

Will Kymlicka's Multicultural Citizenship

Fatih Öztürk 

Faculty of Law, Istanbul University, Istanbul, Türkiye

Email: fatih.ozturk@istanbul.edu.tr

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Abstract

This essay critically examines Will Kymlicka's liberal theory of multicultural citizenship in the context of religious minority rights, particularly focusing on the Turkish experience. It argues that while Kymlicka offers a persuasive framework for protecting ethnic and linguistic minorities through group-differentiated rights, his model remains inadequate in addressing the complex needs of religious minorities in liberal democracies. Drawing on theoretical critiques from Bhikhu Parekh, Chandran Kukathas, and others, the essay highlights the inherent limitations of liberalism in accommodating religious diversity, especially when secular frameworks dominate public institutions. The Turkish and French models of strict secularism are contrasted with Anglo-American soft secularism, illustrating how rigid separation between religion and state undermines minority inclusion. Strict secularism (laïcité) refers to the exclusion of religion from public institutions and governance (Bhargava, 2013). Soft secularism, by contrast, maintains state neutrality while allowing public religious expression (Casanova, 1994).

Keywords

Will Kymlicka, Multicultural Citizenship, Liberal Theory of Minority Rights, Secularism, Internal Restrictions

1. Introduction

Since the establishment of the Republic of Türkiye, the rights of minorities, specifically religious ones, have continually been violated due to an exaggerated fear of losing the principle of secularism in its democracy, and the consequent fear of a dismantling of the Turkish political identity. The ambiguous efforts at censoring or suppressing such fears on the part of authorities in Türkiye, directed against the ultimate taboo of struggling to bring this unfounded conservative fear to light, are the primary concern of this paper and, as such, the primary problem it will attempt to bring to resolution. The scope of this issue is contained within attempt-

ing to find accommodation for religious minorities in the Turkish democratic context.

Why religious protections are necessary in any governmental system that maintains a priority of protecting minorities is because religion, though a privately rooted subject, contains elements that inescapably spill over into the public realm. Though the fundamentals of religious belief and where they should lie are deeply controversial, taking for instance the multi-dimensional problem of Abraham's in Kierkegaard's *Fear and Trembling*, secularist exclusion from governmental systems does not and cannot possibly exclude the tendencies of religious belief to influence the public by virtue of individual ethical direction. Kierkegaard illustrates a problem in the paradox that evolves from confining religious belief in the individual as it isolates itself from general ethics, as in the internal struggle of Abraham over having to sacrifice his son Isaac, in accordance with the Biblical reference (Kierkegaard, 2006). In Islam, not Isaac but Ismail is the potential sacrifice. We must, in essence, as offered by Kierkegaard, concede the possibility that there must be acknowledgement of a relationship between the public realm and religion, as opposed to the paradoxical conception of them as completely distinct.

Various theoretical aspects of minority rights, but specifically religious minority rights and what they are in modern liberal democracies, must be clear at the outset; the main focus here is on how well a liberal democracy can theoretically provide accommodation for the just treatment of religious minorities. The position that will be supported is that indeed such accommodation is insufficient or ineffective in considering the philosophical background in the political and legal framework. It is the aim of this project to illustrate from the narrower context of minority religious rights in Türkiye, that a broader global understanding of the necessity of more effective methods of protection for them is required. Certain academically relevant theoretical positions on individual versus collective rights should be taken into consideration in order to establish any theoretical grounding for our purpose. An initial observation that is critical to understanding religious minority rights is that we must assume they are a brand of collective right. Despite various philosophical arguments, religion clearly extends itself in practice as an establishment of peoples together in a group or collective and, furthermore, whose guiding principles are at least universal to the group in some sense.

From these precepts will an evaluation on a narrower scale begin, in a comparison and consideration of the systems of rights in Türkiye and France; both ultimately are found standing firm on a principle of secularity which limits religion very strictly to the private sphere. Türkiye and France are taken here in the analysis on the smaller scale since they serve as counterparts in another aspect as well: being directly involved in religion despite the strict secular position. The Turkish government, for instance, still regulates mosque construction and distribution while France maintains an interestingly similar relationship with Catholicism (Kidd & Reynolds, 2000: section 8). It is clear that the collective nature of religion is what keeps it an issue intertwined with the affairs of these two governments,

and essentially all governments.

Will Kymlicka's "differentiated citizenship rights," or minorities and rights in a liberal democracy, will provide a starting point for the current undertaking. Kymlicka's systematic approach to developing his liberal minority theory will be examined and crystallized so that its practical implications can be clarified. Kymlicka's theory has for the last ten years remained the most persuasive one in the sphere of minority rights. Its pertinence here is relevant precisely because Türkiye has tried to establish a liberal democracy of a kind, though unsuccessfully, for the last eighty years while constantly riddled with concerns about such rights. Kymlicka provides an approach to a solution to Turkish minority rights problems but in a somewhat unintended inverse manner, or through his theory's weakness. The weakness is that, as in most liberal thought, the requisite political space for religious minorities is lacking. This creates a significant vacuum of protection for religious minority rights, especially when one extrapolates the concern into a broader perspective and in light of the events of 11 September 2001 and the global atmosphere thereafter.

The very real question penetrates the fact that liberal democracies may be providing sufficient protection for ethnic and linguistic minorities, but not for religious ones; the French model of secularism or its Turkish counterpart, the latter incidentally a poor copy of the former, unfortunately, provides exemplary models of the deficiency (Öztürk, 2012). Anglo-Saxon soft secularism, as is predominant in the United Kingdom or the United States, could provide a more accommodating solution for liberal democracies. It should be noted that conceptions of religious political space should not be thought of as equal across religions, for secularism in the West began as a reaction to the Church, which wanted public control, while in Islam there is a clearly inverse example; with the exception of Iran, Islam does not permit religious leaders any real legal control over the state (Akyol, 1999). Strict secularism (*laïcité*) refers to the exclusion of religion from public institutions and governance (Bhargava, 2013). Soft secularism, by contrast, maintains state neutrality while allowing public religious expression (Casanova, 1994).

In the Ottoman era, a number of religious leaders lost their positions due to their disagreements with the Sultans over the expansion of ecclesiastic political powers. Islamic nations did not admit of the kind of antagonism or war against the religious leaders or mosques in the political sphere as was and still remains prevalent in the traditional Western understanding (Öztürk, 2012). How exactly the Ottomans dealt with minority religious rights will be examined at greater length in the third chapter. It is, however, a clearer understanding of what Kymlicka posits in his theoretical evaluations that is critical to the difference in the traditional Western liberal democratic perspective on religious minorities, setting it apart from others but not leading us far enough; as is to be shown. Religious claims often involve divine or scriptural authority that resists reinterpretation, contrasting with ethnic or linguistic claims that are primarily cultural and negotiable. This immu-

tability complicates their accommodation within Kymlicka's liberal model emphasizing individual autonomy (Parekh, 2006; Rawls, 1993).

2. Individual vs. Collective Rights

The views herein that concern the necessity of collective rights are most often perceived as a little radical, legally speaking, particularly with respect to the position that will be put forward here, which will affirm that not even a minority language can survive without the existence of collective rights, as per the debate with individual rights. And if language can scarcely be expected to survive without such rights, it can hardly be expected that a religion, something built on particular understandings based in language, could survive. For just as one would be pressed to conceive of the existence of a language for a single individual, one would be equally pressed to conceive of the existence of an ethnicity or religion in like manner. These are all inherently social notions. The point is that there is obviously no coherent way to discuss protecting the survival of a group without necessitating a discussion of collective rights.

Proponents of this position are found with Patrick Thornberry, as he defines existence as a tool for collectivity without which there is no group or members and that this existence is based on a shared consciousness coming from "language, culture or religion, a shared sense of history, and a common destiny". He further maintains that without this "group existence" it is possible to maintain that individuals live, but not that any group does (Thornberry, 1992: p. 57). Another friend to this view is Segesvary, who adds that:

"There can be no individual without a group or community; there can be no community without individuals who are not only the actors in social and cultural life but the bearers of the community's belief- and value-systems, of its traditionally transmitted symbolic order. But the community is not only the sum of the individuals who constitute it; it is more because its institutions, mental and symbolic orders and traditional values represent the accumulated experiences and cultural treasures of past generations." (Segesvary, 1995: p. 93).

This, of course, naturally arouses the suspicion of whether collective and individual rights can coexist. The author claims that "coexistence is impossible on account of a 'pervasive irreconcilability' between collective and individual rights and that any constitutional recognition of both types of rights would give the courts a near impossible task" (McDonald, 1998: pp. 310-313). But then all rights consist of two dimensions, so provoking artificial tension between individual and collective rights is misleading (Sanders, 1991: p. 383). It appears to be inherently human that all rights consist of this duality. It may just be that particular rights appear to have a more individual or collective leaning. If we take, for example, the freedom of conscience, when I speak to defend my opinions, it is an individualistic right; though when I speak to defend the opinions of a group I belong to, it becomes the

collective I speak on behalf of through my consent to joining that group. The duality raises problems as such: for instance, belonging to the country Türkiye—so being Turkish—while not conceding personally to all of the opinions and actions of my government.

So rather than discussing coexistence, which is moot, the focus here will be on how we strike a balance when a conflict arises. As in the example above regarding citizenship, there is a significant concern about whether group identity should be upheld in any and all conflicting cases while ignoring personal autonomy, or vice versa, and whether case-by-case analyses of any situation can arrive at a compromise. It certainly doesn't seem a viable option to renounce citizenship whenever we don't agree with our government. Now, although liberal democracy generally tends to defend individual autonomy, since there is no immediate threat that citizens will renounce their citizenship—a somewhat awkwardly anti-social, uncomfortable, but not theoretically impossible, maneuver—communitarians argue that group rights are paramount to personal autonomy in order to protect minorities. Of course, the liberal fear here is of group tyranny over the individual. Indeed, the most important basic right is personal autonomy. However, a simple right of freedom of exit from the group renders this fear irrelevant. Of course, such claims, like all other legal claims, would rightly be presided over in normal legal proceedings, i.e., if the individual wants to file a claim or suit against the group or vice versa. In any case, there is a very simple outlet for overriding the fear of an individual's rights being trampled by a group.

Tantamount to this, Will Kymlicka claims that there is a misconception in the liberal principle of freedom and that equality is inconsistent with group-differentiated rights (Kymlicka, 1995: p. 35). He posits that it is normal to assume that collective rights are exercised by a group, which is clearly far from the complete truth, as many group-differentiated rights are exercised by individuals (Kymlicka, 1995). He then elaborates by defining “internal restrictions” as “the claim of a group against its own members” and “external restrictions” as “the claim of a group against the larger society.” (Kymlicka, 1995: p. 4). He correctly designates these rights collective rights, or tools for stability but at the same time, instability (Kymlicka, 1995). He adds that external protections instigate inter-group tensions which may leave open the possibility of producing unfairness towards various groups (Kymlicka, 1995: p. 36). He stresses that internal restriction occurs in culturally homogeneous countries while, conversely, external protections are required in multinational or poly-ethnic states (Kymlicka, 1995: p. 37). His main argument maintains that “liberals can and should endorse certain external protections, where they promote fairness between groups, but should reject internal restrictions which limit the right of group members to question and revise traditional authorities and practices.” (Kymlicka, 1995: p. 2). Bhikhu Parekh challenges this position by suggesting that individual rights or autonomy can actually be used to harm or even eliminate minority groups (Parekh, 2006: p. 211). The challenge is serious, as Kymlicka does not permit internal restrictions a place in liberal principles. Of

course, the adherence to liberal principles is an internal restriction in itself, as someone who does not wish to concede such principles is suffering precisely the tyranny over his or her individual rights within the system that is alleged to protect them.

There appears to be a need for a separate institution or system aimed at reducing or resolving these particular kinds of conflicts, which is where Shachar's system of judicial distribution might prove useful. It would appear, therefore, that we must assert either that we should flatly accept or reject internal restrictions automatically. Additionally, the respective institutions should be established in case of conflicts that arise thereafter, with each case examining primarily to whom the ultimate right should belong: the individual or the group. Of course, while priority is first the right of the individual, it does not imply, however, that a group may not restrict or limit its members' practices. What will be argued as essential in the function between group and individual rights in the end is that individuals have not only the right to exit the group but also to challenge traditional group practices. Shachar (2001) proposes a "joint governance" model where state and religious legal systems share overlapping jurisdiction, allowing individuals—especially women—to 'forum shop' for justice. This mitigates coercion while preserving community autonomy.

The provision of both rights effectively ensures that a group may impose internal restrictions with the aim of preserving its culture without imposing harm upon its members, since they ultimately will have the choice to concede or propose change or stasis, rather than only having the option of disengaging themselves from the group. That is, since the makeup of the group belongs to the entirety of the group and not the individual, as all groups are formed out of a unanimous consensus of foundation. This will permit the protection of any group whose core values and traditions are threatened by members with uninformed, undisciplined, extreme, or just simply amicably diverging views. This will prevent any extreme duress to the individual or group, as the individual always has the alternative of withdrawal while the group is not stripped of the essential tenets, customs, traditions, or other foundations upon which it was established. This entails, of course, that any state concurrently and carefully protect the duality in this inverse relation of the system of individual and group rights.

Kymlicka believes that the protection of minority group rights could be used for arbitrarily excessive internal restrictions by powerful members or authorities of a group, but especially in religious groups, citing that most often those restrictions are aimed against women or children. Jane Norton counters Kymlicka's sentiments well, however, by affirming that "the rights of women are better protected while minimizing the burden placed on religious practice." She adds, furthermore, that it is unclear as to whether "there can ever be a reconciliation of the rights of religious communities and the rights of women", claiming that it is only within the sphere of the community itself that this can be effectively reconciled (Norton, 2000-2003: pp. 433-434). The only real question that arises in the reconciliation of a sys-

tem of the protection of individual and group rights, as such, is how much a liberal state could tolerate illiberal practices or groups.

Interestingly, in academia, when there is talk about internal restrictions, religious minority groups are the entities that come to mind most frequently, as opposed to ethnic or linguistic ones. It may appear more obviously true that a system of normative values is derived more directly from religion than anything else, though one must be more careful in a closer analysis of variables such as culture and the complex interconnection of variables culture itself assumes; particularly, for instance, in the case of a country like Türkiye, where the citizenry illustrates more a reflection of its culture than its religion. An obvious example is that of the honor killings of out-of-line daughters, which today are still rampant in the Eastern provinces, something clearly intolerable in any individual understanding of Islam but, tragically, a prominent Southeastern Kurdish tribal custom. However, in modern and even scholarly interpretation, this kind of thing is too often tragically misconstrued to coincide with the fact that Türkiye is an overwhelmingly Muslim nation.

Kymlicka does clearly point out one thing, that is that it is believed, as he does, that “some group-differentiated rights are in fact exercised by individuals, and in any event the question of *whether the rights are exercised by individuals or collectives is not the fundamental issue*. The important issue is why certain rights are group-differentiated—and therefore, why the members of certain groups should have rights regarding land, language, representation, etc. that the members of other groups do not have.” (Spaulding, 1997: p. 46; Öztürk, 2012). Parekh, on the other hand, acutely notices that Kymlicka does not show proper respect for illiberal cultures “in their authentic otherness” because he defends minority rights only as long as the establishment of these groups is consistent with liberal principles (Parekh, 2006; Öztürk, 2012). In Kymlicka’s model there is, as previously mentioned, the failure to account for liberalism as its own special group, which can be restrictive of or tyrannical over other groups contained within it. For, like any other ideology, it cannot lay claim to a universal answer to the principles of truth in either the foundations or future of any individual or group, and this is the challenge that will be taken up here.

3. Will Kymlicka’s Liberal Theory of Minority Rights

Here, Kymlicka’s theory (following an outline of Kymlicka’s *Multicultural Citizenship*), which mainly derives from the experience of Canadian multiculturalism, will be analyzed in greater detail. Over the last ten years, Kymlicka has become a leading scholar in the field of multiculturalism. He insists that universal human rights standards may not be able to solve or provide an adequate solution to the protection of individual autonomy in a multicultural society (Kymlicka, 1995: p. 4). In later works such as *Politics in the Vernacular* (2001) and *Multicultural Odysseys* (2007), Kymlicka revises some of his earlier positions by acknowledging the challenges of religious diversity but continues to privilege liberal au-

tonomy over collective norms. In his own words (Kymlicka, 1995: p. 5):

“Traditional human rights standards are simply unable to resolve some of the most important and controversial questions relating to cultural minorities... The problem is not that traditional human rights doctrines give us the wrong answer to these questions. It is rather that they often give no answer at all.”

This sentiment illustrates exactly that no prevailing modern liberal universal rights system has been able to provide answers on how to effectively protect cultural minorities, attributing the primary failure to their predominantly majoritarian character. We can hereby understand why a theory for an independent system of protections for minority rights is required (Kymlicka, 1995). On the flip side of this, Kymlicka also warns that “recognizing minority rights has obvious dangers” (Kymlicka, 1995: p. 6). He recognizes that minority rights are, and have been in the past, open to abuse. The Nazi regime is an example, but not one that sits entirely alone, as radicals and nationalists all over the world have taken advantage, of course not on the same scale (Kymlicka, 1995: p. 6). Kymlicka asserts and reasserts that a liberal theory of minority rights will demonstrate how minority rights will survive in concurrence with universal human rights, and “how minority rights are limited by the principles of individual liberty, democracy, and social justice”, anchoring a minority rights theory in liberalism. On this view, Brian Barry strongly disagrees with Kymlicka, Bhikhu Parekh, and M. Walzer; a liberal state can insist that all groups should respect and follow liberal values such as personal autonomy and equality. Barry claims that liberalism is oppressive because it expects and wants groups to act in accordance with the principles of liberal values. And he also argues “ordinary democracy encourages deliberation to the degree that is possible or desirable by pressing all groups to make arguments that are accessible to other people” (Barry, 2002: pp. 212, 232-233). However, the question remains as to whether or not there is real consensus among liberal theorists about just what exactly liberal values are.

3.1. The Politics of Multiculturalism

Cultural diversity takes place because of “national minorities,” as Kymlicka calls them; “...self-governing, territorially concentrated cultures...typically wish to maintain themselves as distinct societies alongside the majority culture, and various forms of autonomy or self-government to ensure their survival as distinct societies” (Kymlicka, 1995: p. 10). He claims that a “nation” is a “historical community more or less institutionally complete, occupying a given territory or homeland, sharing a distinct language and culture” (Kymlicka, 1995: p. 10). From this point of view, one could posit that prior to the settling of Israel, Jews were not a nation; an implication that this paper will take issue with. In accordance with the same line of argument, the Kurds of Iran, Iraq, Syria, Türkiye and other regions of the Middle East, who, again according to this author’s outline, are indeed a nation, would not then be permitted any similar kind of status. Kymlicka observes

or claims that if a state contains more than one nation, it is a multinational state, with essentially smaller cultures to be called national minorities (Kymlicka, 1995: p. 10).

Kymlicka rejects the “Anglo-conformity” which prevailed up to the 1960s in Australia, Canada, and the United States, entailing the official position that immigrants should retain their unique heritage, but concurrently be completely assimilated into the existing cultural norms (Kymlicka, 1995: p. 14). The general understanding was that assimilation was a policy tool aimed at the maintenance of political stability. Kymlicka legitimates the position somewhat, however, affirming that “immigrants are not nations, and they do not occupy homelands” (Kymlicka, 1995: p. 5). He also implies legitimacy in colonial occupation, outlining that colonists did not define themselves as immigrants and so were not required to adjust themselves to the new territory (Kymlicka, 1995: p. 5). The bottom line in all this appears to be a definitional matter of property, where without the ownership thereof, there can be no stake to any claim of recognition on the part of any minority. Parekh, of course, finds this position quite strange, in that Kymlicka appears to promote the preconception that it is okay to refrain from permitting voluntary immigrants due recognition (Parekh, 2006: p. 103). Parekh is in agreement with Kymlicka and he states that “I do not think it is wrong for liberal states to insist that immigration entails accepting the legitimacy of state enforcement of liberal principles, so long as immigrants know this in advance, and nonetheless voluntarily choose to come” (Carens, 2000: p. 55). Carens rightly challenges along these lines as well, positing that “if people’s native societal cultures are so important to them, why should not immigrants be able to bring their societal cultures with them and establish them in their new home?” (Kymlicka, 1995: p. 55). There is nothing to explain the frame of mind then, of an individual fleeing from oppression conceiving of being treated as a second-rate citizen when fleeing from the same discriminatory tyranny. This is especially applicable when one considers modern-day Muslims, as they may be fleeing from oppression in the Middle East (or South Asia) to the West where whether or not their treatment as a citizen is questionably less discriminatory.

3.2. Three Forms of Group-Differentiated Rights

3.2.1. Self-Government Rights

Are the rights of national groups to “...some form of political autonomy or territorial jurisdiction, so as to ensure the full and free development of their cultures and the best interests of their people” (Kymlicka, 1995: p. 27). Federalism may function as a system to divide powers between central and local government; however, the core issue is striking the correct balance between centralization and decentralization (Kymlicka, 1995: p. 28). Kymlicka offers the Canadian example, in that “federalism can only serve as a mechanism for self-government if the national minority forms a majority in one of the federal subunits, as the Quebecois do in Quebec” (Kymlicka, 1995: p. 29). Applying this understanding inter-continently, the Kurd-

ish population of Türkiye could be seen to not only theoretically but realistically possess the same distinction in Türkiye. This would follow with the respective inclusions of control over education, language, culture, and even immigration policy (Kymlicka, 1995: p. 28). And these rights, of course, are not temporary but as permanent as they appear to be inherent (Kymlicka, 1995: p. 30). The bottom line is the provision for the basis of a minority possessing the ability to exist outside of the authority of the majority, in effect to exist under its own authority and in its own culture, at base providing it a sense of the legitimacy of its distinct societal and cultural differences (Metcalf, 1996-1997: pp. 181-182).

3.2.2. Polyethnic Rights

The collapse of policies adhering to Anglo-conformity has permitted immigrant groups to successfully challenge for new policies, especially in particular instances to habituate anti-racist practices (Kymlicka, 1995: p. 31). The respective rights aim to “help ethnic groups and religious minorities express their cultural particularity and pride without it hampering their success in the economic and political institutions of the dominant society” (Kymlicka, 1995: p. 31). An example is the provision of funding for cultural practices, and targeted exemptions from laws and regulations which obstruct or put at a disadvantage certain religious practices, such as for Orthodox Jews and the right to wear the yarmulke during military service in the United States.

3.2.3. Special Representation Rights

In recent years, there has been increased demand from either national minorities or ethnic groups to be provided various ranges of rights dependent on “the idea of special representation rights” (Kymlicka, 1995: p. 32). One way Kymlicka suggests satisfying such demands is reforming political parties in order to eliminate barriers that may possibly restrict various minority groups, whether a particular category of women, ethnic minorities, or the impoverished, by proposing more proportionally representative ones (Kymlicka, 1995: p. 32). Another option may be providing a quota for a certain number of seats, as they would be reserved for disadvantaged groups (Kymlicka, 1995: p. 32). Kymlicka posits, however, that the aforementioned outlets may be manipulated and produce “grounds of oppression,” though they may prove effective for ensuring self-government if uncorrupted (Kymlicka, 1995: p. 6). In the end, Kymlicka stresses that “an economically successful immigrant group may seek poly-ethnic rights, but have no basis for claiming either special representation or self-government, etc.” (Kymlicka, 1995: p. 6). Here, Parekh catches Kymlicka with another serious charge, displeased with the hierarchy for minority rights that the latter appears to have developed, asserting “it is difficult to see what general principles inform this hierarchy of rights.” He asserts further that Kymlicka appeals to such disparate criteria as “territorial concentration [national minorities], history of independent existence, institutional completeness, past commitments, consent, the level of poverty in the immigrant’s country, and the receiving country’s degree of responsibility for it”

(Parekh, 2006: p. 109). Parekh's ultimate counterclaim here is that "there is no obvious reason why we should accept the liberal premise in the first instance" (Parekh, 2006: p. 111). Seyla Benhabib also picks up on Kymlicka's hierarchical tendencies, challenging his distinction between groups based on political legitimacy [mainly governing power, though in all fairness Kymlicka does not deny justice, democratic inclusion, public culture, and historical memory] (Benhabib, 2002: pp. 64-68).

3.3. Freedom and Culture

The core of Kymlicka's analysis rests on minority rights steered more by the principle of liberal autonomy than by equality (Lipkin, 1997: p. 39). This line of thought is also evident in his connection of culture and freedom (Kymlicka, 1995: p. 75). What he puts forward, in his own terminology, is a picture of what he calls "societal culture, whose practices and institutions cover the full range of human activities, encompassing both public and private life," and links these with national groups (Kymlicka, 1995: p. 76).

What he defines as such is "a culture which provides its members with meaningful ways of life across the full range of human activities", in which he includes particulars such as "social, educational, religious, recreational, and economic life, encompassing both public and private spheres"; these cultures, he outlines, tend to be territorially concentrated and based on a shared language (Kymlicka, 1995: p. 76). Language turns out to be the key tool for societal culture. Kymlicka stresses further that societal cultures' aim is to become national cultures (Kymlicka, 1995: p. 80). Despite this, he continues pointing out that people have been known to move between cultures, though this is an exceptional situation (Kymlicka, 1995: p. 84). Kymlicka here distances himself from communitarians. He posits that most of the time communitarians explain our links to sub-national groups such as "churches, neighborhoods, family, unions, etc.—rather than to the larger society which covers these sub-groups (Kymlicka, 1995: p. 90).

Communitarians, of course, submit to limiting individual rights under the precept that it is not harmful due to the overarching support for shared values, which would more than compensate for any less significant freedoms relinquished. However, Chandran Kukathas makes a distinction between his views and Kymlicka's with his own words: "There is a clear distinction between Kymlicka's views and my own. The differences stem ultimately from two views of liberalism. In Kymlicka's view, I think, a liberal society is one in which certain ideals of equality and individual autonomy associated with Kant, Mill, and Rawls are generally upheld. Another view is that a liberal society is one in which different ways of life can coexist, even if some of those ways of life do not value equality and autonomy. The distinction might be expressed more sharply by saying that the second view does not hold that a liberal society must be composed of (more or less) 'liberal' communities. I hold to the second view, for I see liberalism as offering a solution to the political problem of pluralism and social conflict rather than a comprehensive

moral ideal. This is not to say that this liberalism has no moral basis, only that this basis is not the ideal of individual autonomy” (Kukathas, 1992: p. 680). Most communitarians also hold that the “politics of the common good” is applicable to minorities on a local rather than a national level. Thus, communitarians do not find it useful to assume for themselves a national identity as a requisite to asserting their political views, since nations share language and history, and so individuals can disagree about the meaning of life or “the ultimate ends in life” (Kukathas, 1992: p. 680). Opposition to this entrenches itself in Kymlicka’s understanding in terms of its limiting of individual autonomy at the sub-national level as a possible root of dissatisfaction and oppressive overtones for the members of a group who criticize traditional practices (Kukathas, 1992: p. 680). Kymlicka asks proponents of such systems how liberals should respond to cultures that illustrate such an illiberal tradition or focus. Some nations and nationalist movements are deeply illiberal, and he answers his own question by claiming that such nations should not be dissolved for being illiberal but should be liberalized so as not to eradicate the culture itself but to merely adjust it to liberal systematization (Kymlicka, 1995: pp. 94-95). Robert Justin Lipkin astutely criticizes that point, arguing the following (Lipkin, 1997: pp. 39-40):

“Kymlicka’s position fails because it is arbitrarily restricted only to those cultures committed to the deliberativist paradigm. In short, Kymlicka’s imperative, like other versions of liberalism, is antithetical to one of the chief paradigmatic cases of a culture, namely, dedicated cultures. Some dedicated cultures reject the legitimacy of internal protections, intra-group freedoms, and civil liberties for their members, and other dedicated cultures do not even permit inter-group equality between and among different cultures. Kymlicka’s liberalism cannot tolerate these forms of internal and external restrictions for all types of cultures. Thus, Kymlicka’s version of liberalism can explain and justify tolerating only those cultures that are sufficiently like liberal cultures because they embrace the deliberativist ideal.”

Interestingly, Kymlicka argues that national minorities have societal cultures, yet that immigrants do not, and that it is possible to settle immigrant groups collectively and to empower them so that they become, in effect, national minorities (Kymlicka, 1995: p. 101). He also appears to slip by the implication that immigrants can have no societal idea of the good, as it is something they cannot contribute to under the given liberal framework above. So as an immigrant in such a situation, I could only choose to take up one of the positions of the existing national minorities on this point. This clearly untenable argument is rectified by Carens’ position that outcomes for individuals should be a product of choice rather than of circumstance; a version of the liberal neutrality ideal. His concern is that the relative security of a person’s access to her own societal culture is a function of circumstances rather than choice, aside from voluntary immigrants, which is ultimately incoherent” (Carens, 2000: p. 61).

This position assumes entirely that one who persists in her own culture’s great-

ness is necessarily negating other cultures, which is by no means necessary logically or otherwise. In Kymlicka's vision, one might expect immigrants to become members of national societies in their new country (Kymlicka, 1995: p. 114). We can here point out the circumstantial paradox in, say, if an individual from France wished to settle in Quebec (assuming 100,000 other French did the same) and, according to Kymlicka, could not enjoy societal culture nor claim self-government and special representation rights, while these are exactly the rights and freedoms the French Quebecois enjoy. The historical situation throws a monkey wrench into the works of minority rights this way, for then we are to separate rights even among those who are the same people merely by where they happened to have landed geographically and at what time; almost like basing rights on a first-come first-served basis when no one really knew where to "go first" would be most beneficial.

This presumption clearly bases itself here on historical gains, which, in this author's point of view, should bear no further relevance to liberal belief. It is a distortion of the focus of rights, relaying it from the individual to mere geography. This is a little disturbing to say the least, and as Charles Taylor poses, perhaps it should be that "the politics of equal dignity is based on the idea that all humans are *equally* worthy of respect" (Taylor, 1994: p. 41).

3.4. Justice and Minority Rights

States are inescapably aimed at supporting certain dominant cultural identities, which clearly results in an atmosphere of innate discrimination against other cultures (Kymlicka, 1995: p. 108). How do governments approach the relevant policies then? How effectively "decisions on languages, internal boundaries, public holidays, and state symbols" are made is indeed the question at hand (Kymlicka, 1995: p. 108). The issue of statutory public holidays is an interesting diverging point, which questions the neutrality of liberal principles. Carens offers us in response that "the ideal of cultural neutrality is an illusion" and that there are particular issues "on which the state cannot avoid making decisions that have a significant impact on culture, and, if the polity contains people from different cultures, that advantage some and disadvantage others" (Carens, 2000: p. 53).

Both Carens (Toronto) and Kymlicka (Kingston) reside in Canada, making this observation even more acute; during the Christmas holiday, Jewish and Muslim parents take their children to the playground on days the rest of the nation celebrates their holiday. The obvious circumstantial consequences are not altogether unpleasantly daunting—that is, taking one's child to the playground—but the subtle exclusion from a society-shared holiday is poignant. Kymlicka points out that support by a state of a majority culture by using a majority language in schools and public institutions should not provide grounds for denial of minority languages based on "the separation of state and ethnicity" (Kymlicka, 1995: p. 111).

Unfortunately, France and Türkiye have used this argument to deny language rights for their own minorities. What France and Türkiye uphold is that the real

survival right belongs only to the majority, or the unitary state in these particular cases, in a single culture: the French or the Turkish. Kymlicka notes that language rights conflicts cause a certain degree of political instability as the evidence is resounding in Canada, Belgium, Spain, Sri Lanka, the Baltics, Bulgaria, and Türkiye, as well as various other nations (Kymlicka, 1995: p. 111).

Kymlicka here inserts the issue of federalism as a way to distribute self-government rights, which applies, however, only if forming a federation was voluntarily done by all parties involved. There is no problem if agreements are put in place for a federal state where voluntariness is not at issue. If incorporation was involuntary, it should follow that, under international law, national minorities should possess the right to stake a claim to establishing a voluntary federation (Kymlicka, 1995: p. 117). Another issue is that Kymlicka accepts that former generations still possess validity transference for today's or tomorrow's generations. He claims that the Quebecois voluntarily agreed to join the Canadian federation while securing language and education rights control in the provincial government (Kymlicka, 1995: p. 118). He does not, however, discuss today's generation, which is obviously compelled to adjust to the historical roots of the situation. His world especially lacks a place for religious minorities, which today's liberal democracies face more and more challenges from.

Finally, however, he confesses that if we defend group-differentiated rights we are forced not only to depend upon historical agreements but on equality arguments as well (Kymlicka, 1995: p. 120). He appears to assert a merely tangential, or secondary, role of equality to minority rights concerns alongside historical agreements. This project will attempt to illustrate that providing rights for national minorities should in fact be based primarily on respect for equality, if only by the consideration that a single individual is as right-worthy as the next. In the end, however, the differences between what rights should qualify for the minority will be shown as determined, and predetermined, by the majority; whose primary distinction from the former is only that they possess the numbers combined with the legal and economic powers to delegate what rights should be distributed and to whom. The inclination to concede a greater weight to historical relevance than to equality first and foremost results in a disparity that causes newly developed beliefs to be considered substandard to existing belief systems. Only by considering equivalent weight in the value of various minorities, as may be more or less historically rooted, can we avoid subjectively oppressing one minority in favor of another, which necessitates autonomous governing. In order to eliminate this disparity, the majority must look to extend, through equality, the relevant rights to the respective minorities.

3.5. Ensuring a Voice for Minorities

How can we solve conflicts involving minority rights then? Well, Kymlicka's answer is on "a case by case basis, in light of the particular history of a group, its status in the larger society, and the choices and circumstances of its mem-

bers”, and furthermore that “they must be resolved politically, by good-faith negotiations and the give and take of democratic politics” (Kymlicka, 1995: p. 131). Kymlicka suggests that over the last few years there has been a tendency for systems to set a quota for a certain number of seats in parliaments for ethnic, national, and racial minorities who are under-represented (Kymlicka, 1995: p. 132). This appears to want to avoid any special recognition for religious minorities and to view religion as particularly irrelevant when it comes to minority rights. This seems a rather fear-induced oversight, however, given the relevance of the protection required for particular religious minorities not only in the contemporary international situation but historically as well; for what other variable bound the Jews but religion in Nazi Germany before the Holocaust—needless to say, a political situation that could have used a stronger safeguard.

He does make strides in his assessment of the ineffectiveness of modern democracies, however, as he eventually questions why it is that only marginalized regions, as opposed to marginalized peoples, should enjoy special representation in the senate (Kymlicka, 1995: p. 137). He also makes poignant notes on the dominating objectivity of the middle-class white male (Kymlicka, 1995: pp. 138-139). Moreover, he asserts perhaps his most interesting question in whether or not it actually is that any one individual can effectively represent anyone else, in what is maintained in his designation of the “challenge of empathy” (Kymlicka, 1995: p. 141). What are also agreeable in Kymlicka’s discussions are the necessary characteristics for full representation by a group who “shares their gender, class, occupation, ethnicity, language” or “mirror representation” (Kymlicka, 1995: p. 138). An interesting side note in this listing is the absence again of a religious group distinction, though he recognizes that truly effective representation cannot occur due to particular barriers in political mechanisms (Kymlicka, 1995: p. 141). So though Kymlicka leads us in the right direction, he fails on the follow-through, which is the aim herein, in that we must attempt to push through these “particular barriers”; which include the inability of religious groups to govern autonomously. Another important question is that of adequate representation in numbers, and the concern over quotas and what suffices as an adequate number of these as well (Kymlicka, 1995: p. 141). The first step to a solution appears to be in this, or that there should be representation with respect to the populations as a whole in the nation with a minimum threshold guaranteeing adequate voice in representation (Kymlicka, 1995: p. 4). Something that is especially true with regard to Türkiye’s religious minorities; who have faced more than 100 years without sufficient representation, as promised in the Treaty of Lausanne.

4. Toleration and Its Limits

So Kymlicka carries on that liberal principles lay down “freedom within the minority group, and equality between the minority and majority group” (Kymlicka, 1995: p. 152). He additionally asserts that “a liberal conception of minority rights cannot accommodate all the demands of all minority groups,” with his classic dis-

claimer that some cultural minorities limit individual freedom and autonomy (Kymlicka, 1995: p. 153). He offers the example of how some minority groups limit or block education rights for girls or deny votes or holding office for women. Chandran Kukathas believes that non-liberal groups should be left alone and the state should not help them in any way. According to Kukathas's liberal view, liberal tolerance should accept some internal restrictions, but must not provide external protection. (Kymlicka, 1995: p. 155). Again here, Kymlicka is definitively rejecting internal restrictions on behalf of liberal values. He notices that any theory inconsistent with permitting substantial civil rights to its members is incompatible with liberal standards (Kymlicka, 1995: p. 164). Through this, he refuses the millet system allegedly because of its restriction of civil rights over group members (Kymlicka, 1995: p. 165).

With respect to this particular system, it appears Kymlicka is misinformed or has some distorted misconceptions about the millet system, because it is a system of governance that clearly denotes a right of individuals to challenge their own group's authority before the courts. The Ottoman archives clearly and consistently exhibit that the state is obliged not to leave individuals at the hands of group authorities where individual autonomy is threatened in the eyes of the beholder. Another Western misconstruing concerns the disregard for the actually exemplary model of the Ottoman millet system due to the grossly inauthentic knowledge said to be acquired from the Ottoman archives, which is restricted to limited sources in English; and those in actuality confessing to the approximate 500 years of success of the Ottoman millet in protecting and preserving its minority rights (Akgündüz & Öztürk, 1999). Contemporary historians highlight the millet system's pluralist flexibility, allowing diverse communities to self-administer while ensuring individual appeal to imperial courts. This contradicts Kymlicka's characterization of it as an illiberal system (Öztürk, 2009).

5. The Ties That Bind

How then can today's democracies promote national integration? Kymlicka stresses that the most effective ways are through the welfare state, which provides free education, health care, and the requisite social security programs (Kymlicka, 1995: p. 180). How successful these are is debatable. Democracy should indeed serve all citizens equally in order to distribute social justice effectively. In a multi-nation state, "common citizenship" promotes majority nation culture (Kymlicka, 1995: p. 183). If the state attempts to suppress minority cultures on behalf of the majority culture, it may well cause the destabilization of democratic virtues at their core (Kymlicka, 1995: p. 183). This we provided as what may indeed be the case, as we had set out with reference to Kymlicka's inability to go beyond the "particular barriers" of politics as above, and in our arguments against giving heavier weight to historical grounding over equivalent rights among groups. Kymlicka believes that states should accommodate self-government demands, and that if they are denied in the name of common citizenship, it "will simply promote

alienation and secessionist movements” (Kymlicka, 1995: p. 185). This particular view in practice is illustrated well by the Turkish example with respect to the Kurdish population. Ironically, Kymlicka rightly points out the great danger of states denying peoples their universal rights. He adds that we can remember how Norway seceded from Sweden in 1905, as well as the possibility of the province of Quebec doing the same, and posits that “it is difficult to see why liberals should automatically oppose such peaceful, liberal secessions?”, since “After all, liberalism is fundamentally concerned, not with the fate of states, but with the freedom and well-being of individuals, and secession need not harm individual rights” (Kymlicka, 1995: p. 185). When a government systematically discriminates against one group with unethical policies and provides economic, social, and cultural benefits to other groups, the disadvantaged group has a moral right to leave the union as the U. S. did against the British Empire (Addis, 1992: p. 624). This is of course important to keep in mind for those like Kymlicka who might implicitly be suggesting by exclusion, in their enumerations of autonomy-worthy traits of peoples, the religious element, since the exclusion appears to imply that the religious factor might be cause for non-peaceful secession in some manner, and thus should be kept distanced from the relevance to any right to autonomous governing.

What then is the basis of social unity in a multinational state? Parekh somewhat agrees with Kymlicka that a multicultural society cannot survive without having “a common sense of belonging among its citizens.” (Parekh, 2006: p. 341). He arrives at a conclusion similar to Kymlicka’s in that, “although multicultural societies are difficult to manage, they need not become a political nightmare and might even become exciting if we exuviate our long traditional preoccupation with a culturally homogeneous and tightly structured polity and allow them instead to intimate their own appropriate institutional forms, modes of governance, and moral and political virtues” (Parekh, 2006: p. 344). Parekh reasserts that “religious [as Kymlicka all but rejects this basis], cultural, and ethnic communities, women, and others should therefore be able to bring to the public agenda their respective views and experiences, which they can best do only if they speak in their own voice” (Parekh, 2004: p. 207). His article rightly observes that “...identities are valued, recognized, respected, and cherished when they meet the society’s criteria of success, and in ours these are economic and political. Groups at the bottom of the economic and social hierarchy therefore need to fight for justice and equality and become powerful if their identities are to be respected, not superficially, out of goodwill or in response to moral blackmail, but as their due. The politics of recognition remains impotent unless it is embedded in the politics of redistribution” (Parekh, 2004: p. 208). If, however, we do not concede the religious element as a potential voice and adhere to Kymlicka in doing this, we thereby negate the voice and input of religious minorities.

One claim is that the ability to achieve this depends on shared values such as those that satisfy a unified conception of liberal justice; but this only begs the question of what exactly liberal justice is (Kymlicka, 1995: pp. 187-188). If it is defined

by the confines of a nation state, shared identity might come from history, language, and even religion. Kymlicka calls on Charles Taylor's theory for help, "deep diversity," since "we must accommodate not only a diversity of cultural groups, but also a diversity of ways in which the members of these groups belong to the larger polity", asserting further that "it is the only formula on which a united Polyethnic, multination state can be built" (Kymlicka, 1995: pp. 189-190). In order to hold together a multination state, citizens should value deep diversity, particularly ethnic groups and national cultures in the country where they live (Kymlicka, 1995: p. 191). Amy Gutman supports the same idea, offering that (Gutman, 1994: p. 24):

"Multicultural societies and communities that stand for the freedom and equality of all people rest upon mutual respect for reasonable intellectual, political, and cultural differences. Mutual respect requires a widespread willingness and ability to articulate our disagreements, to defend them before people with whom we disagree, to discern the difference between respectable and disrespectable disagreement, and to be open to changing our own minds when faced with well-reasoned criticism. The moral promise of multiculturalism depends on the exercise of these deliberative virtues."

Pursuant to this, what is citizenship for liberal theorists then? Of course, it is a legal status which sets rights and responsibilities and identifies with the individual members in a political system (Kymlicka, 1995: p. 192). The conclusion for Kymlicka then, or at least the remaining problem, is for liberal theory to develop a way to properly account for the unifying elements of a modern unitary democratic multination society (Kymlicka, 1995: p. 192).

6. Conclusion

To round out Kymlicka's general conclusion, one could say that he insists that minority rights not allow a group dominative capacity over another group, nor a group the same over its own members, adding that liberals should seek to ensure equality within and between groups as minority rights will continue to be central to the future progress of the liberal tradition throughout the world (Tomasi, 1995: p. 580). The author claims that "Kymlicka has not shown that liberalism's fundamental principles require a recognition of cultural rights" (Tomasi, 1995: p. 594). He consistently and deliberately omits the relevance of the religious minority, however, which, if we cannot submit as Parekh and Kierkegaard might suggest, we consider as intricately relevant to the ethic of society, neglects the conscience of a substantial number of individuals.

At the root of things, Kymlicka correctly observes that immigration and national minorities are the two main sources of cultural diversity in modern liberal democracies; though he rejects "the benign neglect of liberal principle" in which majority culture controls the state and looks at people first and foremost as individuals, including all members of minority cultures. He adds that liberalism

should be the champion of minority rights as long as they are consistent with and respect individual autonomy. This is to say that liberal theory accepts group-differentiated rights with “external protections,” which means protecting minorities against outside pressure, which comes from the larger society or other individuals or groups, with the proviso that “internal restrictions,” or the denial of basic civil and political rights within a group, are not an issue. Kymlicka solemnly believes internal restrictions are inconsistent with freedom by liberal principles. Kymlicka gives priority to individuals as a means, or precondition, to providing it for groups. In essence, this is the major point of issue that has been the theme herein. Actually, the underlying issue is whether or not religious groups, illiberal by definition, can exist within liberal democracies as a recognized entity, how they should be accommodated, and what ought to be done to make for tangibly recognizable tolerance of said groups in the public realm.

Conflicts of Interest

The author declares no conflicts of interest regarding the publication of this paper.

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