

**CULTURE AND OPPORTUNITY: CAN GROUP DIFFERENTIATED
RIGHTS BE JUSTIFIED BY AN APPEAL TO INDIVIDUAL
AUTONOMY?**

An Undergraduate Research Scholars Thesis

by

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ABSTRACT

Culture and Opportunity: Can Group Differentiated Rights Be Justified By An Appeal To Individual Autonomy? (May 2015)

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On the one hand, liberals, such as John Rawls (1971), assume that individuals are morally unencumbered by their community affiliations. Their only obligations are those that they voluntarily accept. On the other hand, communitarians, such as Alasdair MacIntyre (1981) claim that as members of different communities (that is, as we conceive of ourselves as belonging to various groups) we inherit both the rights and the obligations of membership, even those obligations that we do not choose for ourselves. The two positions appear to be irreconcilable.

Will Kymlicka's theory appears to reconcile liberal autonomy with an encumbered self. He achieves this by linking *personal identity* with *cultural membership*. The individual's freedom, sense of security and sense of autonomy are all derived from culture. In fact, according to Kymlicka, culture is constitutive of the individual. The only way to respect the autonomy of an individual is to respect the individual's culture. For Kymlicka this means granting group differentiated rights (GDR) to the culture. In this way, Kymlicka links individual autonomy with an encumbered self: a self that is encumbered in the narrow sense that individuals have obligations to groups as specified by GDR.

In this paper, I turn to moral psychology's notion of the moral self to examine Kymlicka's claim that culture is constitutive of the individual. Recent theories suggest that very few members of a community *take ownership* in the values of their culture. Those that do *take ownership* are called 'moral exemplars'. For these few individuals, their conception of the good life is defined by culture values. For those who do not own their cultural values there exists the possibility that their conception of the good life differs from the cultural conception. Thus, an individual may in fact be free to pursue the good life within any culture that allows it. This suggests that an individual's autonomy and freedom are more independent of a particular culture than claimed by Kymlicka. If this is correct, Kymlicka's argument for GDR is drawn into question. We can respect the autonomy of the individual without being *required* to grant GDR. This does not question the existence of GDR. Removing the link between respect for individual autonomy and the necessity of respecting cultures (via GDR), undermines Kymlicka's attempt to bring a narrowly encumbered self with the liberal tradition.

DEDICATION

I dedicate this research project to the Council for Minority Student Affairs at Texas A&M University. Its work and vision have inspired me to have an interest for the marginalized communities.

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CHAPTER I

INTRODUCTION

“Liberal freedom developed as an antidote to political theories that consigned persons to destinies fixed by caste or class, station or rank, custom, tradition, or inherited status” (Sandel 2009, 221).

Liberalism establishes principles of justice that do not depend on any particular ends assigned to us by the community to which we happen to belong. A particular notion of the good would impose on people fixed purposes that violate individual freedom. According to Michael Sandel (2009, 221), this is the reason why liberals claim that rights (and the conception of the good life) should not be contingent upon the ends of any particular culture to which we happen to belong.

A particular notion of the good would impose on people fixed purposes that violate individual freedom. According to Michael Sandel (2009, 221), this is the reason why liberals claim that rights (and the conception of the good life) should not be contingent upon the ends of any particular culture to which we happen to belong. On this view, a liberal political theory does not promote any particular conceptions of the good life. Instead, liberal political theory seeks to secure human freedom. It allows individuals to ability to autonomous to choose their own ends –their own conception of the good life. As a result, for liberals, to be free is to be independent from any roles, traditions or conventions that are passed down by our family or society. *The liberal person is conceived of as a free, independent self who is capable of choosing his/her own ends*, and who is

unbound by any ties that exist prior to choosing that end. The view is, in part, motivated by historical considerations where communal encumbrances lead to oppression. For instance, the fact that during the civil war the conventional thing to do in Southern U.S. was to own slaves led to the violation of a universal understanding of human freedom.

Communitarians, such as Alasdair MacIntyre (1981), claim otherwise. They claim that we live our lives not only individually, but in relation to each other: “the story of my life is always embedded in the story of those communities from which I derive my identity” (MacIntyre 1981, 325). MacIntyre reminds us that, “I am someone’s son or daughter [...] a member of this or that guild or profession; I belong to this clan, that tribe, this nation” (1981, 325). As members of communities, individuals inherit certain debts, obligations and expectations. In fact, we *cannot make sense of our moral experience unless we understand ourselves as encumbered selves*. For these reasons, MacIntyre conceives of an individual as a moral agent who is bound not only to the ends and roles that they have chosen for themselves, but they are also bound by obligations of membership, loyalty and solidarity. The moral force for these kinds of obligations comes from the fact that people’s life stories are always contingent upon the communities to which they belong.

On the one hand, we recognize that we must meet certain expectations and obligations, but on the other, we do not want to risk consigning “persons to destinies fixed by caste or class, station or rank, custom, tradition, or inherited status” (Sandel 2009, 221). Sandel frames the question well when he writes:

How is it possible to acknowledge the moral weight of community while still giving scope to human freedom? If the voluntarist conception of the person is too spare – if all our obligations are not the product of our will – then how can we see ourselves as situated and yet free? (Sandel 2009, 221).

In *Multicultural Citizenship*, Will Kymlicka provides one answer to this question. His answer is surprising! According to Kymlicka, the only way for us to respect the individual autonomy is to recognize the culture within which that individual is situated. In turn, that requires us to grant that culture group differentiated rights (GDR). In this way, Kymlicka links individual autonomy with an encumbered self: encumbered in the narrow sense that we have specific obligation to specific cultures.

To link culture with individual autonomy, Kymlicka develops a new notion of the individual one which holds that culture is essential for the individual. Although he claims that individuals are not tied to any fixed ends given by their membership to a particular community, Kymlicka still thinks that individuals are intimately related to the cultural community to which they belong. He believes that *the right* is prior to *the good*, but at the same time he does not think individuals can choose a conception of the good without making reference to the community from which they derive their cultural identity. Therefore, Kymlicka states that individuals exercise their freedom by having access to the context of choice provided by their societal culture. That is, having access to “a culture that provides its members with meaningful ways of life across the full range of human activities, including social, educational, religious, recreational, and economic life, encompassing both public and private spheres” (Kymlicka 1995, 76). Individuals cannot choose and revise the

conception of the good life without using the context of choice provided by their societal culture as a central point of reference. This is not a minor point. We will come to see that this assumption is what undergirds his justification for GDR. In fact, even though Kymlicka prioritizes *the right* over *the good*, his justification for GDR requires that the only way for an individual to be free to pursue a conception of the good life, be within the culture which supplies them with their values. This requires that the conception of the good life be one that is informed by the values of the culture. Indeed, it is for this reason that Kymlicka maintains that culture is constitutive the individual and therefore, in order to respect individual's autonomy and freedom one must respect the cultural group to which the individual belongs.

In this paper, I will begin by outlining the major liberal traditions in order to situate Kymlicka within liberalism. To this end, I examine both his multicultural model, and also his notion of the individual, which is the foundation for group-differentiated rights. Next, I turn to Moral Psychology's notion of the Moral Self to examine Kymlicka's claim that culture is constitutive of the individual. Recent theories suggest that very few members of a community *take ownership* in the values of their culture. Those that do *take ownership* are called 'moral exemplars'. For these few individuals, their conception of the good life is defined by culture values. For those who do not own their cultural values there exists the possibility their conception of the good life differs from the cultural conception. Thus, an individual may in fact be free to pursue the good life within any culture that allows it. If this is correct, Kymlicka's argument for GRD is drawn into question. We can respect the autonomy of the individual without being *required* to grant GDR. This does not question the existence of GDR. Removing the link between respect for individual autonomy

and the necessity of respecting cultures (via GDR), undermines Kymlicka's attempt to bring a narrowly encumbered self with the liberal tradition.

CHAPTER II

BRINGING A NARROWLY ENCUMBERED SELF WITH THE LIBERAL TRADITION

Liberalism and Multicultural Theory

Individual freedom and autonomy are considered to be the fundamental principles of liberalism. They are basic principles because liberals are concerned with individuals having the opportunity to lead their own lives without any restriction imposed by external factors. In other words, liberals think people should be free to choose how to live their lives according to their pursuit and revision of any conception of the good they might hold. Egalitarian liberals believe that government should treat people as equals by providing them with individual liberties that allow them to carry out their beliefs in respect to the good life. However, according to Kymlicka, living a good life has two preconditions. First, one has to lead his or her life from the inside, that is, life being consistent with the beliefs and values about the good life that one has, and secondly, one has to be free to question those beliefs, and examine them with information provided by one's culture.

Kymlicka thinks that liberalism has promoted the dignity and autonomy of individuals at the cost of undermining the importance of communities and associations for individuals. He claims that Egalitarian liberals, such as John Rawls, have assumed the polis as a homogenous cultural community, and as a consequence they have not accounted for the fact that cultural membership is of primary importance when thinking about justice. In *Multicultural Citizenship*, Kymlicka addresses this problem of cultural homogeneity by taking into account the existence of national minorities and polyethnic groups. On the one hand, national minorities are historical communities

which occupied a given territory, shared a distinct language and culture, and were self-governed before being incorporated into a larger culture through colonization or through other voluntary ways. On the other hand, polyethnic groups are immigrant ethnic groups which presumably seek to integrate into the larger society they immigrate to.

Since the majority culture is supported by an established language in public institutions, and other forms of government that support human activities which express that culture, minority groups find themselves in a disadvantage. In order to correct for these disadvantages Kymlicka claims that groups differentiated rights should be granted to minority communities. That is to say, compared with the majority culture, cultural minorities find themselves in a disadvantage and special treatment should be given to them in order to correct for this inequality. Nevertheless, a problem arises because Kymlicka attempts to accommodate special rights within a liberal framework which, by its nature, does not allow any differential treatment because all citizens are to be equally free to exercise their autonomy. Kymlicka faces a difficulty because he claims to be a liberal, and yet his multicultural framework appears to contradict the principle of individual freedom that liberalism prizes. Kymlicka addresses this tension by expanding on the liberal notion of the individual, and making culture constitutive of the individual. I will analyze this new understanding of the individual as part of this chapter. However, I will first examine different theories part of the liberal tradition.

Liberal Traditions

In this section, I outline liberal traditions: utilitarianism, libertarianism, John Locke's liberalism, and finally John Rawls' liberalism, which is an expansion of Immanuel Kant's idea of an imaginary social contract as the basis for justice (Sandel 2009, 139). I will use this section help establish that Kymlicka is not part of the liberal tradition in way that maps onto any of the standards liberal views. What makes Kymlicka a liberal is that he, like all liberal views, privileges individual autonomy. To this end, he claims to privilege *the right over the good*. That is, he thinks that individuals should be free to choose for themselves the conception of the good life. However, he differs from these mainstay liberal views in terms of his particular conception of the individual. Even though he allows individuals the autonomy to choose the good life, he thinks that there is strong link between culture and the good life that the individual will choose. Specifically, he links *personal identity* with *cultural membership*. The individual's freedom, sense of security and sense of autonomy are all derived from culture. In fact, according to Kymlicka, culture is constitutive of the individual. To be free the individual must be able *to lead his or her life from the inside, that is, life being consistent with the beliefs and values about the good life that one has*, and secondly, one has to be *free to question those beliefs, and examine them with information provided by one's culture*. (Kymlicka 1995, 81-82) The only way to respect the autonomy of an individual is to respect the individual's culture. For Kymlicka this means granting group differentiated rights (GDR) to the culture. Kymlicka claims that the link between culture and autonomy is, to a large extent, informed by a shared set of "beliefs and values about the good life" and by the fact that individuals are free to question those beliefs, and examine them with "information provided by one's culture." The values that come from the culture play a dominant role in the formation of the individual, and the individual's conception of the good life. If it were not this way, there is little

reason to necessitate group differentiated rights, for autonomy would not be linked to a particular culture. Since the individual is expected to choose a conception of the good life that is provided by his or her societal culture (Kymlicka 1995, 87), Kymlicka suggests that we have a tendency towards the conception of the good of our cultural group. In this sense, he prioritizes *the good* over *the right*.

Utilitarianism is concerned with maximizing collective happiness or general welfare (J. S. Mill 1861). Overall, utility is maximized by taking into account pleasure and pain, which are believed to be the sovereign masters that govern human beings. One of the initial versions of utilitarianism, by Bentham, does not rule out the possibility that individual freedom may be limited in so far as general welfare is maximized by such restriction. This worry prompted John Stuart Mill to write “On Liberty,” and to attempt to reconcile liberal values with utilitarianism. Mill attempts to solve this difficulty by distinguishing between higher and lower pleasures. Mill’s notion of utilitarianism addresses concerns for individual freedom and human rights by considering the long run interests of human beings. According to Mill, society benefits in the long run if individual rights are respected because social utility is maximized. On Mill’s account, higher pleasures engage our higher human faculties, which are intellectual ones. Therefore, we ought to encourage people to develop higher faculties so utility can be increased. That means that in the long run, we need to have the conditions for the cultivation of higher pleasures, conditions which are secured by individual rights. Individual liberty thus, needs to be respected not because it is an entity of its own, but rather because it has a function in maximizing collective happiness in the long run.

I will assess the merits of Mill's reconciliation. My purpose in outlining the sense in which utilitarianism is part of the liberal tradition is to show that Kymlicka is not a liberal in a utilitarian sense. As we will see below, Kymlicka's view of freedom is not derivative. It has value independent of a social calculation. For Kymlicka the link between culture and freedom comes from the role that culture plays in allowing an individual to be free.

Libertarianism is a theory of rights that rejects the utilitarian principle of maximizing general welfare. It is a political theory that opposes treating individuals as a mean to maximize social utility in the long run. Libertarianism claims that individuals exist apart from each other, it must be wrong then to treat them as means to an end by adding up their preferences in order to achieve collective happiness (Sandel 2009). Libertarians believe that liberty is an inalienable right, it is not a derived right based on a social calculation, as Mill claims. It stems from self-ownership. Each individual owns his or herself, and all that flows from this, such as our labor, and the product of our labor.

At most, the libertarian owes negative obligations to others. That is, obligations of non-interference are owed. A person is free to live any account of a good life provided that in so doing that individual does not interfere with the rights of another individual. There are no positive obligations to help others. For libertarians, groups do not possess self-ownership, only individuals do. As a result, libertarianism does not recognize group rights. In contrast, Kymlicka recognizes group-differentiated rights. Unlike the libertarian, for who the individual is a separate entity, Kymlicka maintains that culture plays a key (or a central) role in personal identity. As such, the individual cannot be properly understood apart from the cultural group to which he or she belongs. In fact, the only way to respect autonomy is to respect the culture from which the individual came.

John Locke also regards liberty as an unalienable natural right of individuals. According to Locke, the right to life, liberty and property are so fundamental that no democratic government can override them and the bearer of the right cannot give it away. This is the key difference between the libertarian inalienable right and Locke's unalienable rights. Libertarian allows the individual to give away their rights. For example, suicide is not permitted by Locke, but it is permitted by the libertarian.

According to Locke, unalienable rights exist prior to the political community. In the state of nature individuals are free and equal beings, but they are constrained because they cannot give up unalienable rights, nor can these rights be taken away. Lock offers two reasons because natural rights are not exactly ours, firstly because God is our creator, and secondly because our natural rights are unalienable. Natural rights are unalienable because they cannot be transferred, that means that we can only use them for ourselves. However, those natural rights are always at risk of being lost in the state of nature and therefore, the state is created for the protection of such rights.

However, when creating the state, individuals agree to give to the government the power to legislate laws according to the will of the majority (Locke 1690, 110). Thus, it is implied that the government has the power to define what counts as a natural right, which means that the state might violate the property that men are entitled to. The following tension arises. On the one hand, the government cannot take one's property away because we have an unalienable right to it, while on the other property is conventional because what counts as property is defined by the state. Locke solves this tension with his notion of due process of law which basically states that, as long

as the majority agrees on a general law that is based on fair procedures, it is permissible to take away property.

Will Kymlicka's notion of the individual is the mechanism driving his whole theory and therefore, the basis for his justification of group-differentiated rights. He wants group rights to be permanent in order to correct for the inequalities endured by the minority cultures. However, there is no guarantee that group rights will be permanent within a Lockean framework, they can be taken away in so far as a legitimate government agrees to eliminate them. Therefore, Kymlicka is not a liberal in a Lockean sense because although he sees liberty as a fundamental right of individuals, he needs a stronger framework to justify group rights.

According to Sandel, Immanuel Kant thinks that a hypothetical social contract can generate justice. Kant believes that an imaginary contract, "an idea of reason," has practical implications in individual freedom by legislating just laws. However, Kant does not describe how the imaginary contract looks like. In *Theory of Justice*, John Rawls, an egalitarian liberal, expands on Kant's imaginary contract by describing the principles of justice that may be derived from a hypothetical agreement (Sandel 2009, 139). He uses the veil of ignorance as a device to arrive to a basic framework of rights that everyone would agree to respect from an original position of equality. Rawls believes that if a group of people were gathered together behind a veil of ignorance, and they were abstracted temporarily from who they were, the principles of justice they would choose to govern their lives would be fundamental rights that would guarantee equal liberties such as freedom of religion and speech. They would also agree to what Rawls calls the "Difference

Principle,” which states that any social or economic inequalities are permitted in so far as they work to the advantage of the least well off (Rawls 1971, 214-217).

Rawls argues for the “Difference Principle” by claiming that, it would be unjust to allow factors that are arbitrary, from a moral point of view, to determine distribution. That is, income, opportunities and social goods should not be contingent upon factors that are arbitrary from a moral point of view. This informs his rejection of alternative theories of distribution such as that of a feudal aristocracy, such as a market system of distribution, and one that is founded on principles of merit, such as a meritocracy. According to Rawls, each system allocates incomes, opportunities and social goods (if any) based on arbitrary factors from which we cannot claim any credit. In an aristocracy, the future wellbeing of one’s life is determined by the accident of birth. A market system attempts to correct for accident of birth by providing equal opportunity in a free market, but it still fails to account for the moral arbitrariness of birth order, for the more driven to compete in the market are statistically expected to be the first born in the family. Even in a meritocracy where institutions are set up in such a way that everybody begins from the same starting line, the distribution of wealth and income is still contingent upon the arbitrary factor of natural distribution of talents, and the faster runners will be the ones winning the race.

Rawls states that we should not prevent the more talented from exercising their talents, but they should do so within a system that distributes justice based on entitlement to legitimate expectations (Rawls 1971, 223-226). That is, social institutions should set up a system which accommodates natural inequalities by working to the advantage to the least fortunate in society through their entitlement to legitimate expectations. Additionally, Rawls argues that distributive justice is a

matter of entitlement to legitimate expectations instead of a matter of moral deserts, as a meritocratic system would state, because the benefits we obtain from exercising our talents in society are contingent upon the values or wants that society happens to prize at the particular time we happen to live, which are also arbitrary from a moral point of view.

Rawls believes that arbitrary factors are important considerations for moral theory and therefore, we should not distribute justice on the basis of accident of birth, birth order, or natural talents. Contrary to Rawls, Kymlicka allows arbitrary factors to play an important role in the hierarchy for distribution of group rights. Although Kymlicka claims to be a liberal, his multicultural theory is incompatible with a Rawlsian framework since he gives too much weight to historical accidents, which for Rawls, would be arbitrary from a moral point of view. Thus, Kymlicka cannot be a liberal in a Rawlsian sense since moral arbitrariness plays an essential role in his multicultural theory.

The purpose of examining the previous liberal theories was to demonstrate how broad the liberal tradition is, and to situate Kymlicka as part of that tradition. As shown, Kymlicka is not a liberal in any of the preceding senses. The liberal traditions mentioned are not only distinct, and contradict each other, but they are also incompatible with Kymlicka's notion of the individual and his multicultural theory. Indeed, Kymlicka states, "there has been a striking diversity of views within the liberal tradition, most of which have been shaped by historical contingencies and political exigencies. To identify a distinctly liberal approach, therefore, we need to start all over again. We need to lay out the basic principles of liberalism, and then see how they bear on the claims of ethnic and national minorities" (1995, 75). Kymlicka acknowledges that he is not expanding on

any of the past liberal traditions. Instead, his objective is to develop a distinctive and new liberal approach that is founded in a different notion of individual identity, which, according to him, is consistent with the basic principles of liberalism.

The Culture is Constitutive of the Individual

In this section, I will explain more fully the difference that was only pointed out above. In addition to fleshing out the position, the main goal of this section is to explain the sense in which culture is constitutive of the individual and to show the role that this claim has in the establishment of Kymlicka's GDR.

Kymlicka starts outlining his new liberal approach by describing the definition of societal culture as, "[a] culture that provides its members with meaningful ways of life across the full range of human activities, including social, educational, religious, recreational, and economic life, encompassing both public and private spheres" (1995, 76). The societal culture is important for the individual because it connects individual freedom, individual autonomy and individual security with cultural membership. Therefore for Kymlicka, there exists a strong link between personal identity and cultural membership.

Liberties are important because they allow us to pursue the good life, and additionally, enable us to rethink and examine the beliefs and values that we have. Kymlicka points out that there are two preconditions for leading the good life (1995, 81-82). The first one is to lead our life from the inside in such a way that it is consistent with the beliefs that give value to our life. The second precondition consists in being free to question and revise the beliefs that we already have.

Furthermore, Kymlicka states, “[w]hat is distinctive to a liberal state concerns the forming and revising of people’s conceptions of the good, rather than the pursuit of those conceptions once chosen” (1995, 82). This means that it is as important to revise one’s beliefs as it is to pursue them. However, in order to revise our beliefs we need a point of reference to which we can compare them. Kymlicka argues that the societal culture is the ground for this point of reference because it provides the individual with a set of information, arguments, values and beliefs. That is, the cultural structure is a context of choice. The societal culture is important for the freedom of the individual because it provides a range of meaningful options from which the individual can choose from and thus, exercise his or her freedom. The ability to revise a conception of the good and to detach from that particular conception of the good is possible because the individual is member of a societal culture. Therefore, Kymlicka connects individual freedom and cultural membership by establishing the societal culture as a context of choice. This context of choice serves as a point of reference to revise our beliefs, and in turn, enables us to exercise our freedom by examining such beliefs and choosing different ones.

Kymlicka argues that membership in a societal culture is crucial for the well-being of people for two main reasons. One has to do with individual freedom and was already discussed. The other one concerns personal autonomy and security. The societal culture provides a central point of identification for the individual because it is based on belonging. Thus, cultural membership affects individual autonomy and security because it plays a role in personal identity. Kymlicka argues that the way in which our culture is regarded socially, affects our self-identity because “if a culture is not generally respected, then the dignity and self-respect of its members will also be threatened” (1995, 89). That is to say, the individual’s sense of security and autonomy is bound up

with the esteem in which the cultural group is held. Since cultural membership affects the way others perceive and respond to us, the protection of the societal culture structure turns into the protection of cultural identity, which, in turn, translates into the security of the dignity of the members of the culture. Threatening the societal culture means threatening the self-identity of the individual. That, consequently, threatens his or her autonomy because the societal culture, the most fundamental level of sense of identity, is not secure. Therefore, Kymlicka presumes there is a strong link between personal identity and cultural membership.

According to Kymlicka, liberals can only endorse minority rights in so far as they respect the freedom or autonomy of individuals. His notion of the individual is so intimately tied to a societal culture that it is a precondition to respect the cultural group the individual belongs to in order to respect his or her freedom and autonomy as an individual. Additionally, Kymlicka claims that a societal culture is respected by ensuring its survival. That implies treating the cultural group differently if it is required. Therefore, he states that group differentiated rights are needed in order to respect the freedom and the autonomy of the individual.

The Notion of the Individual as the Basis for Kymlicka's GDR and his Egalitarianism

According to egalitarian liberalism, inequalities that result from arbitrary factors should be corrected. John Rawls corrects these inequalities by using the "The Difference Principle," which basically states that people may benefit from their good fortune and from their luck in the genetic lottery only in so far as their success works to the advantage of the least well off in society (1971, 217). Therefore, the "Difference Principle" rectifies the unfairness that arises from moral arbitrariness. Similarly, Kymlicka develops the equality argument which is parallel to Rawls'

“Difference Principle,” and aims at increasing equality between the minority and majority cultures. The only difference between the equality argument and the “Difference Principle” is that instead of focusing on decreasing inequality among individuals, the equality argument concentrates on decreasing inequality among cultural groups.

Inequality between cultural groups exists, according to Kymlicka, because government’s systems inevitably support one particular group over the others and thus, it favors particular national identities while at the same time disadvantages others (1995, 115). For instance, he explains that if there is only one common language that is used in public institutions, and holidays reflect a certain cultural background (such as Christianity), then cultural groups which do not reflect such language and religion may be excluded. Kymlicka’s equality argument is an egalitarian argument in the sense that it recognizes that members of minority groups are in unequal circumstances, and it intends to remedy such disadvantages. Kymlicka states, “in so far as existing policies support the language, culture, and identity of dominant nations and ethnic groups, there is an argument of equality for ensuring that some attempts are made to provide similar support for minority groups, through self-government and polyethnic rights” (1995, 115). This means that in order to ensure equality among different cultural communities, minority groups should be given differential treatment, through group rights, because they face systematic disadvantages.

However, the equality argument itself appears to be a contradiction. How can the equality argument increase equality among cultural groups by treating them differently? The reason is because culture is constitutive of the individual. The national minority’s societal culture ought to be respected, through differential treatment, because it is linked to the autonomy and the identity

of the individual. The autonomy of individuals who belong to minority cultural groups can be threatened as long as their societal culture is vulnerable to the decisions of the majority culture. For example, they could be outvoted on resources that are crucial to their survival, a possibility the members of the majority culture do not have to face (Kymlicka 1995). On this view, an egalitarian argument that entails differential treatment can be consistent with liberalism only in so far as it preserves the autonomy of those individuals whose societal culture is threatened. *Therefore, Kymlicka's basis for multicultural theory turns into his notion of the individual.*

Conclusion to Chapter II

In this chapter, I showed how broad the liberal tradition is by discussing different liberal political theories. To this end, I demonstrated that Kymlicka is not part of the liberal tradition in any sense pertaining to the standard views. Instead, Kymlicka comes with a new liberal approach by linking individual autonomy with a narrowly encumbered self. The self is encumbered in the narrow sense that in order to respect the individual's autonomy, one has to respect the cultural group to which the individual belongs. That is, individuals have obligations to groups as specified by group-differentiated rights. Kymlicka claims to be a liberal because he is concerned with individual autonomy and also because he prioritizes the right over the good. In other words, he believes that the individual should be free to *choose* and *revise* the conception of the good life that he or she wants to live. Yet, Kymlicka thinks that the societal culture should be respected in order to preserve the context of choice that it provides for individuals. Although Kymlicka claims the right is prior to the good, he expects individuals to live a complete life within their culture, and thus, to choose and revise a conception of the good life that pertains to their societal culture (1995, 87). (Otherwise, group rights would not be necessary to secure the context of choice provided by the

culture). Therefore, by claiming that the societal culture should be secured because it serves as a context of choice, Kymlicka creates a strong link between culture and the conception of the good life. In this sense, he prioritizes *the good* over *the right*. For to say that the individual does not have a tendency towards *the good* derived from his or her culture, is to undermine his notion of the individual. Therefore, he is a liberal only to the extent that his theory is all about the autonomy of the individual.

Since culture is constitutive of the individual, Kymlicka poses an egalitarian argument to advocate for group-differentiated rights. Group rights are necessary in order to respect and preserve the societal culture, which, in turn, provides a context of choice for the individual. Therefore, his justification for GDR requires that the only way for an individual to be free to pursue a conception of the good life, be within the culture which supplies them with their values. In order for Kymlicka to claim that he is a liberal, and at the same time to pose an egalitarian argument that advocates for group-differentiated rights, it has to be true that to respect the cultural group is required to respect the autonomy of the individual. Kymlicka's notion of the individual is the basis of his claim for group rights and therefore, the mechanism that is driving his theory of multiculturalism. Thus, in the next chapter, I turn to moral psychology to examine the extent to which culture is constitutive of the individual.

CHAPTER III

IS CULTURE CONSTITUTIVE OF THE INDIVIDUAL?

The Notion of the Individual as an Empirical Claim

Will Kymlicka argues that culture is constitutive of the individual. To respect the autonomy of an individual is to respect an individual's culture precisely, because cultural membership plays a formative role in personal identity, and in personal autonomy. Kymlicka (1995, 89-90) explains the link between culture and personal autonomy by presenting a view of 'liberalism' as founded on individual freedom. Individual freedom is understood as the ability to conduct life according to a conception of the good (1995, 80-2). For Kymlicka, a culture "provides its members with meaningful ways of life across the full range of human activities, including social, educational, religious, recreational and economic life, encompassing both public and private spheres ... [the value of culture lies] not just [with] shared memories or values but also common institutions and practices" (1995, 76). In this way, Kymlicka's model presumes a deep link between personal autonomy and cultural membership. Opportunities and practices are expressions of the shared values that define a culture. Given how important culture is to individual autonomy, Kymlicka argues for group-differentiated rights because to respect individual autonomy is to respect the group.

In this chapter, I question Kymlicka's claim that culture is constitutive of the individual in a sense that warrants the extension of individual rights to group-differentiated rights. More specifically, I question if Kymlicka is correct in holding that the values that define the group equally define the individual in such a way that we can only respect individual autonomy by respecting the

meaningful ways of life that that culture affords the individual. To answer this question, I turn to moral psychology. I focus on the notion of moral self-identity. In particular, I am interested in the link between the values that define a culture, and the values that define an individual. The possibility that there exists a gulf between, on the one hand, culture-defining-values (values that individuals explicitly acknowledge and accept as members of a culture), and, on the other hand, the degree to which individuals *own* the culture-defining-values has come to light. In an effort to explain why individuals who profess to hold certain values behave in ways that do not accord with the professed values moral self-identity has been examined. Moral psychologists have suggested that the extent to which an individual will live according to a professed set of values is a function of the extent to which individuals take ownership in those values.

I will argue that the very possibility that individuals can acknowledge the values of a culture without deeply internalizing them, challenges the veracity of Kymlicka's contention that culture is constitutive of the individual in a way that justifies group rights. Kymlicka's argument for group-differentiated rights is predicated on the idea that an individual's autonomy is tied to culture in so far as it is the culture that provides its members with meaningful ways of life, through shared values, institutions and practices. If, however, individuals espouse but do not necessarily internalize (or take ownership in) the values of a group, then there is nothing preventing them from being open to conceptions of the good life that are not tied to their own culture. Since an individual can pursue a meaningful way of life outside of the culture, it is possible that an individual's liberty can be respected without group-differentiated rights.

Moral Self-Identity

Initially, the field of moral psychology had the same view of the individual that Kymlicka holds, that it is sufficient for the individual to have a set of meaningful options in order to internalize them. In other words, identity is defined by making reference to things that are relevant to us (Narvaez and Lapsley 240). That is to say, that there is a link between personal identity and cultural membership because the societal culture provides a range of meaningful options that serve as a context of choice for the individual (Kymlicka 1995, 89). However, there is a general trend that is continuously seen in the discipline that suggests that this is not exactly the case. There is a gap between moral judgment and moral action, and therefore, a lack of consistency between the moral values that the individual possesses and his or her behavior. As a result, The Self Model was developed by Augusto Blasi as a response to the finding that moral judgement was not a strong prediction for moral action (Narvaez 2009, 242).

“The solution I have been elaborating relies on the self...that aspect of personality that underlies consciously subjective and agentic processes, in particular, processes of mastery and self-control, of ownership and appropriation, or conscious self-definition, and of internal organization and coherence” (Blasi 2004, 342).

The Self Model intends to bridge the gap between moral judgment and moral action by incorporating moral self-identity as a central explanatory concept in moral functioning. According to this model, there are three major components of moral functioning (Walker 2004, 2). The first one is the moral self, and it focuses on the importance of moral values in one’s identity. The second component is the individual’s sense of moral responsibility for moral action, which is also

understood as a process of moral engagement. This notion of the individual's sense of moral responsibility states that there is a distinction between formulating a moral judgment, and coming to the realization that one has an obligation to undertake a moral action, that is, "an action that is undertaken for explicit moral reasons"(Narvaez and Lapsley 2009, 249). Lastly, the third component of moral functioning is self-consistency. This component refers to integrity as a fundamental motive for moral functioning. The need for congruence between judgement and action motivates the moral-self to take ownership of the moral values. Therefore, the Self Model predicts that moral action is more likely to follow moral considerations if they are judged to be essential to one's personal identity (Narvaez and Lapsley 2009, 242). Additionally, Roger Bergman, quotes Colby and Damon (1993) in noting that, "When there is perceived unity between the self and morality, judgment and conduct are directly and predictably linked and action choices are made with great certainty" (2004, 31). Again, that is to say that, when morality is central to the identity of the individual, it can be predicted that the self will take ownership of the moral values.

Hence, to have a moral identity is to have an existential motivation for morality (Moshman 2004, 84). One acts morally because morality is core to the identity of the self. Moshman states, "If I have the sort of identity that directs me to see myself as, fundamentally, a moral agent, then to engage in immoral action is to betray myself. I must act morally because it would no longer be me if I were to act otherwise. To the extent that I have this sort of identity, I have a moral identity" (2004, 84). In other words, if moral notions are considered central to one's personal identity, then failing to act is to undermine who the individual is as a person. To fail to take ownership of one's moral values would mean to lose the entire self. Therefore, the moral individual has to be self-

consistent between moral judgement and action in order to maintain the whole self. For the moral-self then, moral commitments are essential to his or her self-understanding, and thus, fundamental conditions for personal identity.

Context of Choice: Is it merely or mostly dependent on culture?

For Kymlicka, the group is important for the individual in part because it provides a range of meaningful options from which the individual can choose from to exercise his freedom. (1995, 89). That is, the cultural structure serves as a context of choice and as such it ought to be respected in order to preserve the autonomy of the individual. However, this claim is open to a criticism from moral psychology because it does not follow that the available context of choice is relevant to the individual.

In “Cultural Identity and Personal Identity: Philosophical Reflections on the Identity Discourse of Social Psychology,” Thomas Wren and Carmen Mendoza make a distinction between personal and group identity. They explain that group identity is divided between social and cultural identity. Personal and group identities are further divided into an objective and subjective sense. They claim to share Blasi’s view that the subjective sense of identity is conceptually primary to the individual. Wren and Mendoza state, “[t]his self-identification is rooted in what is called a subjective fact – that is, your disposition to endorse, affirm, or ... ‘prescribe for yourself’... a specific affiliation with a certain group” (2004, 240). However, they point out that when they say a person has a cultural identity they are referring to how the individual feels about the group to which he or she is affiliated with. The authors state, “[i]n simple terms, this sort of identification is an attempt to spell out the subjective relationship the person has with the group. What is important here is not

the membership per se, but endorsement, solidarity, affection, or some other mode of relational consciousness” (Wren and Mendoza 2004, 242). Therefore, cultural identity is a matter of internalized identification. Although the individual can identify with the group and the context of choice it provides as a cultural structure, it does not follow that the individual will endorse such moral notions. That is, it does not follow that the individual will appropriate the moral values of the culture only because they are available. To endorse the cultural group is to take action on its moral considerations and therefore, to internalize the affiliation with that group. And to the extent that the individuals internalize their affiliation with the group, then they have a cultural identity. Thus, it seems possible to respect the individual without necessarily respecting the group, because it does not follow that the individual will internalize the context of choice provided by the cultural structure of the societal culture. Now, I turn my attention to the gap between moral judgment and moral action to examine whether individuals appropriate the moral values provided by the societal culture.

The Gap between Moral Judgement and Moral Action

“Most of us understand moral norms, see them as desirable, are sensitive to the moral good, and are in principle motivated by it; but only sometimes (the frequency varies from person to person) the moral motivation embedded in moral understanding is effective in producing action” (Blasi 2004, 341).

On the one hand, moral exemplars are characterized for their self-consistency between moral criteria and moral behavior, while on the other hand the Self-Model was developed to account for a gap between moral judgement and moral action. Bergman states that, “what characterizes moral

exemplars more deeply is their high degree of unity of the self and morality” (2004, 31). Therefore it seems that research in moral psychology indicates that there is evidence in favor and against Kymlicka’s notion of the individual. If morality is so central to the moral exemplar that to lose the moral self would mean to lose the entire self, then the group ought to be protected because it provides the context of choice from which the individual chooses his or her moral values. However, findings in moral psychology seem to serve as evidence against Kymlicka’s conception of the individual. For instance, David Moshman states, “[t]here is substantial evidence, moreover, that most people have a substantial commitment to seeing themselves as moral agents, and that few show behavior fully consistent with their moral self-conceptions” (2004, 94). That means that the vast majority of the individuals fail to take ownership of their moral values.

For Kymlicka, there is a connection between personal identity and cultural membership. The societal culture not only serves as a point of reference from which the individual can compare and examine different conceptions of the good life, but it also provides the individual with a sense of security and autonomy. Since cultural membership affects the way others perceive and respond to us, the protection of the societal culture structure turns into the protection of cultural identity, which translates into the security and the dignity of the members of the culture (Kymlicka 1995, 89). A threat to the existence of the societal culture is therefore, a threat to the autonomy of the individual. Nevertheless, if individuals do not internalize the moral values provided by their culture, then that means that those moral notions are not central to who the individuals are, because if they were, they would be motivated to appropriate their moral values. The lack of consistency indicates that there is a separation between moral criteria and moral behavior. This separation between moral judgement and moral action suggests that the link between personal identity and

cultural membership is not as strong as Kymlicka thinks. And if the moral values provided by the societal culture are not so central to the identity of the individual, then it is possible to respect the individual without necessarily having to respect the group.

For Kymlicka, group-differentiated rights are not entities of their own, but rather, they are derivative. That is, they exist in so far as they protect the autonomy of the individual. The findings in moral psychology open Kymlicka to serious concerns regarding his justification for group-differentiated rights. If the claim that, there is substantial evidence that indicates the separation between moral judgment and moral action is correct, then Kymlicka's notion of the individual is undermined. First, the mere fact that there is a separation between the moral judgment and the moral action suggests that culture is not constitutive to the individual. Secondly, the notion that group membership is not sufficient for one to have a cultural identity, presumes that one has to endorse the group in addition to identifying with it. Thus, it is not enough that the societal culture provides a range of meaningful options for the individual to exercise his freedom. In order for the cultural structure to be significant to the individual as a context of choice, he or she must internalize such structure and not only identify with the group and its moral considerations. Finally, the fact that the vast majority of individuals fail to take ownership of the moral values provided by the cultural structure, suggests that they are not internalizing the moral notions provided by the societal culture, and therefore, they are not central to their personal identity. Since the individual's sense of security and autonomy are not rooted in the culture to which he or she belongs, group rights are not necessary to preserve the autonomy of the individual.

CHAPTER IV

CONCLUSION

Conclusions

I have argued that Kymlicka's notion of the individual is undermined, primarily, by a separation between moral judgment and moral action. The fact that an individual fails to take ownership of the moral values provided by his or her culture, suggests that there is a separation between personal identity and cultural membership. This separation leads us to see that it is not necessary to respect the group in order to respect the individual's autonomy. Why? Kymlicka links *personal identity* with *cultural membership*. The individual's freedom, sense of security and sense of autonomy are all derived from culture. In fact, according to Kymlicka, culture is constitutive of the individual. The only way to respect the autonomy of an individual is to respect the individual's culture. For Kymlicka this means granting group differentiated rights (GDR) to the culture. In this way, Kymlicka links individual autonomy with an encumbered self: a self that is encumbered in the narrow sense that individuals have obligations to groups as specified by GDR. Two arguments are advanced in defense of this view. The first concerns the claim the culture provides the individual with a context of choices, choices that are meaningful. The second concerns the claim that individuals are free to assess option in determining the good life. In that assessment, shared societal values take a dominant role. The fact that shared values make the context of choice that comes from a given culture important to the individual, and, in addition, the fact that the values of a culture contribute to an individual's determination of the good life, allows Kymlicka to claim that he prioritizes the right over the good. Kymlicka is part of the liberal tradition in so far as his theory is all about the autonomy of the individual and his or her freedom to choose and revise the conception of the good life. However, the fact that culture is constitutive of the individual makes

the kind of good life limited to a range of options that the culture supports. For these reasons Kymlicka maintains that the only way to respect the autonomy of the individual is the respect the culture from which the individual comes.

Moral psychology's notion of the moral self allows us to examine Kymlicka's claim that culture is constitutive of the individual. Recent theories suggest that very few members of a community *take ownership* in the values of their culture. Those that do *take ownership* are called 'moral exemplars'. For these few individuals, their conception of the good life is defined by culture values. For those who do not own their cultural values there exists the possibility that their conception of the good life differs from the cultural conception. Furthermore, even if it is true that culture provides a context for choice, the choices are only meaningful if they are aligned with the individual's values. Thus, an individual is free to pursue the good life within any culture that provides the supporting contexts for choice. This suggests that an individual's autonomy and freedom are more independent of a particular culture than claimed by Kymlicka. If this is correct, Kymlicka's argument for GDR is drawn into question. We can respect the autonomy of the individual without being *required* to grant GDR. This does not question the existence of GDR, but rather, Kymlicka's justification for GDR. Removing the link between respect for individual autonomy and the necessity of respecting cultures (via GDR), undermines Kymlicka's attempt to bring a narrowly encumbered self within the liberal tradition.

REFERENCES

- Barry, Brian. *Culture and Equality: An Egalitarian Critique of Multiculturalism*. Cambridge Massachusetts: Harvard University Press, 2001.
- Bentham, Jeremy. (1789). "Principles of Morals and Legislation." In *Justice: A Reader*, edited by Michael J. Sandel, 9-14. New York: Oxford University Press, 2007.
- Bergman, Roger. "Identity as a Motivation: Toward a Theory of the Moral Self." In *Moral Development, Self, and Identity*, edited by Daniel K. Lapsley and Darcia Narvaez, 21-46. New Jersey: Lawrence Erlbaum Associations, Inc., 2004.
- Blasi, Augusto. "Moral Functioning: Moral Understanding and Personality." In *Moral Development, Self, and Identity*, edited by Daniel K. Lapsley and Darcia Narvaez, 335-347. New Jersey: Lawrence Erlbaum Associations, Inc., 2004.
- Kymlicka, Will. *Liberalism, Community, and Culture*. New York: Oxford University Press, 1989.
- . *Multicultural Citizenship: A Liberal Theory of Minority Rights*. New York: Oxford University Press, 1995.
- Locke, John. (1690). "Second Treatise of Government." In *Justice: A Reader*, edited by Michael J. Sandel, 83-126. New York: Oxford University Press, 2007.
- MacIntyre, Alasdair. (1981). "After Virtue." In *Justice: A Reader*, edited by Michael J. Sandel. 2007th ed., 315-328. New York: Oxford University Press, 1981.

Mill, John S. (1861). "Utilitarianism." In *Justice: A Reader*, 14-47. New York: Oxford University Press, 2007.

Moshman, David. "False Moral Identity: Self-Serving Denial in the Maintenance of Moral Self-Conceptions." In *Moral Development, Self, and Identity*, edited by Daniel K. Lapsley and Darcia Narvaez, 83-109. New Jersey: Lawrence Erlbaum Associations, Inc., 2004.

Narvaez, Darcia and Daniel K. Lapsley. "Moral Judgment and Decision Making." In *the Psychology of Learning and Motivation*, edited by Daniel M. Bartels, Christopher. W. Bauman, Linda J. Skitka, and Douglas L. Medlin. Vol. vol. 50, 237-274. Burlington, MA: Academic Press, 2009.

Nisan, Mordecai. "Judgement and Choice in Moral Functioning." In *Moral Development, Self, and Identity*, edited by Daniel K. Lapsley and Darcia Narvaez, 133-160. New Jersey: Lawrence Erlbaum Associations, Inc., 2004.

Nucci, Larry. "Reflections on the Moral Self Construct." In *Moral Development, Self, and Identity*, edited by Daniel K. Lapsley and Darcia Narvaez, 111-132. New Jersey: Lawrence Erlbaum Associations, Inc., 2004.

Power, F. Clark. "The Moral Self in Community." In *Moral Development, Self, and Identity*, edited by Daniel K. Lapsley and Darcia Narvaez, 47-64. New Jersey: Lawrence Erlbaum Associations, Inc., 2004.

Rawls, John. (1993). "Political Liberalism." In *Justice: A Reader*, edited by Michael J. Sandel, 343-358. 198 Madison Avenue, New York, New York 10016: Oxford University Press, 1993.

———. (1971). "A Theory of Justice." In *Justice: A Reader*, edited by Michael J. Sandel, 223. New York 10016: Oxford University Press, 1971.

Sandel, Michael. *Justice: What's the Right Thing to do?*. First paperback edition, 2010 ed. 18 West 18th Street, New York 10011: Farrar, Straus and Giroux, 2009.

Sandel, Michael J. "Political Liberalism." In *Justice: A Reader*, edited by Michael J. Sandel, 359-377. New York: Oxford University Press, 2007.

———. "Justice: What's the Right Thing to do?." WGBH Boston and Harvard University. <http://www.justiceharvard.org/2014>).

Walker, Lawrence J. "Gus in the Gap: Bridging the Judgement –Action Gap in Moral Functioning." In *Moral Development, Self, and Identity*, edited by Daniel K. Lapsley and Darcia Narvaez, 1-20. New Jersey: Lawrence Erlbaum Associations, Inc., 2004.

Wren, Thomas and Carmen Mendoza. "Cultural Identity and Personal Identity: Philosophical Reflections on the Identity Discourse of Social Psychology." In *Moral Development, Self, and Identity*, edited by Daniel K. Lapsley and Darcia Narvaez, 239-266. New Jersey: Lawrence Erlbaum Associations, Inc., 2004.