ambiguous literature of communitarianism, but also to see how much substance there would be if various *determinate* communitarian claims were taken one by one, and their proponents were forced to abandon any reliance on vagueness and equivocation. In the end, that is the best way to evaluate the array of different meanings that are evoked in this literature. This Article is certainly not a complete execution of that task, but it is intended as a substantial beginning.

2. Minority Culture as a Human Right

There is an additional reason for being interested in social entities on this scale. In modern discussions of human rights, we are presented with the claim that particular cultures, communities, and ethnic traditions have a right to exist and a right to be protected from decay, assimilation, and desuetude. The claim is presented, in a rather modest form, in Article 27 of the International Covenant on Civil and Political Rights:

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.²³

Now, as it stands, this provision leaves quite unclear what is to count as the enjoyment of one's culture, the profession of one's religion, and the use of one's language. Are these goods secured when a dwindling band of demoralized individuals continues, against all odds, to meet occasionally to wear their national costume, recall snatches of their common history, practice their religious and ethnic rituals, and speak what they can remember of what was once a flourishing tongue? Is that the *enjoyment* of their culture? Or does enjoyment require more along the lines of the active flourishing of the culture on its own terms, in something approximating the conditions under which it originally developed?

Many have thought that respect for minority cultures does require more. A recent United Nations report rejected the view that Article 27 is nothing but a nondiscrimination provision: it insisted that special measures for minority cultures (such as some form of affirmative action) are required and that such measures are as important as nondiscrimination in defending fundamental human rights in this area.²⁴ Such affirmative measures may include subsidies from the wider society.²⁵ But they also may involve the recognition that minority cultures are entitled to protect themselves by placing limits on the incursion of outsiders and limits on their own members' choices about career, family, lifestyle, loyalty, and exit—limits that might be unpalatable in the wider liberal context.²⁶

It is not my intention to get involved in a detailed debate about the interpretation of Article 27. Instead, I want to examine the implicit claim about human life that lies behind provisions like this. For, once again, we are dealing with the Herderian claim²⁷ that there is a human yearning or need to *belong*: a need that is in danger of being miserably frustrated—for example in the case of North American aboriginal groups. This is the need that scholars appeal to when they criticize or defend various interpretations of the right of cultural preservation.

3. A Thin Theory of the Good

So there are two visions to be considered—the cosmopolitan vision intimated by Salman Rushdie and the vision of belonging and immersion in the life and culture of a particular community espoused by the proponents of Article 27.

It is important to see that these are not merely different lifestyles of the sort that old-fashioned liberalism could comfortably accommodate in a pluralistic world—some like campfires, some like opera; some are Catholics, some are Methodists—that sort of thing. Instead, we are talking, as I indicated earlier, about the background view of life, agency, and responsibility that is presupposed already by any account of what it is for lifestyles to be diverse or for diversity to be tolerated.

This contrast between lifestyle and background assumptions is worth explaining a little further. Any political theory, *including* a theory of toleration or liberal neutrality, must be predicated on some view of what human life is like. This is true even if it is only what philosophers call a 'thin' theory²⁸—that is, a theory giving us the bare framework for conceptualizing choice and agency but leaving the specific content of choices to be filled in by individuals. We need a thin theory to tell us what goods should be at stake in a theory of justice, what liberties and rights are going to be called for, and, more broadly, what the skeletal outlines of human lives can be expected to be so that we can have some sense of how everything will fit together. For example, a liberal theory of rights needs to be able to say that religious choices and matters of conscience are very important to people (and so worthy of special protection) without begging any questions about what the content of those choices should be. A thin theory is also necessary in order to work out a subject-matter for a theory of justice: What is a just distribution ultimately a distribution of? Should we be interested in the just distribution of happiness, the just distribution of material resources, or the just distribution of human abilities and capacities?²⁹ Each society must share some consensus at this level, no matter what plurality it envisages on some other level.

Above all, we need a thin theory of choice, agency, and responsibility so that we can say something about the shape of individual lives in relation to matters like society, community, politics, and justice. We need to have some skeletal sense of how things are to fit together. Are we envisaging a society of *individuals* in some strong sense, or a community of persons bound together in some organic common life? Are we envisaging a society of equals, so that each person's claims against others are to be matched by others' reciprocal claims against him? Or are we envisaging a hierarchy, oriented functionally towards some nonegalitarian end?

We cannot make any progress at all in political philosophy unless we tie ourselves down to some extent here; certainly a liberal theory of neutrality that purports to be neutral about *everything* in this area quickly falls apart into fatuous incoherence. Critics of liberalism are fond of uncovering the assumptions made at this level, as if that were a way of discrediting the neutrality of the liberal ideal.³⁰ But every political theory must take some stand on what authentic human agency is like and how that relates to the fact of our location in society. The tensions that I intend to explore—between the cosmopolitan and communitarian account of human life and activities—are not merely disagreements at the level of comfortably competing lifestyles. They are not to be thought of as liberal bedfellows who have already settled the basic terms and conceptions of their association. They are tensions at a deep philosophical level.

4. Opposition and Authenticity

But are the two visions of human life that we are discussing really antagonists? It may seem odd to oppose them this starkly. Salman Rushdie is not noted as an opponent of aboriginal rights, nor are the Native American tribes particularly interested in *The Satanic Verses*. The defenders of Article 27 may frown on cultural impurity, but they are not proposing exactly to limit the freedom of those who, like Rushdie, choose to entangle their roots with foreign grafts. Not *exactly*; but the fact that one of the charges for which Rushdie was sentenced to death was apostasy is a sobering reminder of what it really may mean to insist that people must keep faith with their roots.³¹

Nor are the citizens of the world, the modernist dreamers of cosmopolis, proposing exactly to destroy minority cultures. Their apartments are quite likely to be decorated with Inuit artifacts or Maori carvings. Still, we know that a world in which deracinated cosmopolitanism flourishes is not a safe place for minority communities. Our experience has been that they wither and die in the harsh glare of modern life, and that the custodians of these dying traditions live out their lives in misery and demoralization.

We are dealing, in other words, with conceptions of man and society which, if not actually inconsistent, certainly are opposed in some important sense. Each envisions an environment in which the other is, to a certain extent, in danger.

It is also true that, although these two conceptions are not formally inconsistent, still the best case that can be made in favor of each of them tends to cast doubt upon the best case that can be made for the other.

Suppose first, that a freewheeling cosmopolitan life, lived in a kaleidoscope of cultures, is both possible and fulfilling. Suppose such a life turns

out to be rich and creative, and with no more unhappiness than one expects to find anywhere in human existence. Immediately, one argument for the protection of minority cultures is undercut. It can no longer be said that all people *need* their rootedness in the particular culture in which they and their ancestors were reared in the way that they need food, clothing, and shelter.³² People used to think they *needed* red meat in their diet. It turns out not to be true: vegetarian alternatives are available. Now some still may prefer and enjoy a carnivorous diet, but it is no longer a matter of necessity. The same—if the cosmopolitan alternative can be sustained—is true for immersion in the culture of a particular community. Such immersion may be something that particular people like and enjoy. But they no longer can claim that it is something that they need.

Of course, it does not follow from this that we are entitled to crush and destroy minority cultures. But the collapse of the Herderian argument based on distinctively human *need* seriously undercuts any claim that minority cultures might have to special support or assistance or to extraordinary provision or forbearance. At best, it leaves the right to culture roughly on the same footing as the right to religious freedom. We no longer think it true that everyone needs some religious faith or that everyone must be sustained in the faith in which he was brought up. A secular lifestyle is evidently viable, as is conversion from one church to another. Few would think it right to try to extirpate religious belief in consequence of these possibilities. But equally, few would think it right to subsidize religious sects merely in order to preserve them. If a particular church is dying out because its members are drifting away, no longer convinced by its theology or attracted by its ceremonies, that is just the way of the world. It is like the death of a fashion or a hobby, not the demise of anything that people really need.

So the sheer existence and vitality of the cosmopolitan alternative is enough to undercut an important part of the case for the preservation of minority cultures. Sometimes the cosmopolitan argument goes further. The stronger claim that Salman Rushdie suggests, in the passage we began with, is that the hybrid lifestyle of the true cosmopolitan is in fact the only appropriate response to the modern world in which we live.³³ We live in a world formed by technology and trade; by economic, religious, and political imperialism and their offspring; by mass migration and the dispersion of cultural influences. In this context, to immerse oneself in the traditional practices of, say, an aboriginal culture might be a fascinating anthropological experiment, but it involves an artificial dislocation from what actually is going on in the world. That it is an artifice is evidenced by the fact that such immersion often requires special subsidization and extraordinary provision by those who live in the real world, where cultures and practices are

not so sealed off from one another. The charge, in other words, is one of *inauthenticity*.

Let me state it provocatively. From a cosmopolitan point of view, immersion in the traditions of a particular community in the modern world is like living in Disneyland and thinking that one's surroundings epitomize what it is for a culture really to exist. Worse still, it is like demanding the funds to live in Disneyland and the protection of modern society for the boundaries of Disneyland, while still managing to convince oneself that what happens inside Disneyland is all there is to an adequate and fulfilling life. It is like thinking that what every person most deeply needs is for one of the Magic Kingdoms to provide a framework for her choices and her beliefs, completely neglecting the fact that the framework of Disneyland depends on commitments, structures, and infrastructures that far outstrip the character of any particular facade. It is to imagine that one could belong to Disneyland while professing complete indifference towards, or even disdain for, Los Angeles.

That is the case from one side. Suppose, on the other hand, that we accept what defenders of minority culture often say—that there is a universal human need for rootedness in the life of a particular community and that this communal belonging confers character and depth on our choices and our actions.³⁴ Then the freedom that Rushdie claims looks deviant and marginal, an odd or eccentric exercise of license rather than a consummation of human liberty. It sometimes is said that claims of freedom must be made with respect to actions that make sense and that unintelligibility rather than hostility is the first obstacle to toleration.³⁵ If anything like this is correct, then the more credence that we give to the communitarian thesis, the less intelligible the claim to cosmopolitan freedom becomes.

From the point of view of community, the cosmopolitan freedom that Rushdie extols—the freedom to renounce his heritage and just play with it, mixing it with imagery and movies and jokes and obscenities—is like the freedom claimed by any other oddball: the freedom to sail the Atlantic in a bathtub or the freedom to steer one's way through a bewildering series of marriages and divorces. Those who hop from one community to another, merging their roots and never settling down into any stable practices and traditions may, like the bathtub sailor or the matrimonial athlete, excite our sneaking admiration. But when things go wrong for them, our pitying response will be, 'Well, what did you expect?'

A moment ago, we considered the view that immersion in the life of a minority culture is like hiding in Disneyland and that it is an inauthentic way of evading the complex actualities of the world as it is. But the charge of inauthenticity is likely to be returned with interest by the proponents of minority culture. From their point of view, it is the Rushdian life of shifting

and tangled attachments that is the shallow and inauthentic way of living in the world. The cosmopolitan ideal, they will say, embodies all the worst aspects of classic liberalism—atomism, abstraction, alienation from one's roots, vacuity of commitment, indeterminacy of character, and ambivalence towards the good. The accusation is implicit in the undertones of words like 'deracinated' and 'alienated' or in the terminology that Rushdie turns bravely to his own purposes in the passage quoted earlier: 'hybrid,' 'impurity,' 'hotchpotch,' 'mélange,' and 'mongrelization.'³⁶ It is no accident that these terms, which so accurately describe the cosmopolitan ideal, are fraught with negative and cautionary connotations. This is the case that must be answered if the cosmopolitan vision is to be sustained. . . .

7. Our Debt to Global Community

One advantage of our focus on the cosmopolitan vision is that it forces us to think a little more grandly about the scale on which community and friendship are available for the constitution of the individual and the sustenance of friendship and interdependence. Talk of community in the nostalgic first-person plural of belonging, is, as I have said, apt to evoke images of small-scale community, neighborhood, or intimacy—the aboriginal hunting band, the Athenian city-state, or the misty dawn in a Germanic village.

Think honestly, however, of the real communities to which many of us owe our allegiance and in which we pursue our values and live large parts of our lives: the international community of scholars (defined in terms of some shared specialization), the scientific community, the human rights community, the artistic community, the feminist movement, what's left of international socialism, and so on. These structures of action and interaction, dependence and interdependence, effortlessly transcend national and ethnic boundaries and allow men and women the opportunity to pursue common and important projects under conditions of goodwill, cooperation, and exchange throughout the world. Of course, one should not paint too rosy a picture of this interaction. Such groupings exhibit rivalry, suspicion, and divisive controversy as well; but no more than any common enterprise and certainly no more than the gossip or backbiting one finds in smaller, more localized entities. It is community on this global scale which is the modern realization of Aristotelean friendship: equals who are good at orienting themselves in common to the pursuit of virtue.³⁷ This form of community is quite missed by those who lament the loss of true friendship in modern life.³⁸

Once we recognize this, the simple Herderian picture of the constitution of an individual through his belonging to a homogenous group begins to fall

apart. Think how much we owe in history and heritage—in the culture, or the cultures that have formed us—to the international communities that have existed among merchants, clerics, lawyers, agitators, scholars, scientists, writers, and diplomats. We are not the self-made atoms of liberal fantasy, certainly, but neither are we exclusively products or artifacts of single national or ethnic communities. We are made by our languages, our literature, our cultures, our science, our religions, our civilization—and these are human entities that go far beyond national boundaries and exist, if they exist anywhere, simply *in the world*. If, as the communitarians insist, we owe a debt of provenance to the social structures that have formed us, then we owe a debt to the world and to the global community and civilization, as well as whatever we owe to any particular region, country, nation, or tribe.

The argument that we must not think of our individuality as self-made, but that we must own up to the role that society has played in the constitution of our selves and cultivate a sense of allegiance and obligation that is appropriate to that social provenance has been a staple of modern communitarian thought. It finds its most eloquent recent expression in a paper by Charles Taylor, entitled *Atomism*,³⁹ though I fear that in that article Taylor is guilty of exactly the equivocation I mentioned earlier: tracing our debt to society, in the sense of a whole civilization, and inferring an obligation to society, in the sense of a particular nation-state.⁴⁰

Be that as it may, Taylor's argument is one that can be turned as easily against the partisans of small-scale community as against the advocates of atomistic individualism. For just as the allegedly self-made individual needs to be brought to a proper awareness of her dependence on social, communal, and cultural structures, so too in the modern world particular cultures and national communities have an obligation to recognize their dependence on the wider social, political, international, and civilizational structures that sustain *them*.

This is obvious in the case of indigenous communities in countries like the United States, Canada, Australia, and New Zealand. Indigenous communities make their claims for special provision and for the autonomous direction of their own affairs in the context of the wider political life of the countries where they are situated, and by the logic of Taylor's argument they must accept some responsibility to participate in and sustain this wider life. They are not entitled to accept the benefits of its protection and subsidization and at the same time disparage and neglect the structures, institutions, and activities that make it possible for indigenous communities to secure the aid, toleration, and forbearance of the large numbers of other citizens and other small communities by which they are surrounded.

Indigenous communities of course will lament that they are thus at the mercy of larger polities and that they have to make a case for the existence

of their culture to fellow citizens who do not necessarily share their ethnic allegiance. They may yearn for the days of their own self-sufficiency, the days when the question of sharing their lands with anyone else simply did not arise.⁴¹ They have that in common, I think, with Nozickian individualists who yearn for the days when the individual person was not so much at the mercy of the community and did not owe so much to the state, and who resent the processes that have brought them to this point.⁴² Yet here we all are. Our lives or practices, whether individual or communal, are in fact no longer self-sufficient. We may pretend to be self-sufficient atoms, and behave as we are supposed to behave in the fantasies of individualistic economics; but the pretense easily is exposed by the reality of our communal life. And similarly—though we may drape ourselves in the distinctive costumes of our ethnic heritage and immerse ourselves in an environment designed to minimize our sense of relation to the outside world—no honest account of our being will be complete without an account of our dependence on larger social and political structures that goes far beyond the particular community with which we pretend to identify ourselves.

If this is true of the relation of indigenous minorities to the larger state, it applies also to the relation of particular cultures and nations to the world order as a whole. The point is evident enough from the ironies of Article 27 of the International Covenant on Civil and Political Rights, quoted earlier, which claims the integrity of indigenous cultures as a matter of human rights.⁴³ One hardly can maintain that immersion in a particular community is all that people need in the way of connection with others when the very form in which that claim is couched—the twenty-seventh article of one of a succession of human rights charters administered and scrutinized by international agencies from Ottawa to Geneva—indicates an organized social context that already takes us far beyond a specific nation, community, or ethnicity. The point is not that we should all therefore abandon our tribal allegiances and realign ourselves under the flag of the United Nations. The theoretical point is simply that it ill behoves the partisans of a particular community to sneer at and to disparage those whose cosmopolitan commitments make possible the lives that they are seeking to lead. The activity of these international organizations does not happen by magic; it presupposes large numbers of men and women who are prepared to devote themselves to issues of human and communal values *in general* and who are prepared to pursue that commitment in abstraction from the details of their own particular heritage.

So far I have developed the *instrumental* side of Taylor's argument: just as individuals need communal structures in order to develop and exercise the capacities that their rights protect, so minority communities need larger political and international structures to protect and to sustain the cultural

goods that they pursue. But Taylor's critique of individualist atomism also goes deeper than this. The very idea of individuality and autonomy, he argues, is a social artifact, a way of thinking about and managing the self that is sustained in a particular social and historical context.⁴⁴ I am sure that he is right about that. But we must not assume, simply because individuality is an artifact, that the social structures that are said to produce it are necessarily natural. Certainly there is nothing natural about communitarian, ethnic, or nationalist ideas. The idea of a small-scale national community is as much a product (and indeed a quite recent product) of civilization, growing and flourishing as the convergence of a number of disparate currents under particular conditions in a particular era, as is the idea of the autonomous individual.⁴⁵ Certainly, ethnic nationality is an idea which postulates or dreams its own naturalness, its own antiquity, its immemorial cultivation of a certain path of soil. Each national community, in Benedict Anderson's phrase, *imagines* itself as something that can be traced to the misty dawn of time.⁴⁶ But so did *individuals* dream themselves, as the natural units of mankind, in the heyday of atomistic philosophy.⁴⁷ The claim that we always have belonged to specific, defined, and culturally homogeneous peoples—the staple claim of modern nationalism—needs to be treated with the same caution as individualist fantasies about the state of nature: useful, perhaps, as a hypothesis for some theoretical purpose, but entirely misleading for others.

8. Kymlicka's View of the Social World

A. The Importance of Cultural Membership

In all of this, the cosmopolitan strategy is not to deny the role of culture in the constitution of human life, but to question, first, the assumption that the social world divides up neatly into particular distinct cultures, one to every community, and, secondly, the assumption that what everyone needs is just *one* of these entities—a single, coherent culture—to give shape and meaning to his life.

That assumption, I am afraid, pervades Will Kymlicka's recent book on community and culture,⁴⁸ and it is to his argument that I now want to turn. Kymlicka's aim is to show that liberal theorists, such as John Rawls and Ronald Dworkin, have underestimated radically the importance of culture as a primary good for the self-constitution of individual lives.⁴⁹ He wants to fill that gap and to enlist liberal theories in the cause of the preservation of minority cultures.⁵⁰

Thus, Kymlicka's starting point is not so much the Herderian urge to

belong, but a Rawlsian conviction about the importance to people of the freedom to form, reform, and revise their individual beliefs about what makes life worth living.⁵¹ To sustain that freedom, one needs a certain amount of self-respect, and one needs the familiar protections, guarantees, opportunities, and access to the means of life—all the things that figure already on Rawls's list of the primary goods to be governed by a theory of justice.⁵² In order to make the case that culture is also one of these primary goods, Kymlicka argues that people cannot choose a conception of the good for themselves in isolation, but that they need a clear sense of an established range of options to choose from.

In deciding how to lead our lives, we do not start *de novo*, but rather we examine 'definite ideals and forms of life that have been developed and tested by innumerable individuals, sometimes for generations.' The decision about how to lead our lives must ultimately be ours alone, but this decision is always a matter of selecting what we believe to be most valuable from the various options available, selecting from a context of choice which provides us with different ways of life.⁵³

Kymlicka elaborates the point by insisting that what we choose among are not ways of life understood simply as different physical patterns of behavior.

The physical movements only have meaning to us because they are identified as having significance by our *culture*, because they fit into some pattern of activities which is culturally recognized as a way of leading one's life. We learn about these patterns of activity through their presence in stories we've heard about the lives, real or imaginary, of others. . . . We decide how to lead our lives by situating ourselves in these cultural narratives, by adopting roles that have struck us as worthwhile ones, as ones worth living (which may, of course, include the roles we were brought up to occupy).⁵⁴

What follows from this? Kymlicka asks.

Liberals should be concerned with the fate of cultural structures, not because they have some moral status of their own, but because it's only through having a rich and secure cultural structure that people can become aware, in a vivid way, of the options available to them, and intelligently examine their value.⁵⁵

On the face of it, the argument is a convincing one. Of course, choice takes place in a cultural context, among options that have culturally defined meanings. But in developing his case, Kymlicka is guilty of something like the fallacy of composition. From the fact that each option must have a cultural meaning, it does not follow that there must be one cultural framework in which each available option is assigned a meaning. Meaningful options may come to us as items or fragments from a variety of cultural sources. Kymlicka is moving too quickly when he says that each item is given its

significance by some entity called 'our culture,' and he is not entitled to infer from that that there are things called 'cultural structures' whose integrity must be guaranteed in order for people to have meaningful choices. His argument shows that people need cultural materials; it does not show that what people need is 'a rich and secure cultural structure.' It shows the importance of access to a variety of stories and roles; but it does not, as he claims, show the importance of something called *membership* in a culture.

Kymlicka's claim about the difference between physically and culturally defined options was an echo of an argument made earlier by Alasdair MacIntyre, and it may reinforce my point to discuss that argument as well. According to MacIntyre:

We enter human society . . . with one or more imputed characters—roles into which we have been drafted—and we have to learn what they are in order to be able to understand how others respond to us and how our responses to them are apt to be construed. It is through hearing stories about wicked stepmothers, lost children, good but misguided kings, wolves that suckle twin boys, youngest sons who receive no inheritance but must make their own way in the world and eldest sons who waste their inheritance on riotous living and go into exile to live with the swine, that children learn or mislearn both what a child and what a parent is, what the cast of characters may be in the drama into which they have been born and what the ways of the world are. Deprive children of stories and you leave them unscripted, anxious stutterers in their actions as in their words.⁵⁶

Again, it is important to see that these are heterogeneous characters drawn from a variety of disparate cultural sources: from first-century Palestine, from the heritage of Germanic folklore, and from the mythology of the Roman Republic. They do not come from some *thing* called 'the structure of our culture.' They are familiar to us because of the immense variety of cultural materials, various in their provenance as well as their character, that are in fact available to us. But neither their familiarity nor their availability constitute them as part of a single cultural matrix. Indeed, if we were to insist that they are all part of the same matrix because they are all available to us, we would trivialize the individuation of cultures beyond any sociological interest. Any array of materials would count as part of a single culture whenever they were familiar to one and the same person. It would then be *logically* impossible for an individual to have access to more than one cultural framework.

Someone may object to the picture of cultural heterogeneity I am painting: 'Doesn't each item take its full character from the integrity of the surrounding cultural context, so that it is a distortion to isolate it from that context and juxtapose it with disparate materials?' Maybe that is true, for certain purposes. If we were making an anthropological study of each item,

we would want to explore the detail of its context and provenance; we would look at the tale of the prodigal son in the context of Aramaic storytelling, and we would confine the children lost in the wood to the Germanic villages from which the Grimm brothers drew their collection of folklore. But that is absurd as an account of how cultural materials enter into the lives and choices of ordinary people. For that purpose, the materials are simply *available*, from all corners of the world, as more or less meaningful fragments, images, and snatches of stories. Their significance for each person consists in large part in the countless occasions on which they have been (from the anthropological purist's point of view) misread and misinterpreted, wrenched from a wider context and juxtaposed to other fragments with which they may have very little in common. Since this in fact is the way in which cultural meanings enter people's lives, Salman Rushdie's description of a life lived in the shadow of Hindu gods, Muslim film stars, Kipling, Christ, Nabokov, and the *Mabharata*⁵⁷ is at least as authentic as Kymlicka's insistence on the purity of a particular cultural heritage.⁵⁸

If all this is correct, then membership in a particular community, defined by its identification with a single cultural frame or matrix, has none of the importance that Kymlicka claims it does. We need cultural meanings, but we do not need homogenous cultural frameworks. We need to understand our choices in the contexts in which they make sense, but we do not need any single context to structure all our choices. To put it crudely, we need a culture, but we do not need cultural integrity. Since none of us needs a homogenous cultural framework or the integrity of a particular set of meanings, none of us needs to be immersed in one of the small-scale communities which, according to Kymlicka and others, are alone capable of securing this integrity and homogeneity. Some, of course, still may prefer such immersion, and welcome the social subsidization of their preference. But it is not, as Kymlicka maintained, a necessary presupposition of rational and meaningful choice.

B. Evaluation and Cultural Security

In addition to the claim (which I have just criticized) that each person needs to be a member of a particular cultural community, Kymlicka also argues that each person needs some assurance of the *security* of the cultural framework or frameworks from which she makes her choices.⁵⁹ This seems to me a self-defeating claim.

Kymlicka's liberal individual is supposed to be making not just a choice, but an evaluation: 'Which of the roles presented to me by the cultural materials at hand is a good role or an attractive one (for me)?' Now evaluation

practical and, in part, a comparative matter. I choose role A because it is a better way of living and relating to others than role B. It is difficult to see how one can make these comparisons without the ability to take a role defined by a given culture, and compare it with what one might term *loosely* other ways of doing roughly the same sort of thing. For example, a traditional culture may define the role of *male elder*, a patriarchal position of tribal power, as a source of authority and the embodiment of tradition. Is this something for a young man to aspire to? One thing he may want to know is that the politics of patriarchal authority have, in almost all other social contexts, come under fierce challenge, and that people have developed other means of authoritative governance that do not embody male power and fatherhood in the same way. But to the extent that our young man can know this, he is not choosing from a cultural framework which is *secure*, in Kymlicka's sense. He only can make his choice a genuine *evaluation* to the extent that the culture he is scrutinizing is vulnerable to challenge and comparison from the outside. Unless the culture is vulnerable to his evaluation (and other evaluations like it), his evaluation will have no practical effect; and unless it has been vulnerable in this way in the past, he will have no basis for an informed and sensible choice.

To preserve a culture—to insist that it must be *secure*, come what may—is to insulate it from the very forces and tendencies that allow it to operate in a context of genuine choice. How does one tell, for example, whether the gender roles defined in a given culture structure have value? One way is to see whether the culture erodes and collapses as a way of life in a world once different ways of doing things are perceived. The possibility of the erosion of allegiance, or of the need to compromise a culture beyond all recognition in order to retain allegiance and prevent mass exodus, is the key to cultural evaluation. It is what cultures do, under pressure, as contexts of genuine choice. But if that is so, we cannot *guarantee* at the same time the integrity of a given community and say that its culture (or the fate of its culture) can *tell* people about the value and viability of this particular way of life. Either people learn about value from the dynamics of their culture and its interactions with others or their culture can operate for them at most as a museum display on which they can pride themselves. There is, I suppose, nothing wrong with such fierce nostalgic pride, but it certainly should not be confused with genuine choice and evaluation. To confer meaning on one's life is to take risks with one's culture, and these are risks that dismay those whose interest is the preservation of some sort of cultural purity.⁶⁰

In general, there is something artificial about a commitment to *preserve* minority cultures. Cultures live and grow, change and sometimes wither away; they amalgamate with other cultures, or they adapt themselves to geographical or demographic necessity. To *preserve* a culture is often to take

a favored 'snapshot' version of it, and insist that this version must persist at all costs, in its defined purity, irrespective of the surrounding social, economic, and political circumstances. But the *stasis* envisaged by such preservation is seldom itself a feature of the society in question, or if it is, it is itself a circumstantial feature. A society may have remained static for centuries precisely because it did not come into contact with the influence from which now people are proposing to protect it. If stasis is not an inherent feature, it may be important to consider, as part of *that very culture*, the ability it has to adapt to changes in circumstances. To preserve or protect it, or some favored version of it, artificially, in the face of that change, is precisely to cripple the mechanisms of adaptation and compromise (from warfare to commerce to amalgamation) with which all societies confront the outside world. It is to preserve part of the culture, but not what many would regard as its most fascinating feature: its ability to generate a *history*.

9. The Cosmopolitan Self

I have argued that the 'mongrelization' of identity that Salman Rushdie celebrated in the passage with which we began has none of the inauthenticity that the communitarian critique tends to suggest. I think it may well be a richer, more honest, and more authentic response to the world in which we live than a retreat into the confined sphere of a particular community.

But what becomes of *the self* in the cosmopolitan picture? This is the final question that I want to consider. If we live the cosmopolitan life, we draw our allegiances from here, there, and everywhere. Bits of cultures come into our lives from different sources, and there is no guarantee that they will all fit together. At least if a person draws his identity, as Kymlicka suggests, from a single culture, he will obtain for himself a certain degree of coherence or integrity. The coherence which makes his particular community a single cultural entity will confer a corresponding degree of integrity on the individual self that is constituted under its auspices.⁶¹ By contrast, the self constituted under the auspices of a multiplicity of cultures might strike us as chaotic, confused, even schizophrenic.

The point is an important one. The cosmopolitan, as we have seen, is not in the business of disputing that people are formed by attachments and involvements, by culture and community. She acknowledges it, but acknowledges it—as it were—*too much* for the communitarian's comfort. For she shows how each person has or can have a variety, a multiplicity of different and perhaps disparate communal allegiances. Such integrity as the cosmopolitan individual has therefore requires *management*. Cultural structures cannot provide that management for her because too

many of them are implicated in her identity, and they are too differently shaped.

The trouble is, if we talk too much about management, we fall into the trap of postulating the existence of a managerial entity, an agent existing in distinction from each of the disparate elements that together constitute the person in question. We have to postulate the 'I,' the true self who contrives somehow to keep the whole house in order. But who or what is this entity? How does it make its decisions? How does it know what sort of order to maintain?

One dominant theme in recent communitarian writing has been a critique of this picture of the independent self—the cosmopolitan manager, standing back a little from each of the items on the smorgasbord of its personality. In order to manage the disparate commitments, to see that they fit with one another, and to evaluate each item and compare it with others on the cultural menu, the self would have to be an ethereal sort of entity, without any content or commitments of its own. Michael Sandel quite properly has raised the question whether this is really the way that we want to view our personality and our character:

[W]e cannot regard ourselves as independent in this way without great cost to those loyalties and convictions whose moral force consists partly in the fact that living by them is inseparable from understanding ourselves as the particular persons we are—as members of this family or community or nation or people, as bearers of this history, as sons and daughters of that revolution, as citizens of this republic. Allegiances such as these are more than values I happen to have or aims I 'espouse at any given time' . . .

To imagine a person incapable of constitutive attachments such as these is not to conceive an ideally free and rational agent, but to imagine a person wholly without character, without moral depth. For to have character is to know that I move in a history I neither summon nor command, which carries consequences none the less for my choices and conduct.⁶²

Sandel's critique seems to present the defender of cosmopolitanism with an unhappy dilemma. Either he must embrace the ethereal self of liberal deontology—the self that chooses but is not identified with any of its choices: or he must admit that the self can have a substantial character of its own, a character essential to its identity. If he chooses the former, he gives a wholly unrealistic account of choice; for on what basis can this ghost choose if it is has no values, commitments, or projects of its own? If, on the other hand, he opts for the picture of a self with a substantial essence in order to avoid the imputed shallowness of the former conception, then cosmopolitanism begins to look unsatisfactory. For now the self must have not just cultural characteristics in all their plurality and variety,

but a *distinct character*, and it has not been proven that the cosmopolitan mode of engaging with the world can provide that.⁶³

To avoid the dilemma, we should go back and question the image of *management* and the assumptions about *identity* that are presupposed in this critique. So long as we think that the management of the self is like the personal governance of a community or a corporation, we will be driven to ask embarrassing questions about the specific character of the 'I' in its capacity as manager. But suppose we think instead about personal identity, not in terms of hierarchical management, but in terms of the democratic self-governance of a pluralistic population. Maybe the person is nothing but a set of commitments and involvements, and maybe the governance of the self is just the more or less comfortable (or at times more or less chaotic) coexistence of these elements. The threat, of course, is what we vulgarly call schizophrenia; but that may be better understood as radical conflict or dissonance rather than mere unregulated plurality. An image that may help to dispel this threat is that of the self-governance of a group of friends living and working together. Each friend has a character of her own and strengths and weaknesses of her own; they are quite different, but their variety and their frictions may be the key to their association and to their ability to undertake different projects and enterprises. No one, I hope, thinks that a friendship can be sustained only if one or the other friend is recognized as being *in charge* or only to the extent that all parties are agreed on some specific common purpose or charter. Friendship does not work like that, nor I think do the internal politics of the self. There may be, on occasions, antagonisms within the self (as indeed there are among friends); all of us, even the most culturally and psychologically secure, have the experience of inner conflict. But far from detracting from the self's integrity, the possibility of such conflict, and the variety and open texture of character that make it possible, seem indispensable to a healthy personality. It may be this limitless diversity of character—Rushdie's *mélange* or hotchpotch—that makes it possible for each of us to respond to a multifaceted world in new and creative ways.

These are mere speculations, and they need to be matched more closely to the empirical psychology of personality. However, I hope that they indicate how misleading it may be to indict a picture of human life or action, such as the cosmopolitan vision that I have outlined, on the basis of simplistic and rigid assumptions about what the self *must* be like. Human identity is not a simple thing. The openness and diversity of the cosmopolitan way of life may well hold more of a key to understanding the role of character and creativity in a changing world than the assumption of Sandel's critique that character is to be identified compulsively with a single pre-established cultural role.

Conclusion

At the beginning of this paper, I set out a quotation from Salman Rushdie's defence of *The Satanic Verses* in his collection *Imaginary Homelands*.⁶⁴ Let me conclude with another passage from *In Good Faith*, the essay in which Rushdie reflects on the politics of his own cultural roots:

To be an Indian of my generation was also to be convinced of the vital importance of Jawaharlal Nehru's vision of a secular India. Secularism, for India, is not simply a point of view; it is a question of survival. If what Indians call 'communalism', sectarian religious politics, were to be allowed to take control of the polity, the results would be too horrifying to imagine. Many Indians fear that that moment may now be very near. I have fought against communal politics all my adult life. The Labour Party in Britain would do well to look at the consequences of Indian politicians' willingness to play the communalist card, and consider whether some Labour politicians' apparent willingness to do the same in Britain, for the same reason (votes), is entirely wise.⁶⁵

I have chosen not to talk in this Article about the warning that Rushdie is sounding here, but to discuss more affirmatively the image of the modern self that he conveys. Still, I hope that we do not lose sight of the warning. The communitarianism that can sound cozy and attractive in a book by Robert Bellah or Michael Sandel can be blinding, dangerous, and disruptive in the real world, where communities do not come ready-packaged and where communal allegiances are as much ancient hatreds of one's neighbors as immemorial traditions of culture.

Rushdie wrote his piece originally for an English newspaper (hence his reference to the Labour Party). He said in effect that the British people, in the tensions of their new pluralism, had a right to expect something more from politicians, particularly on the Left, than a return to ethnic sectarianism. Something similar, I think, is true of legal and political philosophy. It is no secret that the old individualist paradigms are in crisis and that something must be done to repair or replace the tattered remnants of liberalism. But as shells rain down on Sarajevo,⁶⁶ as Georgia announces that it will withhold citizenship rights from inhabitants who cannot prove that their ancestors were Georgian speakers and lived in the territory before 1801,⁶⁷ as the long lines of refugees, in consequence, begin their fearful trudge toward the only homelands where they can expect to be welcomed or tolerated, as 'community' even in North America becomes increasingly a code word for the class and ethnic exclusivity of wealthy home-owner's associations⁶⁸—in the midst of all that, I suggest that people have a right to expect something better from their political philosophers than a turn away from the real world into the cultural exclusiveness of the identity politics of

community. I hope that, at any rate, the vision of cosmopolitanism developed here can provide the basis of an alternative way of thinking—one that embraces the aspects of modernity with which we all have to live and welcomes the diversity and mixture that for most people is their destiny, whatever the communitarians say.

Notes

1. Salman Rushdie, 'In Good Faith', in *Imaginary Homelands* 393, 394, 404 (1991).
2. See Jeremy Waldron, 'Religion and the Imagination in a Global Community', *The Times Literary Supplement*, London, 10–16 Mar. 1989: 248 (discussing the Salman Rushdie affair).
3. See, e.g., Charles Taylor, 'Cross-Purposes: The Liberal-Communitarian Debate', in *Liberalism and the Moral Life*, 159 (Nancy L. Rosenblum ed., 1989) (discussing both the independence and interdependence between ontological issues and advocacy issues which confuse the debate between communitarianism and liberalism in social theory).
4. E.g., John Rawls, *A Theory of Justice*, 395–439 (1971).
5. See Loren E. Lomasky, *Persons, Rights, and the Moral Community*, 37–83 (1987).
6. See *ibid.* at 42.
7. See Ronald Dworkin, *A Matter of Principle*, 191 (1985) (referring to a theory of equality in which government is neutral as to 'goodness' since each person's conception of what gives value to life differs).
8. Rawls, *supra* note 4, at 408.
9. Mackie presents a less rigid conception of a liberal life:

People differ radically about the kinds of life that they choose to pursue. Even this way of putting it is misleading: in general people do not and cannot make an overall choice of a total plan of life. They choose successively to pursue various activities from time to time, not once and for all.

J.L. Mackie, 'Can There Be a Right-Based Moral Theory?', in *Theories of Rights*, 168, 175 (Jeremy Waldron ed., 1984). Raz expresses a similar idea:

The autonomous person is part author of his life. The image this metaphor is meant to conjure up is not that of the regimented, compulsive person who decides when young what life to have and spends the rest of it living it out according to plan. . . . [Autonomy] does not require an attempt to impose any special unity on one's life. The autonomous life may consist of diverse and heterogeneous pursuits. And a person who frequently changes his tastes can be as autonomous as one who never shakes off his adolescent preferences.

Joseph Raz, *The Morality of Freedom*, 370–71 (1986). There is a strong temptation in traditional liberalism to take the form of an Aristotelean theory of ethical well-being and convert it to the purposes of liberalism. Instead of a single conception of the good life, authoritatively enunciated by Aristotle in

Nicomachean Ethics, 283 (bk. X, ch. 7) (David Ross trans., 1954), there are many such conceptions, and each person should be free to choose *one*. With Raz and Mackie, I think that the freedom of the modern self is less constrained than that: it is the freedom to make a variety of choices, not the freedom to choose just one out of a number of ethical conceptions.

10. Nietzsche too embraces this pluralistic view:

But for the enrichment of knowledge it may be of more value not to reduce oneself to uniformity in this way, but to listen instead to the gentle voice of each of life's different situations; these will suggest the attitude of mind appropriate to them. Through thus ceasing to treat oneself as a *single* rigid and unchanging individual one takes an intelligent interest in the life and being of many others.

Friedrich Nietzsche, *Human, All Too Human: A Book for Free Spirits*, 196 (R.J. Hollingdale trans., 1986).

11. The communitarian works I have in mind include, most prominently, Alasdair MacIntyre, *After Virtue: A Study in Moral Theory* (2d edn. 1984); Michael J. Sandel, *Liberalism and the Limits of Justice* (1982); Charles Taylor, 'Atomism', in *2 Philosophical Papers: Philosophy and the Human Sciences*, 187 (1985); and Michael Walzer, *Spheres of Justice* (1983); see also the extracts collected in *Liberalism and Its Critics* (Michael J. Sandel ed., 1984).
12. See *supra* note 11.
13. Karl Marx, 'Grundrisse', in *Selected Writings*, 345, 346 (David McLellan ed., 1977).
14. Sandel, *supra* note 11, at 179–80.
15. Will Kymlicka, *Liberalism, Community, and Culture*, 165 (1989).
16. Taylor, *supra* note 11, at 198.
17. Robert C. Post, 'The Social Foundations of Defamation Law', *74 Cal. L. Rev.* 691, 736 (1986).
18. Walzer, *supra* note 11, at 313.
19. John Dunn, *Interpreting Political Responsibility*, 124 (1990).
20. Jeremy Waldron, 'Particular Values and Critical Morality', *77 Cal. L. Rev.* 561, 582 (1989); see also Michael Ignatieff, *The Needs of Strangers*, 139–40 (1985) ('Our political images of civic belonging remain haunted by the classical *polis*, by Athens, Rome and Florence. Is there a language of belonging adequate to Los Angeles?').
21. For 'imagined', see the excellent discussion in Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, 15–16 (1983). Anderson stresses, quite rightly, that 'imagined' does not imply 'fabricated'. *ibid.*, at 15.
22. Isaiah Berlin, 'Benjamin Disraeli, Karl Marx and the Search for Identity', in *Against the Current*, 252, 257 (Henry Hardy ed., 1980).
23. International Covenant on Civil and Political Rights, *adopted* Dec. 19, 1966, art. 27, 999 U.N.T.S. 172, 179.
24. Francesco Capotorti, *Study on the Rights of Persons Belonging to Ethnic, Religious and Linguistic Minorities*, 40–41, 98–99, U.N. Doc. E/CN.4/Sub.2/384/Rev.1 (1979).

25. *Ibid.* at 98–99.
26. For example, Canadian legislation places restrictions on the ability of non-Indians to reside on or use Indian lands:

[A] deed, lease, contract, instrument, document or agreement of any kind, whether written or oral, by which a band or a member of a band purports to permit a person other than a member of that band to occupy or use a reserve or to reside or otherwise exercise any rights on a reserve is void.

Indian Act, R.S.C., ch. 1–5, –28(1) (1985) (Can.). Some aboriginal leaders in Canada have proposed a variety of changes in local electoral requirements to assure recognition of the political rights of aboriginal peoples, regardless of the ethnic composition of the majority in a given region. See Michael Asch, *Home and Native Land: Aboriginal Rights and the Canadian Constitution*, 102–04 (1984); see also Kymlicka, *supra* note 15, at 146–47. Proposed changes include the imposition of residency requirements of between three and ten years before newcomers can vote for or hold public office in aboriginal communities. Asch, *supra* at 103. In both the United States and Canada, participants in mixed marriages may suffer certain disabilities even when they reside on reservations or in aboriginal territories. For a general discussion, see Kymlicka, *supra* note 15, at 148–49. The United States Supreme Court has recognized the jurisdiction of tribal authorities over Native American children born off the reservation in a case where a Native American mother had purposely given birth off the reservation in order to be able to relinquish her children to non-Native American adoptive parents. See *Mississippi Band of Choctaw Indians v. Holyfield*, 490 U.S. 30, 51–53 (1989). This is about as far as the claims have gone in the context of aboriginal cultural rights in the United States. But of course it would be irresponsible to advance general theses about minority cultures without also recognizing their tendency to shade into nationalist claims for regional autonomy and self-determination, claims that throw boundaries and general political stability seriously into question. See *infra* text accompanying note 92.

27. See *supra* note 22 and accompanying text.
28. For a general discussion of a 'thin theory' of human good, see Rawls, *supra* note 4, at: 396.
29. See *ibid.* at 90–95 (discussing 'primary goods'); see also Ronald Dworkin, 'What Is Equality?' (pts. 1 & 2) 10 *Phil. & Pub. Aff.* 185, 283 (1981) (discussing 'equality of welfare' and 'equality of resources'); Amartya Sen, 'Equality of What?', in *Liberty, Equality, and Law*, 137 (Sterling M. McMurrin ed., 1987).
30. Thomas Nagel, for example, says the following about Rawls's construction:
- The model contains a strong individualistic bias, which is further strengthened by the motivational assumptions of mutual disinterest and absence of envy. These assumptions have the effect of discounting the claims of conceptions of the good that depend heavily on the relation between one's own position and that of others. . . . The original position seems to presuppose not just a neutral theory of the good, but a liberal, individualistic conception according to which the best that can be wished for someone is the unimpeded pursuit of his own path, provided it does not interfere with the rights of others.

Thomas Nagel, 'Rawls on Justice', in *Reading Rawls: Critical Studies on Rawls' Theory of Justice*, 1, 9–10 (Norman Daniels ed., 1975). Nagel is right that Rawls makes these assumptions. They constitute his thin theory of human justice and agency. They are controversial; but the existence of that controversy more undermines the claim to liberal neutrality than the existence of a controversy about what counts as a hostile act undermines a claim to neutrality in international law. See Jeremy Waldron, 'Legislation and Moral Neutrality', in *Moral Neutrality*, 61, 78–81 (Robert E. Goodin & Andrew Reeve eds., 1989). Waldron, *supra* note 1, at 405 ('I do not accept the charge of apostasy, because I have never in my adult life affirmed any belief, and what one has not affirmed cannot be said to have apostasized [sic] from.')

See *supra* note 22 and accompanying text.

See *supra* note 1 and accompanying text.

See *supra* notes 11, 22 and accompanying text.

For example, Benn and Weinstein argue that 'it is apposite to discuss' whether legislation is free

only if [the end it pursues] is a possible object of reasonable choice; cutting off one's ears is not the sort of thing anyone, in a standard range of conditions, would reasonably do, and no one in his senses would think of doing such a thing' (even though some people have in fact, done it). It is not a question of logical absurdity; rather, to see the point of saying that one is (or is not) free to do X, we must be able to see that there might be some person doing it.

See Benn & W.L. Weinstein, 'Being Free to Act, and Being a Free Man', 80 *Phil.* 194, 195 (1971).

See *supra* text accompanying note 1.

Waldron, *supra* note 9, at 196 (bk. VIII, ch. 3).

Robert N. Bellah et al., *Habits of the Heart*, 115–16 (1985) ('The conception of friendship put forward by Aristotle . . . had three essential components. Friends must enjoy one another's company, they must be useful to one another, and they must share a common commitment to the good.')

Waldron, *supra* note 11.

Ibid. at 197–98 ('[P]roof that [our distinctively human] capacities can only develop in society . . . is a proof that we ought to belong to or sustain society . . .').

For the dangers of taking this yearning as a basis for rectificatory justice, see Jeremy Waldron, 'Superseding Historic Injustice', 103 *Ethics* 4 (1992); see also Jeremy Waldron, 'Historic Injustice: Its Remembrance and Supersession', in *Justice, Ethics and New Zealand Society*, 139 (Graham Oddie & Roy W. Perrett eds., 1992).

See generally Robert Nozick, *Anarchy, State, and Utopia* (1974).

See *supra* note 23 and accompanying text.

See Charles Taylor, *Sources of the Self* (1989). Taylor has traced the provenance of these individualist ways of thinking in this massive and important book.

See Anderson, *supra* note 21, at 50–65, 80–103 (describing the role of imperialist administration in creating not only national entities but also national consciousness in what used to be imperial colonies).

46. See *ibid.* at 129-40.
47. Cf. John Locke, *Two Treatises of Government*, 269 (Peter Laslett ed., student edn. 1988) (3d edn. 1698) ('To understand Political Power right, and derive it from its Original, we must consider what State all Men are naturally in, and that is, a *State of perfect Freedom* to order their Actions, and dispose of their Possessions, and Persons as they think fit, within the bounds of the Law of Nature, without asking leave, or depending upon the Will of any other Man.')
48. Kymlicka, *supra* note 15.
49. *Ibid.* at 162-66.
50. *Ibid.*
51. See Rawls, *supra* note 4, at 407-24; see also John Rawls, *Reply to Alexander and Musgrave*, 88 Q.J. Econ. 633, 641 (1974) ('[F]ree persons conceive of themselves as beings who can revise and alter their final ends and who give first priority to preserving their liberty in these matters.')
52. Rawls, *supra* note 4, at 90-95.
53. Kymlicka, *supra* note 15, at 164 (quoting Rawls, *supra* note 4, at 563-64) (citation omitted).
54. *Ibid.* at 165.
55. *Ibid.*
56. MacIntyre, *supra* note 11, at 216; but cf. Susan M. Okin, 'Humanist Liberalism', in *Liberalism and the Moral Life*, 39, 48 (Nancy L. Rosenblum ed., 1989) ('MacIntyre gives, with no apparent consciousness of its sexism, a list of the characters "we" need as the models around which to shape our lives as natives. The only female characters in the list are a wicked stepmother and a suckling wolf.')
57. See Rushdie, *supra* note 1, at 404.
58. But cf. Post, *supra* note 17, at 736 ('A community without boundaries is without shape or identity . . .').
59. Kymlicka, *supra* note 15, at 169.
60. I think what this shows, by the way, is that Kymlicka's strategy (arguing from liberal premises) is simply a dangerous one for the proponents of cultural preservation to adopt. The liberal conception of autonomous choice evokes a spirit of discernment, restlessness, and comparison. It is, I think, simply antithetical to the idea that certain structures of community are to be *preserved* in their integral character. As long as cultures depend for their existence on people's allegiance and support, their use as frameworks of choice for individual lives is always liable to cut across the interest we have in preserving them.
61. But this can be exaggerated. However we define and individuate cultures, can we simply assume that each culture is coherent in this sense? Aren't some cultures, even some traditional ones, riven by contradictions? And isn't the artifice of 'preservation' likely to heighten any contradictions that exist as well as to introduce new ones? Moreover, are we really in a position to assume that coherence means the same in the context of a social entity, like a cultural framework, and an individual entity, like a person constituting a life? I leave these challenging questions for another occasion, noting only that they seldom are

62. Sandel, *supra* note 11, at 179; see also Charles Taylor, *Hegel and Modern Society*, 157 (1979) ('The self which has arrived at freedom by setting aside all external obstacles and impingements is characterless, and hence without defined purpose, however much this is hidden by such seemingly positive terms as "rationality" or "creativity"').
63. MacIntyre makes a similar suggestion:
- [W]e all approach our own circumstances as bearers of a particular social identity. I am someone's son or daughter, someone else's cousin or uncle; I am a citizen of this or that city, a member of this or that guild or profession; I belong to this clan, that tribe, this nation. Hence what is good for me has to be the good for one who inhabits these roles. As such, I inherit from the past of my family, my city, my tribe, my nation, a variety of debts, inheritances, rightful expectations and obligations. These constitute the given of my life, my moral starting point. This is in part what gives my life its own moral particularity.
- This thought is likely to appear alien . . . from the standpoint of modern individualism. From the standpoint of individualism I am what I myself choose to be. I can always, if I wish to, put in question what are taken to be the merely contingent social features of my existence.
- MacIntyre, *supra* note 11, at 220.
64. See *supra* note 1 and accompanying text.
65. *Ibid.* at 404.
66. See 'Serbs Step Up Fighting for Piece of Bosnia Capital', *N.Y. Times*, 23 Apr. 1992, at A10.
67. See Eric Hobsbawm, 'Grand Illusions: The Perils of the New Nationalism', *253 Nation* 537, 555 (4 Nov. 1991).
68. See Mike Davis, *City of Quartz: Excavating the Future in Los Angeles*, 153-56 (1990).