

American Citizenship and Minority Rights

Pierre-Luc Dostie Proulx
Université Laval, Canada
Northwestern University, USA

Introduction

Is it “un-American” to grant self-government rights¹ to national minorities living within the United States? Can such rights destabilize the shared comprehension of American citizenship or create a ‘ripple effect’ and thus weaken the social union? According to some political theorists such as Michael Walzer, the ideal of American citizenship is inconsistent with the granting of self-government rights to American national minorities. Far from being chauvinists, these theorists fear that the acceptance of such rights would lead to political instability. Even though they acknowledge that some groups’ demands for self-government rights have “a good deal of weight,” they think that we should refuse to grant such privileges so as to preserve political unity (Glazer 1983: 119). According to them, only such unity can sustain political stability. I will argue that this position is based on an ambiguous distinction between the diverse minority groups living in the United States and on a narrow comprehension of what they call the national consensus about American citizenship. Refusing to admit the possibility of a shared comprehension of citizenship consistent with self-government rights, these theorists simply reject the latter option. This paper aims to expose some arguments supporting a theoretical approach which does not refuse, before consideration, American national minorities’ access to self-government rights.

In order to accomplish this task, I will outline some of the main features of the ideal of American citizenship. To this end, I will show how voluntary integration has helped sustain political stability. One of the key elements behind successful integration processes are their equal granting of individual rights. I will argue that this crucial aspect of American politics has hampered the appraisal of group-specific rights (2). This will lead me to point out a specific tension between this ideal of citizenship and some specific groups. So as to clarify the matter, I will make a conceptual distinction between ethnic groups and national minorities. I will also distinguish the different sets of rights generally associated with each group. This section will be closed by a portrayal of the inconsistency of some political theorists in the handling of this tension (3). I will then show the reasons behind this lack of theoretical support. I will point out two political fears related to the granting of self-government rights to American national minorities: 1) the fear of an incompatibility between the ideal of American citizenship and self-government

¹ In this paper, I will use the terms “self-government rights” and “group-specific rights” as coined by Will Kymlicka. (Kymlicka 1995).

rights and 2) the fear of a ripple effect from national minorities to ethnic groups. I will conclude this section by describing how this emphasis on political stability may clash with the requirements of justice (4). In the last section, I will demonstrate that these political fears of instability are specious and assert that it is possible to propose a multilayered conception of American citizenship that sustains a stable society and recognizes the distinction between national and ethnic minorities. In order to accomplish this, I will need to insist on a clear and thorough distinction between these two patterns of cultural diversity. I will end this paper by asserting that such a distinction gives us useful tools to handle the complex interplay between the “limitation” and the “recognition” of ethnic communities (5).

Immigration and integration: the American model

In this section, I will address the main reason that the United States has succeeded in sustaining political stability in spite of the strong polyethnic constitution of the country –namely, its processes of voluntary integration. I will refer to the history of American immigration in order to focus on the ideal of American citizenship and its fundamental characteristics. This will allow me to argue that its insistence on individual rights, beyond all its intrinsic merits, has hampered the appraisal of collective rights.

Rarely does one disregard the fact that one of the most crucial aspects of American history comes from its prominent processes of immigration. As Maldwyn Jones famously asserts, immigration is “America’s historic *raison d’être*” (Jones 1960, 1). It is now customary to acknowledge that American life takes place in a complex jumble of both diversity and homogeneity. Before its establishment, however, cultural diversity was commonly construed as potentially chaotic for political stability. Hence, many theorists argued that cultural homogeneity was necessary to sustain political stability. They claimed, in accord with John Stuart Mill’s theories, that it is “in general a necessary condition of free institutions that the boundaries of governments should coincide in the main with those of nationalities” (Mill 1972, 233). Seeing no possible political stability outside the limits of a homogeneous nation-state, these theorists defended processes of coercive assimilation and border redrawing wherever cultural differences were considered deep-rooted. This theoretical construal has indeed emerged more than once throughout the development of occidental democracies.

Prior to the 1960s, immigrants... were expected to shed their distinctive heritage and assimilate entirely to existing cultural norms. This is known as the ‘Anglo-conformity’ model of immigration. Indeed, some groups were denied entry if they were seen as unassimilable (for example, restrictions on Chinese immigration policy in Canada and United States,

the 'white-only' immigration policy in Australia). Assimilation was seen as essential for political stability, and was further rationalized through ethnocentric denigration of other cultures. (Kymlicka 1995a: 14)

Even though this model had some supporters in the United States between the first wave of Dutch and English settlements and the ethnic revival of the 1960s and 1970s, it is now commonly rejected for a more tolerant and pluralistic one. Several theorists such as William James and Horace Kallen helped to jettison the "Anglo-conformity" model. Kallen argues that there is no intrinsic incompatibility between cultural differences and political stability. In his famous book *Culture and Democracy*, he asserts that "democracy involves not the elimination of differences but the perfection and conservation of differences" (Kallen 1924: 61). Kallen bases his argumentation on a specific conception of human nature. He asserts that "nature is naturally pluralistic, her unities are eventual, not primary; mutual adjustments, not regimentations of superior force" (Kallen 1924: 178-179). He thus helps sell the idea that political stability does not require cultural homogeneity and that a politics of difference must be considered in the United States. One can say that, from that time, the reception of cultural differences has always met more supporters in the political realm. However, the surging theoretical belief in pluralism had yet to prove successful in practice: it had to show its consistency with political stability. Kymlicka echoes the fear of several theorists in asking, "What would bind people together when they came from such different backgrounds, including every conceivable race, religion, language group, sharing virtually nothing in common?" (Kymlicka 1995: 61). The theoretical celebration of cultural differences did not quench liberal anxiety toward the dearth of political unity. As Walzer puts it: "[Kallen] had surprisingly little to say about how the different groups were to be held together in a single political order [and] what citizenship might mean in a pluralist society (Walzer 1992: 145)."

The crucial problem of pluralistic views consists of encompassing the citizens' differences within a stable political structure. In the foreword of *Multinational Democracies*, Charles Taylor evokes several ways in which the conditions of legitimacy of our democratic societies require a minimal base of political unity. He reminds us that in order to sustain processes of deliberation, citizens must have "a minimal common focus, a set of agreed goals, or principles, or concerns, about which they can debate, argue and struggle" (Tully ed. 2001: xiii). No matter how obvious and manifest these conditions of legitimacy are for us now, attaining such a situation was a critical issue for the ethnic revival of the 1960s and 1970s. A balance had to be reached between complete assimilation and the conservation of differences – a balance which could sustain political unity without ignoring cultural diversity.

One can say that the ethnic revival gave a clear answer to this conundrum:

political unity and, thus, political stability, can be ensured through *voluntary integration*. Despite the numerous debates concerning the degree of integration necessary, no political theorist would now deny the obvious fact that immigrants arriving in the United States have to bridge the gap between their *ethnic* identity and their new *American* identity. In order to hope for the long-term survival of the United States, immigrants must view themselves as members of a single polyethnic American community. In fact, this line of thought has been followed since the mid-1960s. Citizenship was granted to immigrants willing to shed a part of their native culture and embrace the fundamental principles at the basis of the Constitution. Voluntary integration has thus been the solution to liberal anxiety; it helped sustain the political stability of the country without any type of discriminatory assimilation processes.

With these preliminary considerations in mind, let us sketch a picture of the ideal of American citizenship. Clearly, this ideal aims to sustain a stable society while avoiding any type of austere assimilation. To this end, it asks immigrants to shed a part of their heritage so they can view themselves as a member of a larger American community. Another fundamental characteristic of this ideal is its inherent aspiration for neutrality. As Walzer posits in his book *What It Means to Be American*, citizenship ensures neutrality by avoiding any kind of distinctiveness.

The United States is a political nation of cultural nationalities. Citizenship is separated from every sort of particularism: the state is nationally, ethnically, racially, and religiously neutral. At least, this is true in principle, and whenever neutrality is violated, there is likely to be a principled fight against the violation (Walzer 1992a: 9).

One could argue that this idealistic perception is not entirely accurate. The ideal of American citizenship has been known to demand from the prospective citizen some knowledge of English and American history. Nevertheless, it is hard to deny that neutrality has played (and still plays) an important ideological role in the American comprehension of "citizenship." One of the central means that had been used to reach such a neutral conception of citizenship was an emphasis on the individual; we can affirm that the neutrality of the ideal of American citizenship is guaranteed in part by the granting of individual rights. In retrospect, we can assert that this political emphasis has served the United States well. However, this conviction, which reached its peak with the Civil Rights Act of 1964, has unsurprisingly hampered the appraisal of group-specific and collective rights. As the American political theorist Alfred Stepan puts it:

[The American constitution] establishes a form of symmetrical federalism, which is bolstered by a certain normative disinclination on the part of

Americans to accept the concept of collective rights ... The concept of collective rights is in tension with the traditional American way of thinking about such matters, which is based on individual rights (Stepan 1999: 29-31).

Even though the reception of polyethnic rights evolved during the last few years, American politics still leaves little room for the appraisal of group-specific rights. Let us examine one consequence of this “disinclination.”

The distinction between national minorities and ethnic groups

At first glance, some American minority groups seem to be bound in a particular way to the ideal of American citizenship: American Indians, Chicanos (construed as the communities annexed after the Mexican War of 1846-1848), Puerto Ricans, Native Hawaiians, among others. In order to clarify the vocabulary used in this section, I will make a conceptual distinction between national and ethnic groups. This will allow for the explanation of why many authors believe that the differences among minority groups influence the set of rights that they can ask for. Finally, the works of two important theorists, Michael Walzer and Nathan Glazer, will be examined in terms of the inconsistencies in their distinction between national and ethnic groups.

Two patterns of cultural diversity

There are a variety of ways in which minorities can integrate into a larger community. According to historian John Higham, “the United States has participated in almost all of the processes by which a nation or empire can incorporate a variety of [minority] groups” (Higham 1984, 8). It is then erroneous to claim that voluntary immigration is the only way in which communities have integrated into American life.

The peopling of America, which Bismarck once called the most important fact of modern history, was accomplished not only through voluntary immigration but also through enslavement, invasion, and conquest. (Thernstrom: 248).

Kymlicka is one of the first authors to emphasize the fact that the differences in the mode of incorporation shape the political status and the sort of relationship minority groups desire with the larger community. In order to clarify Kymlicka’s view, I will explain the distinction that he draws between two broad patterns of

cultural diversity: *national* and *ethnic* minorities².

Kymlicka broadly describes a *nation* as “a historical community, more or less institutionally complete, occupying a given territory or homeland, sharing a distinct language and culture. A ‘nation’ in this sociological sense is closely related to the idea of a ‘people’ or a ‘culture’” (Kymlicka 1995a: 11). This sociological definition accounts for various groups in several different countries. These communities were, in most cases, self-governing societies which joined, willingly or unwillingly, a larger community. National minorities may have been conquered or assimilated and their incorporation into the larger society may reflect an involuntary decision. But it could also be the result of an intentional choice, such as when different nations decide to form a new federation. In any case, national minorities consider themselves as distinct societies deeply rooted into a given territory. It is also interesting to note that, even though national minorities can find a way to deal with the larger society, their struggle for recognition generally takes the form of an ongoing process. The French-Canadian community is an excellent example of what Kymlicka considers to be a national minority. After the War of 1759, through the Treaty of Paris, France ceded its North American possessions to Great Britain and the people of Quebec became the subjects of George III. Nevertheless, the Quebecois manage to keep their distinct culture and are now struggling to protect it.

This specific pattern of cultural diversity can be usefully contrasted with *ethnic* groups. Within the limits of this paper, I will restrain the definition of ethnic communities to immigrant groups. As we have seen in the previous section, these communities are expected to integrate into the larger community. Within their new territory, the preservation of their cultural heritage must not thwart their integration into the larger community. A good example of this group is the European immigrants in the United States.

These differentiations are essential for the handling and understanding of minorities’ claims. As Seymour puts it:

These distinctions are crucial for many different reasons. Different sorts of communities with their own sets of problems require specific solutions. It is a superficial understanding of cultural diversity which leads us to confuse them all or run them together (Seymour 1998: 60).

² Obviously, this distinction is not completely clear-cut and the mixing of communities creates some overlapping. It is also worthy to note that there are groups which do not belong to either of these two patterns, such as the African-American community. The mode of incorporation into the United States of this group is unique and its status accounts for a distinct pattern of cultural diversity that I will voluntarily ignore here.

Among theorists of multiculturalism, there is general agreement that these patterns of cultural diversity influence the legitimacy of minorities' claims. It is generally accepted that national minorities have legitimate claims that ethnic groups do not have. For instance, national minorities are known to call for the right of self-determination to ensure their survival as distinct societies³. In order to allow for "the full and free development of their cultures and the best interest of their people," they may ask the larger society for sovereignty or a weaker form of *self-government rights* (Kymlicka 1995: 27). Within the limits of this paper, I will only focus on this latter instance of the right of self-determination. However, that the proponents of self-government rights affirm that these claims do not apply to ethnic communities. The latter groups have the duty to integrate the larger community – they cannot legitimately ask for more independence. Yet these communities can ask for polyethnic rights – that is, group-specific rights which aim to protect a part of their cultural heritage (for example, holidays, religion, etc.). Obviously, this articulation between the rights of both national and ethnic groups could be detailed in many aspects. Here, however, it is less the moral justification of the right of self-determination than its theoretical treatment in American politics – by those, precisely, who think that it can be justified – that fueled my interest.

Political theorists and the two patterns of cultural diversity

One could describe the United States as the superlative example of *ethnic* pluralism. Indeed, for the last two or three centuries, the United States has been the center of global population movements. However, this crucial aspect of American history does not preclude the presence of American national minorities. As explained by the American historian Stephen Thernstrom:

This category most obviously includes the native peoples Columbus erroneously called "Indians" in the delusion that he had reached the shores of Asia. It includes many others as well: French Acadians who were forcibly uprooted by the British before the American Revolution and dispersed to other colonies, Louisiana especially; Hispanics in the Southwest who were annexed when the United States stripped Mexico of her northern provinces from Texas to California after the Mexican War of 1846-1848; Puerto Ricans, Hawaiians, and various other Pacific islanders

³ Without discussing the moral justification of the right of self-determination here, we can note that Kymlicka defends the necessity of this right by arguing that a "societal culture" is essential for individual freedom and necessary to enable meaningful individual choices. In other words, culture, Kymlicka maintains, is necessary to provide agents with a "context of choice" (Kymlicka 1995).

taken in America's final expansionist thrust at the close of the nineteenth century (Thernstrom 1983: 248).

Surprisingly, political theorists rarely talk about the distinction between national and ethnic communities. From the few authors making this distinction, I will focus on the works of Michael Walzer and Nathan Glazer. Walzer makes the distinction between national groups and ethnic communities by contrasting the "New World" and the "Old World." He asserts that "In contrast to the Old World, where pluralism had its origins in conquest and dynastic alliance, pluralism in the New World originated in individual and familial migration" (Walzer 1982: 5).

In the "New World," pluralism originates from voluntary integration, as in the United States where immigrants have to uproot themselves and integrate into their new society. However, in the "Old World," pluralism originates from different national groups. Glazer also uses this distinction by contrasting Old World federations composed of multiple national groups with New World countries composed of "dispersed, mixed, assimilated, integrated" ethnic groups (Glazer 1983: 227).

Nevertheless, both authors are inconsistent with this distinction and its possible implications. Sometimes they clearly agree that American national minorities have a special status and self-government rights seem inevitable. Glazer occasionally speaks about the "idiosyncratic and special position" of certain minority groups (Glazer 1983: 213). He writes that:

The Spanish-speaking groups, the American Indians, and perhaps some other groups can make stronger claims for public support of their distinctive cultures than can European groups ... I think there is a good deal of weight in the argument that the distinctive cultural differences of ... the Spanish-speaking, and American Indians give them a larger moral claim on American society than European ethnic group possess (Glazer 1983: 118-19).

Although acknowledging that these groups have a special status, he does not promote any formal political action to protect this status. Instead, he claims that these groups must integrate into American society like other immigrant groups. Perhaps such minority groups have a different status, but "we must not exaggerate the weight of [their] argument" (Glazer 1983: 119).

Walzer follows Glazer by asserting that these groups have a different "value." In a brilliant but quite unusual article entitled *The New Tribalism*, Walzer agrees to consider special rights for American Indians because of their special status. According to him, "something more than equal citizenship is due them, some degree of collective self-rule" (Walzer 1992b: 167).

Yet this position is an exception to the rule. In other articles of the same period, Walzer refuses to acknowledge this difference of status. This latter attitude seems to be the prominent one. Although agreeing with Charles Taylor that the political treatment of national minorities calls for a specific liberal approach (in a case such as Canada), Walzer refuses that such an approach is adequate for the United States.

Given the absence of strong territorially based minorities, the American union never faced a “Quebecan” challenge. The plural unions are free to do the best they can on their own behalf. But they get no help from the state; they are all, equally, at risk ... There is no privileged majority and there are no exceptional minorities (Walzer 1992c: 101).

Walzer’s ambiguous stance toward national minorities needs to be addressed. Retrospectively, we can find more arguments against national rights than for their support in his work. Let us now explain the reasons behind this refusal of political recognition.

Refusing to grant self-government rights to national minorities: two political fears

Why do both authors think that it is better to refuse the granting of self-government rights to American national minorities? Kymlicka asserts that they “reject the implications” of the distinction that they themselves make. Is this true? Walzer and Glazer bring forward two different reasons – two political fears – to explain their positions. First, I will elaborate on the idea that self-government rights are inconsistent with our “shared understanding” of American citizenship. I will then explain the fear, mostly developed by Glazer, of a “ripple effect.” I will finally use these two fears to show how this aim for political stability may clash with the requirements of justice.

The “shared understanding” of American citizenship

According to Walzer, the key justification for the refusal of rights to national minorities comes *from within* the common comprehension of American politics. He argues that our “shared understanding” of the ideal of American citizenship is incompatible with self-government rights. As we have seen in the second section, this ideal emphasizes the importance of individual rights – that each person, counting for one and only one, must have the same set of rights. According to him, this neutral conception of citizenship is so rooted in the “American experience”

that any breach toward collective rights would weaken the general comprehension of what it means to be an American and may affect the social union. Walzer affirms that national rights are “inconsistent with our historical traditions and shared understandings – inconsistent, too, with contemporary living patterns, deeply and bitterly divisive” (Walzer 1983a: 151).

In his book *Sphere of Justice*, Walzer asserts that this incompatibility with our “shared understandings” constitutes a sufficient justification for refusing self-government rights.

[The adjustment between national minorities and the larger community] must itself be worked out politically, and its precise character will depend upon understandings shared among the citizens about the value of cultural diversity, local autonomy, and so on. It is to these understandings that we must appeal when we make our arguments—all of us, not philosophers alone; for in matters of morality, argument simply is the appeal to common meanings (Walzer 1983a: 29).

According to Walzer, American historical traditions have shaped the common comprehension of “political membership.” Walzer puts forth that the American experience calls for a strong commitment to individual rights and neutrality, a commitment which is inconsistent with all sorts of collective goals beyond personal freedom and security. American politics cannot leave space for a type of liberalism which “is committed to the survival and flourishing of a particular nation, culture or religion, or of a (limited) set of nations, cultures or religions” (Walzer 1992c: 99).

In his article “Individual Rights against Group Rights,” Glazer develops an idea similar to Walzer’s theories of “shared understanding.” He asserts that “there is such a thing as a state ideology or a national consensus” about American immigration. Glazer argues that the United States has “as a national ideal a unitary and new ethnic identity, that of American” (Glazer 1978: 100). This new identity is, according to him, the basis for political unity. He asserts that the granting of self-government rights to national minorities could weaken this idea of a shared American identity. It would send an unclear message about the politics of difference used by the United States and, thus, may weaken the social union. Again, the threat of political instability and the national understanding of political membership are considered sufficient reasons for the refusal of self-government rights.

This fear of breaking the common comprehension of American citizenship poses an important challenge for the advocates of group-specific rights. But before analyzing this argument more closely, I will present another fear of instability which arises specifically in discussions about self-government rights: the fear of a political “ripple effect.”

The fear of a “ripple effect”

In order to warn us about the potential difficulties of self-government rights, Glazer puts forth a second argument. He exposes his apprehension of a “ripple effect” or a “slippery slope” about minority rights. Glazer fears that granting self-government rights to national minorities will encourage ethnic groups to claim similar rights. He asserts that American national minorities are too dispersed and assimilated “to permit without confusion a policy that separates out some for special treatment. But if we try, then many other groups will join the queue, or try to, and the hope of a larger fraternity of all Americans will have to be abandoned” (Glazer 1983: 227).

In a multiethnic society such as the United States, such a policy would “encourage one group after another” to raise claims for self-government rights. This catenary effect could hamper the integration of ethnic groups into the larger society. Here again, political stability asks for the absence of distinctiveness among communities. In his article *The New Tribalism*, Walzer describes Glazer’s fear, without agreeing with it, by saying: “[The aim for more independence] will be endless – so we are told – each divorce justifying the next one, smaller and smaller groups claiming the rights of self-determination; and the politics that results will be noisy, incoherent, and deadly” (Walzer 1992b, 166).

For the sake of political unity, Glazer prefers to ignore national minorities’ claims. This theoretical decision is not insignificant since it promotes stability at the expense of justice. Let us now sketch this specific confrontation.

Stability before justice

If one agrees with the idea that justice implies the *possibility* of granting self-government rights to national minorities – as these authors do on several occasions – we can say that Walzer and Glazer sacrifice justice for stability. Even though national minority demands are not unjustified, both prefer to ignore them than to put the social union of the country at risk.

One can ask whether it is morally objectionable to sacrifice justice for stability. At first glance, the answer does not seem obvious. Would it not be harmful for citizens to have a society which accepts a *just* but *unstable* conception of justice? Is it not necessary that a good theory of justice explains how it can create and sustain political stability? At the cusp of the 20th century, John Rawls threw the specific tension between justice and stability into the limelight of the political realm. In order to correct the loopholes of his work *Theory of Justice*, Rawls published *Political Liberalism* in 1993. From the beginning of this latter work, Rawls asserts that the *Theory* contains an internal problem concerning the account of stability in a

well-ordered society. *Political Liberalism* now tries to determine “how a just society may establish and preserve stability given the reasonable pluralism characteristic of it” (Rawls 1995: 133). Rawls’ aim is to provide the necessary tools for the institution, evaluation, and perpetuation of political stability in a well-ordered society. According to him, if the conception of justice proposed is not sufficiently stable (by verifying whether it can be the focus of an overlapping consensus), it must be revamped. Rawls integrates this test of stability as a second step in his elaboration of a theory of justice.

Justice as fairness is best presented in two stages. In the first stage it is worked out as a freestanding political (but of course moral) conception for the basic structure of the society. Only with this done and its content – its principles of justice and ideals – provisionally on hand do we take up, in the second stage, the problem of whether justice as fairness is sufficiently stable. Unless it is so, it is not a satisfactory political conception of justice and it must be in some way revised (Rawls 1995: 140-141).

Without developing the fundamental ideas of *overlapping consensus* and *public reason*, we can note that, for Rawls, justice and stability must coexist in a complex equilibrium. According to him, any conception of justice must explain how it can create and sustain political stability.

In light of the Rawlsian theory, it seems adequate for the opponents of national rights to American national minorities to question their impact on political stability. However, I intend to show that this particular conflict between justice and stability can be avoided by refining the conception of citizenship used by Glazer and Walzer. Contrary to what they believe, I will assert that self-government rights do not give raise to a fatal clashing between stability and justice.

Toward a restructured ideal of American citizenship

In order to introduce a restructured ideal of American citizenship consistent with the granting of self-government rights to national minorities, I will show that the two political fears for stability introduced by Walzer and Glazer are spurious and contain some internal inconsistencies. While assuming Kymlicka’s view on national minorities, I will bring forth the basis of what an American liberal theory accounting for the distinction between national and ethnic groups would look like. I will close this section by showing the relevance of these considerations – that a clear distinction among the patterns of cultural diversity *and* a multilayered conception of American citizenship can help us in the handling of the “limitation” and the “recognition” of group-specific rights.

Against the “ripple effect”

Walzer argues against the fear of a “ripple effect” or, as he says, the fear of a “slippery slope.” According to his article “The New Tribalism,” we can find *stopping points* along the slope. Walzer suggests that it is not impossible to restrain the principle of self-determination and find arrangements between the larger community and the minorities. As he puts it:

This is a slippery slope down which we need not slide. In fact, there are many conceivable arrangements between dominance and detribalization and between dominance and separation – and there are moral and political reasons for choosing different arrangements in different circumstances. The principle of self-determination is subject to interpretation and amendment (Walzer 1992b: 166).

As we have already seen, a method used to stop the demands for self-government rights is to distinguish among the patterns of cultural diversity. This is precisely the path followed by Michel Seymour. He asserts that the fear of a “ripple effect” stems from a deficient distinction between national minorities and ethnic groups. Seymour argues that ignoring these distinctions can obviously influence ethnic groups in asking the same privileges granted to national minorities and, thus, create an unstable political situation. Glazer’s inconsistency in the handling of minority groups leads him to conclude that self-government rights could engender instability:

But this is a conclusion that we can draw only if we confuse different sort of populational variety. If we do not confuse these, then we shall perhaps be able to identify among the different communities within a state those that can count as nations, and specify the nature of their collective rights (Seymour 1998: 60).

According to Seymour, a clear and thorough distinction between national and ethnic minorities would alleviate this fear of instability since it would help to shed light on the particular problems of each community and on the specific solutions that they require. This distinction between national and ethnic minorities and its intrinsic limitation of self-government rights would prevent the possibility of such ripple effect.

American citizenship and group-specific rights

As stated in the second section, the aim for political stability is tightly linked with the aim for a neutral ideal of American citizenship. Can we construe such an ideal as being consistent with group-specific rights? Is it true that these rights are incompatible with the American political traditions? In order to preserve stability, Walzer asserts that the United States must conceive of itself as a nation-state and avoid distinctions within different types of citizenship. I will argue that this specific conception of American citizenship is misleading.

According to Kymlicka, the distinction among the patterns of cultural diversity is necessary to permit the granting of self-government rights within a stable society. He maintains that such a distinction should be acknowledged by political theorists in their elaboration of the ideal of American citizenship.

[They] say the state must either give political recognition to both ethnic and national groups, or deny political recognition to both sort of groups. But why can the national consensus not emphasize what they themselves emphasize – the difference between the coerced assimilation of minority nations and the voluntary assimilation of immigrants? Why can the national consensus not recognize that national minorities have legitimate claims which voluntary immigrants do not? (Kymlicka 1995: 66)

One could insist, as Walzer does, that it is the American historical traditions that are inconsistent with such recognition; that the American politics' emphasis on individual rights precludes the granting of self-government rights. But a mere look on American politics will show us that this historical picture is incomplete. In practice, American policy recognizes the special status of some national minorities and already concedes self-government rights. Even though the struggle for recognition of national minorities continues, the United States officially takes different stance toward these special communities. The position taken by the government in official documents since the *Indian Civil Rights Act* is unambiguous. It is said that "the United States recognizes the right of Indian tribes to self-government and supports tribal sovereignty and self-determination" (Department of State 2005). According to the 2005 Fact Sheet produced by the Department of State, there is 562 federally recognized tribal governments of American Indians and Alaska Natives. In addition, different states grant special rights to these minorities (mainly tax deductions and casinos rights). We can also note the special status of Puerto Rico, who is a *commonwealth*.

There is almost no theoretical support for national rights in American political literature. A comprehensive American liberal theory should recognize both the multinational and multiethnic characters of the United States. Considering that

the American historical tradition are not intrinsically inconsistent with self-government rights, I will argue for a multilayered conception of citizenship. I qualify this restructured conception as *multilayered* since, as I conceive it, it integrates a complex overlapping of national and multinational identities. This conception of citizenship insists on the distinction between national and ethnic minorities and the set of rights they can ask for. It aims to facilitate discussions about the recognition of national minorities and does not construe collective and self-government rights as inconsistent with the American traditions. Even though theorists may agree with Stepan to say that “individuals are indeed the primary bearers of rights, and no group rights should violate individual rights in a democratic polity,” I assume Kymlicka’s thesis about how a liberal theory can be accommodated with group-specific rights (Stepan 1999: 31; Kymlicka 1995). As Seymour asserts, it is only through a clear distinction among the different patterns of cultural diversity that we can reach “a delicate balance between individual and collective rights” (Seymour 1998: 60). This restructured ideal aims to reach such a balance.

Between limitation and recognition

I will now show the advantages of supporting a clear and thorough distinction between national minorities and ethnic groups and of clarifying the set of rights associated with each group. I will argue that this distinction gives us powerful tools to handle the necessary interplay between the “limitation” and the “recognition” of both patterns.

Many authors posit that there is no “strong” pressure from American national minorities for self-government rights. This perception is not completely accurate. The struggle for federal recognition by the Monacans and other American Indian tribes within Virginia is one of the most obvious cases of national minorities’ struggles in the United States. The Monacans refer to a “paper genocide” from the federal government. Contrary to the stance taken in official government documents, these tribes claim that the recognition of their specificity is not acknowledged at the federal level. Even though they are able to get some privileges from the state to which they belong, these American Indians criticize the silence of the federal government. The Monacans claim to be a germane example of this “paper genocide” since their sovereignty bill is stalled in Congress for more than six years (Cramer 2006: 1). Opponents refer to the recurring problems of Indians-run casinos and tax exemptions. Even though this specific tribe asserts that they are not interested in opening casinos, they see little prospect for progress in the current Congress. This kind of struggle arises sporadically all around the United States (currently in Virginia, Pennsylvania, and Maryland).

The diverse contemporary theories about American national minorities are of little help to solve the demands of American Indian tribes. A theoretical

stance which supports the distinction between national and ethnic minorities and the multilayered conception of American citizenship could help settle this issue. However, since these groups are generally small and dispersed, these problems are not urgent in American politics. Thus, one can ask whether it is relevant to integrate the possibility of according self-government rights to national minorities with the ideal of American citizenship. Indeed, the “real” domestic problems that the United States faces are the demands of polyethnic rights by ethnic communities. Why then should we operate with this distinction between national and ethnic groups and argue for a multilayered conception of American citizenship? Why spend our energy on such a “small” issue?

A clear distinction between the two patterns of cultural diversity will allow us to shed light on polyethnic demands. Such a distinction will give us reasons to justify the granting or the refusal of minority rights to ethnic communities. First and foremost, this distinction gives us tools to explain why we should *refuse* self-government rights to *ethnic groups*. It clarifies that only national minorities can use the right of self-determination. Thus, this distinction limits the range of legitimate claims that these communities can make (limitation). At the same time, it leaves open the possibilities of some other sort of group-specific rights such as public funding to support cultural programs – it leaves space for the protection of some aspects of their specific culture, such as ethnic associations, holidays and festivals (recognition).

Thus, this distinction can help to settle the complex problems of similar national and ethnic groups. Let us examine the example of Chicanos (construed as the communities annexed after the Mexican War). This group is known to ask for diverse sorts of self-government rights so as to protect their specific identity (Truxillo 2004; Huntington 2004). Contrary to American Indians, these communities do not have special protections from the federal government and are often considered ethnic groups. As Kymlicka puts forth:

[Hispanic immigrants to the United States] are said to be uninterested in learning English, or in integrating into the anglophone society. This is a mistake perception, which arises because people treat Hispanics as a single category, and so confuse the demands of Spanish-speaking national minorities (Puerto Ricans and Chicanos) with those of Spanish-speaking immigrants recently arrived from Latin America. (Kymlicka 1995: 16)

The distinction among the patterns of cultural diversity may clarify this complex mixing of Hispanic communities – it can help us to set the boundaries of the possible recognition and limitation of Spanish-speaking immigrants and national minorities. Obviously, one could assert that a categorical refusal of *all* self-government rights would roughly do the same job. But it would also jettison the

distinctive status of national minorities, an unfortunate result that we must try to avoid. By differentiating national rights and polyethnic rights, the demarcation between national and ethnic groups can be used to handle the interplay between the “recognition” and the “limitation” of ethnic communities without relinquishing the “special status” of national minorities.

Conclusion

This paper aims to propose the basis for a multilayered ideal of American citizenship compatible with group-specific rights – an ideal which accounts for a clear distinction among the different patterns of cultural diversity. It is a liberal approach that does not refuse, before consideration, the granting of self-government rights to American national minorities. As we have seen, this approach can serve to explain our acceptance or refusal of polyethnic rights: it helps us figure out what type of rights can be appropriated (recognition) and what type cannot (limitation). Thus, this flexible approach to citizenship gives us new tools to handle polyethnic rights within the United States.

References

- Benhabib, Seyla. 2002. *The Claims of Culture*. Princeton: Princeton University Press.
- Benhabib, Seyla. 2004. *The Rights of Others*. Cambridge: Cambridge University Press
- Benhabib, Seyla. 2006. “The ‘Claims’ of Culture properly interpreted.” *Political Theory* 34 (3): 383-388.
- Benhabib, Seyla. 2006. *Another cosmopolitanism*. Oxford: Oxford University Press.
- Cramer, John. 2006. “Va. Indians Still Hunt Federal Recognition.” *The Roanoke Times* 6 January 2006.
- Galston, William. 1989. “Community, Democracy, Philosophy: The Political Thought of Michael Walzer.” *Political Theory* 17 (1): 119-30.
- Glazer, Nathan. 1978. “Individual Rights against Group Rights.” In *The Rights of Minority Cultures*. Ed. W. Kymlicka. Oxford: Oxford University Press.
- Glazer, Nathan. 1983. *Ethnic Dilemmas: 1964-1982*. Cambridge: Harvard University Press.

- Gutmann, Amy. 1993. "The Challenge of Multiculturalism to Political Ethics." *Philosophy and Public Affairs* 22 (3): 171-206.
- Habermas, Jürgen. 1992. "Citizenship and National Identity: Some Reflections on the Future of Europe." *Praxis International* 1 (1): 1-19.
- Habermas, Jürgen. 1993. "Struggles for Recognition in Constitutional States." *European Journal of Philosophy* 1 (2): 128-55.
- Higham, John. 1977. "Leadership." In *The Politics of Ethnicity*. Ed. Michael Walzer. Cambridge: Harvard University Press.
- Higham, John. 1977. 1984. *Send These to Me: Immigrants in Urban America*. Baltimore: The Johns Hopkins University Press.
- Humboldt, Wilhelm Von. 1988. *On Language: The Diversity of Human Language-Structure and its Influence on the Mental Development of Mankind*. Cambridge: Cambridge University Press.
- Huntington, Samuel. 2004. "The Hispanic Challenge." *Foreign Policy* April/March 2004.
- Jones, Maldwyn. 1960. *American Immigration*. Chicago: The University of Chicago Press.
- Johnston, Darlene. 1989. "Native Rights as Collective Rights: A Question of Group Self-Preservation." *Canadian Journal of Law and Jurisprudence* 2 (1): 19-34.
- Kallen, Horace. 1924. *Culture and Democracy in the United States*. New York: Boni & Liveright.
- Kennedy, David M. 1996. "Can We Still Afford to Be a Nation of Immigrants?" *The Atlantic Monthly* 96 (11).
- Kymlicka, Will. 1989. *Liberalism, Community, and Culture*. Oxford: Oxford University Press.
- Kymlicka, Will. 1995a. *Multicultural Citizenship*. Oxford: Oxford University Press.
- Kymlicka, Will (ed.). 1995b. *The Rights of Minority Cultures*. Oxford: Oxford

- University Press.
- Markell, Patchen. 2003. *Bound by Recognition*. Princeton, NJ: Princeton University Press.
- McCarthy, Thomas. 2001. "On Reconciling Cosmopolitan Unity and National Diversity," forthcoming.
- Mill, John Stuart. 1972. *Considerations on Representative Government, in Utilitarianism, Liberty, Representative Government*. Ed. H. Acton. London: J.M. Dent
- Rawls, John. 1971. *A Theory of Justice*. London: Oxford University Press.
- Rawls, John. 1993. *Political Liberalism*. New York: Columbia University Press.
- Rodriguez, Gregory. 2002. "Where the Minorities Rule." *The New York Times*. 10 February 2002.
- Roseblum, Nancy. 1984. "Moral Membership in a Postliberal State." *World Politics* 36 (4): 581-96.
- Seymour, Michel. 1998. "Introduction: Questioning the Ethnic/Civic Dichotomy," in *Rethinking Nationalism*. Eds. Michel Seymour, Jocelyne Couture and Kai Nielsen. Calgary, Alberta: University of Calgary Press.
- Stepan, Alfred. 1999. "Federalism and Democracy: Beyond the U.S. Model." *Journal of Democracy* 10 (4): 19-34.
- Svensson, Francis. 1979. "Liberal Democracy and Group Rights: The Legacy of Individualism and its Impact on American Indian Tribes." *Political Studies* 27 (3): 421-39.
- Tamir, Yael. 1993. *Liberal Nationalism*. Princeton, NJ: Princeton University Press.
- Taylor, Charles. 1985. *Philosophy and the Human Sciences: Philosophical Papers 2*. Cambridge: Cambridge University Press.
- Taylor, Charles. 1989. *Sources of the Self: The Making of Modern Identity*. Cambridge: Harvard University Press.
- Taylor, Charles. 1992a. "The Politics of Recognition," in *Multiculturalism and the*

- "*Politics of Recognition*." Ed. Amy Gutmann. Princeton, NJ: Princeton University Press.
- Taylor, Charles. 1992b. "Quel principe d'identité collective." In Lenoble and Dewandre 1992.
- Thernstrom, A.M. 1983. "The Right of Ethnic Minorities to Political Representation." In *Minorities: Community and Identity*. Ed. C. Fried. Berlin: Springer-Verlag.
- Thernstrom, Stephen. 1983. "Ethnic pluralism: the U.S. Model." In *Minorities: Community and Identity*. Ed. C. Fried. Berlin: Springer-Verlag.
- Truxillo, Charles. 2005. "The Inevitability of a Mexicano Nation in the American Southwest and Northern Mexico." University of New Mexico 2005 (unm.edu/~ecdn/index.html).
- Tully, James. 2001. "Introduction," in *Multinational Democracies*. Eds. James Tully and Alain-G Gagnon. Cambridge-New-York: Cambridge University Press.
- Walzer, Michael. 1982. "Pluralism in Political Perspective." In *The Politics of Ethnicity*. Ed. M. Walzer. Cambridge Mass: Harvard University Press.
- Walzer, Michael. 1983a. *Spheres of Justice: A Defense of Pluralism and Equality*. Oxford: Blackwell.
- Walzer, Michael. 1983b. "States and Minorities." In *Minorities: Community and Identity*. Ed. C. Fried. Berlin: Springer-Verlag.
- Walzer, Michael. 1992a. *What it Means to Be an American*. New York: Marsilio.
- Walzer, Michael. 1992b. "The New Tribalism." *Dissent* Spring: 164-71.
- Walzer, Michael. 1992c. "Comment." In *Multiculturalism and the "Politics of Recognition"*. Ed. Amy Gutmann. Princeton, NJ: Princeton University Press.
- Weiler, P.C. 1983. "Writing a Constitution to Protect Minorities: the Canadian Experience." In *Minorities: Community and Identity*. Ed. C. Fried. Berlin: Springer-Verlag.

Critique: A worldwide journal of politics

Young, Iris Marion. 1989. "Polity and Group Difference: A Critique of the Ideal of Universal Citizenship." *Ethics* 99 (2): 250-274.

Young, Iris Marion. 1995. "Communication and the Other: Beyond Deliberative Democracy." In *Democracy and Difference: Changing Boundaries of the Political*. Princeton. Ed. Seyla Benhabib. NJ: Princeton University Press.