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Internal Minorities and their Rights

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'Because the persecuting majority is vile, says the liberal, *therefore* the persecuted minority must be stainlessly pure. Can't you see what nonsense that is? What's to prevent the bad from being persecuted by the worse?'

**The Problem: Minorities within Minorities**

We acknowledge the rights of minorities in order to protect some of their urgent interests, even against the otherwise legitimate claims of the majority. Thus ethnic, cultural, religious, or sexual minorities end up with rights that are, in a certain way, rights against the majority. But these minority groups are rarely homogeneous; they often contain other minorities. The Scots are a minority nation within the United Kingdom, and the Gaelic-speaking are a minority among Scots. Mennonites are a religious minority, and gays are a minority among Mennonites. In this paper, I want to explore the moral standing of such internal minorities, as I shall call them.

The issue is urgent in both theory and practice. Some of the ways in which we try to ensure that minorities are not oppressed by majorities make it more likely that those minorities are able to oppress their own internal minorities. For example, we sometimes accord religious or cultural minorities special rights to self-determination. But as students of international relations know, the right to non-interference in internal matters is the first refuge of a government intent on violating rights. In a parallel way, the special rights of minority groups can empower them to make decisions that persecute their own internal minorities. What then should be done?

This problem is relevant to any political theory that attaches significant weight to the value of personal autonomy, but it is especially important to modern liberalism. It is often said that liberals are atomistic individualists, concerned to protect people against the predations of the state and thus

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blind to important values of solidarity and community. The picture is familiar enough to need no elaboration. Nonetheless it is wrong. For the individuals in the historically dominant forms of liberalism are not isolated monads; they are members of families, churches, ethnic groups, nations, and so on. Indeed, it was group-based strife—particularly seventeenth-century wars of religion—that gave birth to central elements of the liberal tradition. The struggles to secure civil liberties, limit the powers of government, and the like were motivated less by social atomism than by what we might call molecularism—acknowledgement that among the most significant constituents of civil society are overlapping social groups. And for liberals this is not merely a brute fact to be noticed and accommodated; it is something to be fostered and celebrated, for it is partly through such associations that people find value and meaning in their lives. Liberals (and even some libertarians) defend political freedom in order to promote experiments in living, but those experiments are normally joint ventures.

Misguided emphasis on the supposed atomism of the liberal tradition has thus occluded a more important risk: liberalism may become an uncritical booster of civil society. So far from being unrelentingly individualistic, it is prone to a naive collectivism of the middle range. For the social groups that it protects and promotes can themselves be enemies of liberal values, as my epigraph from Christopher Isherwood suggests. Liberal theory and practice secure the family from the interference of the state but rarely protect women or children from the predations of the family. They secure religious liberty but permit religions to oppress their minority members. These issues are not well framed in the language of atomism.

Some liberals have noticed the problem. J.S. Mill, for example, was alive to the risks of social, and not just political, tyranny (although, as we shall see, his response to it was not always adequate). But others have ignored it. They suppose that if the point of a liberal society is to provide for conditions of freedom in which diverse social groups may flourish then it should not interfere with their internal constitutions. Fundamental principles of political morality are thus applied only at the molecular level. Here, I examine and criticize some sources of that view.

**Rights and Minority Groups**

To grasp the problem better, it helps to consider the nature of rights. X has a right, as I understand it, only if X has an interest sufficiently important to warrant holding others to be under some duties to respect or promote that interest. Rights are thus not merely correlates of duties on the part of others; they are the ground of such duties.
When we speak of minority rights, whether in morality or in law, we may have in mind one of two things. The first is the rights that people have even when they are in the minority. The rights of communists to organize politically, or of gay men to sexual liberty, are of this sort. The fact that a communist or a gay man is properly held to enjoy these rights is not something that flows in any essential way from membership in a social group; it derives from an urgent, but individuated, interest. To be sure, freedom of political association and sexual liberty are valuable in part because of the forms of social interaction that they make possible. But they are individuated interests inasmuch as the individual's stake in these goods is itself sufficiently important to warrant holding others duty-bound. The interests command respect without waiting on the reinforcement of numbers.

In contrast, the second sort of rights is one that people have only because they are members of a certain minority group. The right of the Aboriginal inhabitants of North America to self-government is of this sort; the value of group membership is part of the ground of the right. Such rights exist because some of our most urgent interests lie not merely in individuated goods such as personal liberty and exclusive property but also in collective goods. These include things, such as clean air and national defence, that are public goods in the economists' sense: they are inexcludable and non-rival in consumption. If they are available for some, then there is no convenient way to prevent others from receiving them, and the quantity consumed by one person does not perceptibly limit the amount available to others. Other collective goods, though excludable, are non-rival in a deeper sense; their collective production or enjoyment is part of what constitutes their value. Self-government is like that, and so is life in a cultured society. These are supplied jointly, but only to those who participate; yet the fact of being in it together is part of their value.

While some theorists deny that collective interests of either sort can ground rights, I do not think that that position can be sustained, and I have argued against it elsewhere. Certainly, there is no ground for the view that collective interests are, as a class, less urgent than individual interests. An individual's interest in some of the most central liberal rights, such as freedom of expression, is often quite weak; most people have greater interests in a healthy physical environment or in a climate of mutual tolerance. It is true that, in the case of collective interests, the benefits of rights are assignable only to a class (so that we cannot give a fully individuated answer to the question, 'For whose sake is this duty imposed?'). But that does not make them weak or diffuse, and the relevant class may be reasonably determinate. In such instances, it is hard to resist the conclusion that collective interests warrant holding others duty-bound and thus that they ground rights.
It is, of course, open to dispute just which collective interests are this important—that is a major question of substantive moral philosophy. For example, I think that there is a moral right to clean air, and to a tolerant society, and sometimes to national self-determination, but not to a tradition of epic poetry or to general cultural survival. It is also a matter for argument whether these are appropriately thought of as ‘collective rights.’ But we do not need to resolve these issues here. It is enough that individuals have interests as members of a certain social group, in collective goods that serve their interests as members, but the duty to provide which would not be justified by the interests of any one individual taken alone.6

It seems to me that membership in some minority groups—for instance, certain ethnic, national, cultural, or religious communities—is bound up with significant collective interests of this kind. In such cases, in addition to the usual individual rights to personal liberty and associative freedom, there are further special rights to powers and resources needed for the existence of the group. Will Kymlicka has given one argument for such rights in the case of cultural minorities.7 Our most important interest is in leading a good life, and as a necessary component of that we need the capacity to frame, pursue, and revise our conceptions of the good life. Testing and choosing for ourselves among the options are a major part of life’s value. But no one chooses the options themselves; no one chooses the context of choice. And that being so, the cultural resources with which we find ourselves are among our unchosen circumstances of life. Through no fault of our own, and sometimes through no fault of anyone, the culture in which we begin provides an insecure foundation on which to build. If, for example, one is born to the cultural resources of most people of Canada’s First Nations, one will find much of one’s energy just going to secure those forms of community, language, and culture that others are able to take for granted. Even if one will ultimately kick away the ladder on which one has ascended, it must be strong enough to bear the initial weight. The special rights of minority cultures—the powers, liberties, and rights that go to strengthen them—can thus be understood and justified as a kind of ex ante compensation. They are not a compromise with the requirements of justice, but a consequence of them.

Notice that on this argument there is nothing about minority status as such that generates rights. It is just that the most vulnerable are those with the least powers and resources, and they are often, though not invariably, in the minority. Minority status is one imperfect correlate of social marginality. Some minorities, such as the rich, are extremely powerful; some majorities, such as women, are not. (That is why there is an affinity between the rights of women and the rights of minorities.) The main context in which minorities are disadvantaged as such is in majoritarian decision-
procedures such as voting, and those procedures are usually not the only way of settling things. (So while the rich might be outvoted, they are rarely outbid.)

The argument from the value of cultural membership is one source of the special rights of minority groups; another familiar one is based on the interest in national self-determination. It might be objected, however, that there are lots of cultural, ethnic, and religious minorities, yet we do not want to endorse endless special rights of the sort that we ascribe to Aboriginal peoples. That would be rights inflation, and it would introduce so many constraints on decision making that nothing could get done.

The objection contains both truth and falsehood. Of course, the self-government model is unlikely to be appropriate for all minorities. But that is only one extreme example of the kind of rights at issue. Other options include granting groups limited autonomy in certain areas (for instance, over education), exempting them from certain general obligations (such as military service), giving recognition to their divergent practices (as in marriage), supporting their distinctive institutions, and so on. These lesser forms of protection may not give the minorities everything that they want, or even need. But to have a right, it is not necessary that one have an interest so dominating that it warrants imposing a whole set of duties adequate for sufficient promotion of the interest. (Few rights of any sort are powerful enough to guarantee the interests that they protect.) The definition requires only that it be important enough to warrant imposing some duties on others (or depriving them of some powers, etc.). It is reasonable to suppose that different minorities are in different positions, some entitled to substantial support, others to a minimum. And the minimum might be small enough or of such a character that it would be wrong to institutionalize it in the legal system, for that is always a further question. I am going to say little about these issues here, for we have enough problems just at the level of theory. But it is worth bearing in mind that questions of institutional design always need to be argued separately.

The Rights of Internal Minorities

If minority groups do have such rights, then it might seem that so must internal minorities. It is just a matter of logic: they too are minority groups, and they have two different majorities to contend with. So members of internal minority or marginal groups have, first, individual rights. Aboriginal women, for example, have a right to fair participation in the political institutions that govern them. And second, they may have collective rights as members of an internal minority group: if cultural member-
ship can ground special rights, then so can membership in a sub-culture. Thus English-speaking Quebecers have, in addition to their individual rights of freedom of association and of expression, a collective right to the resources needed for their cultural and linguistic security.

The highly controversial character of the two examples just mentioned should already be enough to suggest that the argument cannot move so swiftly. It is often denied that Aboriginal women or anglophone Quebecers have the moral rights in question: their interests are thought to be embraced or excluded by the rights of the respective minorities of which they form parts. It is said that the patriarchal structure of some bands need not yield to the claims of women or that the *visage linguistique* of Quebec need not accommodate English. Now, it would be unsurprising if those views came from conservative or traditionalist quarters; what is interesting is that they are also endorsed by some liberals. The latter say that the autonomy of the bands frees them from having to conform to colonial European views about democracy, or that respect for the distinctive character of Quebec’s society includes respect for its decisions about how to control its cultural environment. Familiar liberal values thus apply among, but not necessarily within, minority groups. How might liberals defend that double standard?

**Two Claims**

In both theory and popular ideology, two claims seem to be most persuasive. They centre on purported disanalogies between the situation of minority groups and that of their internal minorities. The first is that if members of internal minorities do not like the way that a minority group is treating them, they can exercise their powers of exit and simply leave the group. Consider the case of Rev. Jim Ferry, the Canadian Anglican priest dismissed for disobeying his bishop’s order to abandon his gay lover. It may be heart-rending that Anglicans are entitled so to discriminate against sexual minorities; but some argue, if gays do not like it, they are free to leave the church. (And often do.) In contrast, a minority group is not free to leave the state or the broader society. Ferry is free to join another church or none; but where are Anglicans as a whole supposed to go?9 States exercise compulsory jurisdiction, and even when they allow exit, they do so on their own—not necessarily favourable—terms. And one generally leaves a state only to go to another,10 admission to which is even more closely regulated. In contrast, the minority groups that compose civil society are not like states or inclusive societies; they generally do allow exit, so those who regard themselves as harshly treated by their group are free to disaffiliate or assimilate to the majority. While Anglicans therefore have rights to religious
freedom, gay Anglicans have no comparable rights to sexual freedom; at least not if they wish to hold holy office. Because religious liberty properly includes a measure of self-determination for sects, we should tolerate such local illiberalisms, goes the argument.

The second claim is that the internal minority—minority relationship differs from that between minority and majority with respect to relative power. One reason why we want to protect minorities is that they are relatively powerless to protect themselves. The majority is strong; the minority is not. So, while giving the First Nations special rights against the Canadian majority strengthens the weak as against the strong, to give other special rights to, say, Metis or urban Indians is to strengthen them as against an already weak group. Or again, to give the province of Quebec special powers to promote use of French strengthens that minority as against the continental majority; but to give special powers or immunities to Quebec’s English would strengthen their hand as against the French, who are a weak group in the continental context.

This objection is frequently voiced by activists who, having suffered the real consequences of their political vulnerability and internalized an identity of weakness, are now told that they are oppressors of their own minorities. A lesbian feminist complains of bisexual activists: ‘Who or what has the power in the bisexual vision? Can activists really think that lesbian feminists oppress them? . . . Given our vulnerability, the priorities of bisexual declarations are baffling: do oppression and phobia from the gay world warrant more attention than, say, Jesse Helms or global capitalist patriarchy?’

The question of ‘priorities’ and of what kind of oppression warrants more attention might suggest that it is just a matter of rank: first we deal with the oppression of minorities, then we get to the internal minorities. It is understandable why Aboriginal women, Quebec’s anglophones, and bisexual women might not want to wait for self-government, Quebec independence, or gay liberation to have their say. But in fact the second objection is not intended in this way. The asymmetries in power are thought to undercut, and not merely delay, the rights of internal minorities. The belief is that internal minorities should not have, because they do not need, rights against the minorities themselves.

If these objections hold good, then internal minorities do not have the same sort of rights as the minority groups themselves. And if that is so, then a liberal regime is compatible with the existence and protection of minority groups that treat some of their members badly and that, to be more exact, act towards internal minorities in ways that would be condemned if practised by the larger community against the minorities. There is no doubt that if Anglicans were subjected to the distress and humiliation to which they subjected Rev. Ferry, they would regard it as a clear violation of religious
freedom. If the French language were proscribed in the circumstances in which English is in Quebec, it would be thought outrageous. If all Aboriginal bands were excluded from national political power in the way in which the patriarchal bands exclude women, it would be a corruption of democracy. So we need to ask: are these objections—the arguments from exit and from relative power—really compelling enough to deny rights to internal minorities in question?

Exit and Justice

Let us consider first the argument from exit. Its root appeal rests in the liberty principle itself: people ought not to be prevented from doing those things that they freely and competently choose, provided that they do not harm others. The apparent setback to the interests of internal minorities is thus tolerable, for they freely and completely choose to adhere to the minority groups of which they are members. The harms suffered, if any, are not done to ‘others.’

The argument is sound only if members of minority groups do in fact have a fair chance to leave if mistreated. To see how rarely that is the case, one must assess the real prospects for exit.

Consider a clear violation of individual rights by a minority group. David Thomas, a member of the Lyackson Indian Band in British Columbia, was forcibly and without consent captured and initiated into the ceremony of ‘spirit dancing,’ in the course of which he was assaulted, battered, and wrongfully confined. His captors (all members of other bands) defended their actions on the ground that they had a collective Aboriginal right to continue their traditions of spirit dancing, notwithstanding that this practice violated Thomas’s individual rights to personal security. The court did not agree with them, and Thomas won his lawsuit. The judge held: ‘He is free to believe in, and to practice, any religion or tradition, if he chooses to do so. He cannot be coerced or forced to participate in one by any group purporting to exercise their collective rights in doing so. His freedoms and rights are not subject to the collective rights of the aboriginal nation to which he belongs’. Setting aside the legal issues, what exactly is the relationship between Thomas and the nation ‘to which he belongs’?

Membership in this minority group, like that in many others, is partly ascriptive. Thomas was an Indian within the meaning of the Indian Act, but that was not his doing. He was also recognized by the nation as one of its own, but he testified that he had lived off the reserve most of his life, was not raised in the traditional religion or culture, knew little about it, and did not want to learn any more. And, of course, he did not consent to the
initiation ceremony. Nonetheless, his abductors did not think that he had exercised any relevant power of exit: they still saw him as subject to their traditions. But what else could Thomas have done? Left the area? Repudiated his family? When membership is partly ascriptive in this way, exit is difficult and hardly a good substitute for rights.

J.S. Mill encountered this problem in his argument for tolerating the Mormon practice of polygamy, which he thought violated the rights of Mormon women: ‘No one has a deeper disapprobation than I have of this Mormon institution; both for other reasons, and because, far from being in any way countenanced by the principle of liberty, it is a direct infraction of that principle, being a mere riveting of the chains of one half of the community, and an emancipation of the other from reciprocity of obligation towards them.’ 14 It is important to notice how substantial these vices are. Polygamy violates both liberty and justice because it upsets a fair reciprocity of obligation. That is, it violates women’s rights in the only sense of the term that Mill recognizes. But Mill says that the practice should not be tolerated, because exit from it is possible: ‘Still it must be remembered that this relation is as much voluntary on the part of the women concerned in it, and who may be deemed the sufferers by it, as is the case with any other form of the marriage institution.’ 15

Now Mill was, as we know, not exactly thrilled by the ordinary monogamous marriage, so to say that polygamy is no less voluntary than that is not saying much. (Indeed, he calls women’s acquiescence in it ‘surprising’ and thinks it explained by their belief that any form of marriage to a man is better than being single.) But, provided that Mormons ‘allow perfect freedom of departure to those who are dissatisfied with their ways,’ 16 they should be tolerated.

To test the force of this argument, we need to notice what Mill means by ‘tolerating polygamy.’ This does not bring any obligation to recognize Mormon marriages, nor to release others from their own obligations on the strength of Mormon views. Mill merely says, ‘I cannot admit that persons entirely unconnected with them ought to step in and require that a condition of things with which all who are directly interested appear to be satisfied, should be put to an end. . . .’ 17 That is, he takes the argument from exit to justify tolerating polygamy in the sense of not extirpating it.

That is indeed one kind of toleration; but it is an uninterestingly special case. There are perfectly good reasons for doubting that outsiders should undertake a crusade against polygamy—reasons that have nothing to do with the argument from exit. For example, the crusade may well fail or backfire. In any case, there may be no question of putting polygamy to an end; we might simply be wondering about whether it is permissible to impose restraints and safeguards on the practice—for instance, to ensure
that women who refuse it are not shunned or impoverished, to guarantee that men in such unions do fulfil their obligations, and to provide for easy divorce. Any of these limitations would be at odds with Mormon practices of the time; yet all of them would go some way to respecting the rights of Mormon women.

A more interesting question, then, is whether the freedom to exit obviates the rights that these measures would protect. Let us suppose, with Mill, that Mormon women are free to remain unwed and (unlike David Thomas) may leave the jurisdiction of the group. In this sense, then, the church is a voluntary association: one is free to exit. But entry is a different matter. Adult converts are a minority in most religions. So the position of these women is more complex than the notion of ‘voluntary association’ might suggest. They are not like members of a tennis club who assessed the options and then freely joined and who remain free to resign. On the contrary, they typically found themselves members of an institution whose character is largely beyond their control but that structures their lives.

That being so, the meaning and costs of departure are different from what Mill’s argument might suggest. For reasons that Hume gave and with which Mill was certainly familiar, the mere existence of an exit does not suffice to make it a reasonable option. It is risky, wrenching, and disorienting to have to tear oneself from one’s religion or culture; the fact that it is possible to do so does not suffice to show that those who do not manage to achieve the task have stayed voluntarily, at least not in any sense strong enough to undercut any rights they might otherwise have.

So the exit argument is a poor one. Mill began by conceding that what is at issue here is justice: polygamy upsets a fair reciprocity of obligation between men and women. But it is no part of a liberal theory that justice can be secured merely by providing for exit. If a certain social structure is unjust, it cannot become just merely by becoming avoidable. True, when exit is unavailable things are even worse, but that does not prove that when exit is available things are all right. What we would have expected here from Mill is not a weak and formalistic appeal to the principle volenti non fit injuria, but rather a rejection of the practice’s claim to impose obligations at all, along the lines of his rejection of slavery contracts. That he does not do so results from his identifying toleration of a practice with not eliminating it. Had he considered that the minority might protect the interests of women in other ways, he would have had to confront the conflict more directly.

These examples suggests ways in which the real prospects of leaving a minority group differ from the model of voluntary association. And the examples are not idiosyncratic: the minority groups that are most prized as experiments in living are precisely those in which membership is an
‘organic’ relation, where entry is not voluntary, membership is partly ascriptive, and exit, when possible, is costly. Under these conditions, internal minorities still need their rights.

**Relative Power**

Now I turn to the second objection to recognizing the rights of internal minorities—namely, that the groups against which they seek rights are, by definition, weak ones.

The reply here turns on getting absolute and comparative judgments of power into the right perspective. It is true that minority groups often have inadequate resources and that that is a reason for recognizing their special rights to begin with. But although that is so, many internal minorities are even worse off, and in ways that make them vulnerable to the minority.

First, there is a delicate question of political culture. It has often been noted that the disadvantage in which minority groups live is not always a fertile field for tolerance. In Christopher Isherwood’s novel *A Single Man*, the gay protagonist puts it this way: ‘While you’re being persecuted, you hate what’s happening to you, you hate the people who are making it happen; you’re in a world of hate. Why, you wouldn’t recognize love if you met it!’ And even in a world of love, Freud thought, hate must find some expression: ‘It is always possible to bind together a considerable number of people in love, so long as there are other people left over to receive manifestations of their aggressiveness.’

To be sure, these pessimistic thoughts are speculative, and one cannot discount bias on the part of those who routinely suspect all minorities of intolerance. The capacity for intolerance is quite widely spread; Mill called the tendency to compel social conformity ‘one of the most universal of all human propensities.’ And not everyone thinks that this tendency is most likely to become malignant in tight-knit social groups. On the contrary, some have argued that such groups actually promote tolerance. Espousing the view that it is in fact an anomic, mass society that nurtures hatreds, Michael Sandel writes, ‘Intolerance flourishes most where forms of life are dislocated, roots unsettled, traditions undone.’ That might suggest that it is liberal society itself, not the minority groups, that is the problem.

These claims are hard to adjudicate and can rapidly descend into what Robert Nozick calls ‘normative sociology’—the study of what the causes of social problems *ought* to be. Still, I think that there is ground for worry here. If one has learned to expect that one will be attacked from above, it is natural to fear that one may also be assaulted from below and to strike preemptively. These fears undermine trust in others, and trust is important in
sustaining tolerance. Moreover, it is hard to build defences that shelter from one direction only—-institutions and practices that promote solidarity, unanimity, and so on keep both majorities and internal minorities in check, whether that is their intention or not.

So we need not postulate special psychological mechanisms to predict a deficit of internal tolerance among some minorities: the circumstances of their lives simply make it extremely prudent to strive for unity. Inasmuch as there is strength in numbers, the minority will seek to avoid costly internal dissent. And the majority will also find it convenient if there is one authoritative voice that speaks for the minority. As a result, there is strong pressure for minorities to discipline themselves in these ways. And that is in fact what happens. The political development of Aboriginal associations in Canada follows the normal career of modern pressure-group politics, just as the US gay liberation movement formed itself fairly explicitly on the civil rights movement that preceded it. When minorities are thus organized and disciplined, they are given a clear voice and become stronger; but they often silence and disempower internal minorities in doing so.

A probable consequence of this process is that internal minorities will be among the most vulnerable groups in a society. Minorities are badly off, but internal ones are often even worse off. They suffer from being members of minority groups who need to defend themselves not only from the majority but also from other members of their own minority.

The reply to the second objection thus rests on complex factual questions about power and strategy, the answers to which are not always clear. Aboriginal women are doubly marginalized. But what should we say, for example, of anglophone Quebecers? That they were a historically powerful group does not seem in doubt. But are they still? It is sometimes thought that their power is somehow transmitted to them from other English-speaking groups. It is often said, for example, that Quebec is the last hope for the French language in North America, whereas if English were to perish in the province it would still flourish elsewhere. Is that relevant? After all, it is no solace to francophones that their language will always survive in Paris; why should English Montrealers feel reassured that their language will still be spoken in Boston?

These issues are obviously complex. My point is this. Neither the absolute weakness of a minority group, nor its relative weakness vis-à-vis the majority, proves that it is also weak vis-à-vis its own internal minorities. Moreover, there is good reason to suppose that it will often be stronger. I conclude, therefore, that the argument from relative power is no better than the argument from exit and that at least some internal minorities are entitled to rights in just the way that the minority groups themselves are, and for the same reasons.
Conflicts of Rights

If this thesis is correct, then minority rights are more dense than they appear. People have rights as members of a minority group, but members of the minority have rights as individuals and sometimes also as members of an internal minority.

The density of these rights makes conflicts among them nearly inevitable. Giving special rights to Indian bands does not have much chance of weakening or diminishing the cultural context of the Canadian majority. But securing the individual rights of native women within an Aboriginal community may well weaken it, as may securing the collective rights of groups within some bands. So here we have a genuine case of conflicting rights, in which to satisfy one is to set back another.

How are these conflicts to be resolved? I can say nothing about it here, and it is silly to look for a general theory. Everything depends on the character and weight of the particular rights involved and on the social context. But I want to stress that the existence of conflicts is what is at issue, for it has significant consequences for the relationship between liberalism and minorities.

Both protection of special minority interests and the limits on that protection flow from a single source. So while liberals can defend, for example, the value of cultural membership—including collective rights in one sense of that term—they cannot defend every culture. It is the liberal hope that people will, through experiments in living, articulate lives that are rich with value and meaning. At the same time, it is a requirement of liberal theory that they do so within the limits imposed by justice. As Kymlicka rightly says: ‘Each person should be able to use and interpret her cultural experiences in her own chosen way. That ability requires that the cultural structure be secured from the disintegrating effects of the choices of people outside the culture, but also requires that each person within the community be free to choose what they see to be most valuable from the options provided (unless temporary restrictions are needed in exceptional circumstances of cultural vulnerability).’

I think that is roughly correct but want to raise a question about its implications for the character of minority groups in a liberal society. If internal minorities are to have their rights, will not the whole point of different experiments in living be defeated? Are we to be able to experiment provided that we stay away from the dangerous elements of patriarchy, or nationalism, or homophobia—that is, provided that minority groups remain, so to speak, nice?

Clearly, much variation will be possible; there are many different ways of
being nice. But could the Pueblo, for instance, remain theocratic? Kymlicka says that his argument for protecting culture provides no ground for restricting the religious freedom of the Peublo because they could survive with a Protestant minority. There could be no legitimate reason for restricting religious freedom, since there is no inequality in cultural membership to which it might be a response.\textsuperscript{25}

Perhaps the Pueblo could remain Pueblo even with a Protestant minority; but that is only because it is in this case possible to prise apart culture and religion. It is a lucky thing if that is so, but it is easy to think of contrary examples, especially when one looks to cultural or religious minorities that cannot be defined by a certain linguistic or ethnic character. Many religions, for example, simply incorporate as central elements doctrines that are inconsistent with respect for the rights of women, children, sexual minorities, and so on. Here, to liberalize is to change.

Now, it is true that any theory of cultural integrity must allow for a distinction between changes in and changes of a culture. Conservatives often complain that the former amounts to the latter, that any change is a fundamental threat to ‘our ways.’ That is not a credible position. Many cultures incorporate as part of their fabric disputes about what their ways really are. But still, I think of no way of showing ex ante that the distinction will always fall neatly along the line demarcated by respect for rights. It may just be true of some groups that respect for the rights of their internal minorities would undermine them. And if so, there will be genuine and tragic conflict to face.

There is therefore no doubt that some ways of understanding group life—for example, most types of religious and cultural fundamentalism—will fare poorly under any regime that strives to respect personal autonomy. It is not that such ways of life will entirely vanish, but they will be deeply transformed if they survive, perhaps in the sort of way that Scots Calvinists became moderate presbyterians in North America. That may worry some who believe that a liberal regime must be ‘neutral’ among competing conceptions of the good. Certainly the consequences of a liberal political order will not be neutral among experiments in living. It is true that the reason that liberty-limiting fundamentalisms (for example) fare poorly is not that the liberal order disapproves of their way of life nor that they refuse to conform to community standards. They fare poorly because they are ill-adapted to the environment of liberal justice. But that distinction, native to modern liberalism, is foreign to them.

Yet without respect for internal minorities, a liberal society risks becoming a mosaic of tyrannies; colourful, perhaps, but hardly free. The task of making respect for minority rights real is thus one that falls not just to the majority but also to the minority groups themselves.
Notes

6. The conditions follow Raz *Morality of Freedom* 208.
7. Will Kymlicka *Liberalism, Community, and Culture* (Oxford: Clarendon Press 1989). Kymlicka does not consider the collective character of the interest in cultural survival. He treats it instead as a fully individuated interest in a certain comparative good—not having a worse cultural endowment than others—thus connecting it with a certain doctrine about equality. That thesis is not essential to the present argument.
9. For Ferry’s account, see James Ferry *In the Courts of the Lord* (Toronto: Key Porter Books, 1993). Anglicans are not, I think, an oppressed minority among Canadian religions and have little incentive to depart. But some religious minorities, such as Puritans, Mennonites, Hutterites, and Doukhobors, did leave oppressive states. Their success in attaining religious freedom elsewhere was mixed.
10. Setting aside the interesting case of carving a new state out of the territory of the old. For a helpful discussion of the issues, see Allen Buchanan *Secession: The Morality of Political Divorce from Fort Sumter to Lithuania and Quebec* (Boulder, Col.: Westview Press 1991).
13. Ibid. at 162.
15. Ibid.
16. Ibid.
17. Ibid.
25. Ibid. 196.