REVIEW ESSAYS

On 'Cultural Liberty' and its Self-defeating Implications: A Critique of the UNDP *Human Development Report 2004*

STEFANO RECCHIA

Columbia University, New York, USA

Human Development Report 2004: Cultural Liberty in Today's Diverse World

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The global *Human Development Report* (HDR) was first commissioned in 1990 and has since been published annually by the United Nations Development Programme (UNDP). In a sustained attempt to set the international development agenda, the HDR has often framed development issues in new and unorthodox ways. The 2004 report continues this tradition by coining and promoting the notion of 'cultural liberty.' The central argument is that cultural liberty—being able to freely choose one's identity without being discriminated against in the process—should be seen as a vital component of human development, and indeed as a fundamental human right (HDR, 2004, p. 6). From this the HDR goes on to assert that self-government rights for ethno-linguistic minorities, and their entrenchment in the institutional structure of the state, are crucial to the promotion of cultural freedom (pp. 7–8). I argue, however, that the contrary is probably closer to the truth: the political 'recognition' of ethnic identities through power sharing and federal arrangements on a communal basis, explicitly endorsed in the HDR (p. 51), reifies culture and thereby fosters phenomena of cultural essentialism. In situations of communal conflict, one particular ethno-linguistic or 'national' identity can thus easily become dominant over all other forms of individual belonging. Ironically, the institutional recognition of group-differentiated political rights may therefore *narrow* individuals' cultural freedom and

Correspondence Address: Stefano Recchia, Columbia University, 2960 Broadway, New York, NY 10027-6902, USA. Email: sr2334@columbia.edu

their related ability to choose what aspects of their identity they wish to value. The sharing of political power along ethnic lines, and self-government rights for ethno-linguistic groups, can still be defended on pragmatic grounds, as instrumental to conflict regulation and the preservation of political stability. But these are different normative objectives (securing political stability vs promoting individual capabilities), and any political measures focused on the former may not necessarily be conducive to strengthening the latter.

Cultural Liberty according to the HDR

The HDR 2004 identifies cultural diversity and people's ability to freely choose their cultural attachments as vital components of sustainable human development. Cultural liberty, conceptualized as the ability to choose one's identity without losing the respect of others, is seen as central to leading a full life. The advancement of cultural liberty should therefore become a central component of international development efforts. The notion of cultural liberty put forward in the report closely echoes the capability-based approach to development pioneered by Amartya Sen. Focusing on individual agency and people's real freedom to lead the lives they value, Sen's approach contrasts with narrower views of development that concentrate on the growth of gross national product or the advance of industrialization (Sen, 1999a).

Once cultural liberty is established as a value, the *Human Development Report 2004* suggests that this type of liberty is today frequently undermined by two types of exclusion; 'participation exclusion' and 'living mode exclusion', respectively (p. 6). The first—participation exclusion—implies that people are discriminated against or suffer disadvantages in social, political and economic opportunities because of their cultural identity. Such exclusion from socioeconomic or political participation is often linked to widespread prejudice (cultural, racial or religious) among the broader population. Participation exclusion is cogently portrayed as a 'real phenomenon' that hurts the lives of individual people; more than 800 million people today are estimated to be members of groups that face political disadvantage or discrimination based on their ethnic, linguistic or religious identity (p. 35). In principle, participation exclusion could be addressed effectively through traditional liberal–egalitarian policies, but their implementation requires that popular prejudices also be fought energetically.

The second type of exclusion—living mode exclusion—implies the denial of recognition and accommodation of a particular lifestyle that "a group would choose to have" (p. 14). In the extreme case of cultural intolerance, living mode exclusion can lead to the oppression of cultural and religious minorities and their forced assimilation into a country's dominant culture. Crucially, living mode exclusion is not merely a characteristic of authoritarian or at any rate 'illiberal' regimes: John Stuart Mill famously argued that freedom requires cultural homogeneity and believed that "among a people without fellow-feelings . . . representative institutions cannot exist" (Mill, 1984, p. 230). In more recent times, moderate forms of living mode exclusion often went hand-in-hand with the 'colour blind' implementation of individual human rights that became dominant after World War II. Twentieth century liberalism effectively argued in favour of non-discrimination, but it rarely went so far as explicitly to value people's cultural attachments.

Only in recent years have some liberal political theorists 'discovered' the importance of cultural attachments as a means to the full enjoyment of individual freedoms. It has thus been argued that traditional human rights ought to be supplemented with certain group-differentiated rights for ethic and linguistic minorities. More than anyone else, Canadian

political philosopher Will Kymlicka has been credited with this "liberal mainstreaming of minority rights" (Joppke, 2001, p. 434). Kymlicka identifies culture—and specifically one's own ethnic or 'national' culture—as a necessary context of human choice: "For meaningful individual choice to be possible, individuals need not only access to information, the capacity to reflectively evaluate it, and freedom of expression and association. They also need access to a societal culture" (Kymlicka, 1995, p. 84). The HDR 2004 is broadly in line with this new liberal discourse on minority rights, and it redefines human development as demanding more than simple compliance with traditional practices of non-discrimination or the granting of equal socioeconomic opportunities. Sakiko Fukuda-Parr, lead author of the report, believes that fair multicultural policies also require the explicit *political recognition* of ethnic, religious and linguistic identities through power sharing and federal arrangements on a communal basis (Fukuda-Parr, 2004).

The Functions and Pitfalls of Communal Identity

The HDR insists that, while cultural liberty is intrinsically valuable to individuals, *cultural diversity* as such has no independent value (p. 24). From a liberal perspective any putative value attached to cultural diversity is merely instrumental and contingent on the degree to which it enhances individual freedom. One logical consequence is that the exercise of cultural liberty and individual choice may sometimes lead to a gradual erosion of cultural diversity. This appears consistent with Sen's capability-based approach: from a perspective that values cultural liberty, according to Sen there can be "no particular compulsion to preserve departing lifestyles" (Sen, 2004, p. 54).

Sen (1999b) recognizes that culture and related social identities can fundamentally influence people's choice, although this influence is always mediated by human reason. Social identity is important on two grounds, which he calls its "perceptual function" and its "delineating role" (1999b, pp. 13–24). The perceptual function of identity is concerned with how culture, and our membership in cultural communities, influence the way we perceive the world and understand reality. Social identities can thus crucially influence our perceptions, but Sen believes that they ultimately never determine our behaviour, since reasoned choice always remains a distinct possibility. This being said, it is also acknowledged that people in traditional and conformist cultural contexts may not be aware of several available options.

The delineating role of social identity is concerned with demarcating "the appropriate domain of social choice" (Sen, 1999b, p. 13). In other words, identity answers the question as to who belongs to any given community, and who is thus to be included in any diagnosis of the social good. As such, identity can play an important role in defining the reach and limits of social or ethical concern. Sen insists that delineation, as well, leaves room for reasoned choice, since different identities are often mutually overlapping.

Under normal societal circumstances, identity is never a zero-sum matter that fully determines our behaviour or our conception of the social good, and alternative identities can always compete for relevance. And yet this mechanism sometimes breaks down in situations of communal polarization, when reasoned choice loses out to the 'tyranny' of dominant identities. Sen specifically draws our attention to the dynamics of newly asserted ethno-national identities, which often eliminate the claims of other identities that people may also have reason to accept and respect. If taken to be the only or dominant identity a person has, ethnic loyalties can have oppressive implications (1999b, p. 21).

The HDR also recognizes that individuals "can and do have multiple identities", which by no means have to be mutually exclusive (p. 2). Paradoxically, however, the report subsequently goes on to value ethno-linguistic identity above other, less exclusive forms of individual belonging. This becomes particularly evident when specific institutional reform proposals, such as power sharing and federal arrangements on a communal basis, are defended as instrumental to the promotion of cultural liberty (ch. 3). Similar institutional arrangements end up *de facto* prioritizing ethnic identities, and are thus ultimately inconsistent with the report's own starting assumption that cultural liberty—the ability to freely *choose* one's identity—is what really matters.

The Institutionalization of Ethno-linguistic Identities

The institutional recognition of ethno-linguistic communities by the state constitutes a central element of the HDR's approach to cultural liberty. Three domains of political and institutional reform, in particular, occupy a central position in the report: 1) official language policy and education; 2) territorial self-government for ethno-linguistic groups (so-called 'asymmetric federalism'); and 3) power sharing within the central executive.

As far as official language policy is concerned, the specific recommendations put forward in the report attempt to carefully balance the need for political unity at the state level with the desirable recognition of minority languages in the public domain. So, for instance, the HDR argues that states should provide some spheres in which minority languages can be used freely, while also recognizing that "the citizenry needs a common language to promote mutual understanding and effective communication" (p. 60). The adoption of plural language policies is therefore suggested, with the aim of safeguarding the parallel use of two or more languages. Bilingual education policies, which often combine instruction in one's mother tongue with the teaching of an overarching national language, appear to have been particularly successful and are therefore deemed worthy of a broader adoption (p. 61). Overall, the HDR's suggestions on language policy appear consistent with the goal of promoting cultural liberty and increasing people's capabilities for reasoned choice. The report's insistence on bilingual education also effectively pre-empts one potentially powerful objection to the granting of official status to minority languages, namely that minority-language communities could become ghettoized and thus excluded from broader economic opportunities (see e.g. Patten & Kymlicka, 2003, p. 39).

The situation becomes more difficult as soon as the focus is shifted from language policy to the political recognition of ethno-linguistic groups. First, the report suggests the introduction of self-government rights for territorially concentrated groups, to be realized through federal arrangements on an ethnic basis. The emphasis is on so-called 'asymmetric federalism', which makes it possible to grant greater self-government rights to specifically designated areas of a country. According to the HDR, the most ethnically distinct areas should also be granted the most far-reaching rights of self-government (pp. 51–52). Second, the HDR suggests the adoption of power sharing within the central executive and proportional appointments on an ethnic basis, which are seen as "crucial for securing the rights of diverse cultural groups" (p. 7). Beyond this, the entire gamut of so-called 'consociational democracy' arrangements, running from reserved seats and quotas in the public sector, to mutual veto rights and specific provisions for cultural autonomy are seen as conducive to the broader goal of cultural freedom (p. 53).

Normative Justifications for Ethnic Federalism and Power Sharing

Territorial Self-government for Ethnic Groups ('Asymmetric Federalism')

The authors of the *Human Development Report* believe that self-government rights for ethnic groups, implemented through various measures of institutional engineering, do not only contribute to political stability in multicultural societies; they are also fundamentally conducive to greater cultural freedom. This line of reasoning closely resembles the argument developed by political theorist Will Kymlicka, who claims that territorial autonomy for ethnic groups is normatively justified on the grounds of equality. In Kymlicka's view, the principal goals of territorial self-government for ethnic groups should be: first, to alleviate the presumed vulnerability of minority cultures; and, second, to "ensure that members of the minority have the same opportunity to live and work in their own culture as members of the majority" (Kymlicka, 1995, p. 109).

There are significant problems with Kymlicka's framework, which is closely—though somewhat implicitly—followed by the authors of the HDR. First of all, general political self-government for ethnic groups is hardly a logical corollary of any putative group-differentiated right to cultural and linguistic autonomy. If the objective is to enhance people's freedom to enjoy their own culture, then both Kymlicka and the HDR seem to be demanding too much. From a liberal point of view ethnic minorities should probably not be recognized as having any inherent right to self-government beyond the cultural and educational domain. Furthermore, any such *limited* self-government right for ethnic groups should best be granted on a 'personal' or non-territorial basis: under personal autonomy, the state grants minorities the right to decide freely on all matters related to language and culture, regardless of whether the minority in question is territorially concentrated or not. While politically less salient, personal autonomy has the significant advantage of applying only to people who opt to be members of the group in the first place. Territorial autonomy, on the other hand, applies to all the inhabitants of a designated region, under the highly unrealistic assumption that the territory in question is ethnically homogeneous (Lapidoth, 1997, pp. 37–39).

Executive Power Sharing and Guaranteed Representation

Power sharing on a communal basis and guaranteed representation for ethnic groups in relevant state institutions have been defended on two different normative grounds. First, as instruments to advance the legitimate interests of minority groups. Second, they are sometimes seen as a corollary of territorial self-government. With regard to the latter, Kymlicka believes that to protect their self-government rights, minority groups need to be represented on any state body which can make decisions that intrude on those rights (Kymlicka, 1995, p. 143). But once the inherent right to territorial self-government for ethnic groups (though not *cultural* autonomy!) is questioned for the above-mentioned reasons, the subsidiary argument that guaranteed representation is necessary to protect such a right becomes equally untenable.

The main rationale behind the HDR's support for executive power sharing and guaranteed group representation seems to be the latter's presumed contribution to advancing the legitimate interests of ethno-linguistic groups. Executive power sharing, in particular, is seen as having the potential "to prevent one segment of society from imposing its views on another" (p. 53). However, the view that, in order to protect their own interests,

cultural minorities ought to be represented in the main institutions of the central government, appears difficult to sustain on normative grounds: it assumes that the members of ethnic groups have certain exclusive, agreed-upon interests that go beyond the cultural and linguistic domain, and which can be defended only through the recognition of group-specific political rights at the central governmental level. Membership in a specific ethno-linguistic group may well correlate with the lack of economic opportunities, or more generally with a historically disadvantaged status. But it is difficult to argue from a liberal standpoint that the solution to unequal socioeconomic distribution or other historical injustices is to be found in *permanent* group-based representation, as opposed to the adoption of temporary measures of 'affirmative action' or more traditional needs-based redistribution. Moreover, the actual consequences of power sharing and guaranteed representation on an ethnic basis are often entirely incompatible with liberal objectives.

The Consequences of Institutionalized Ethnicity

Conferring group-specific rights on ethnic communities unifies them politically, thereby strengthening the authority of group leaders over individual members. As a consequence, it may become more difficult for the members of a group to realize their true preferences and to perceive their identities in plural terms (Laitin & Reich, 2003, p. 91). This is one reason why traditional liberal egalitarians sometimes reject the adoption of multicultural policies *tout court*. Brian Barry for instance claims that multiculturalism restricts the range of options open to individuals, strengthening "the hands of those within each group who wish to impose on its members uniform beliefs and standards of conduct" (Barry, 2002, p. 129).

Women often suffer most directly from the empowerment of traditional authorities, while children appear to be heavily affected in their capacity to choose by the narrow cultural outlook characteristic of some ethnic communities (Shachar, 2000). These effects should be particularly strong when power sharing and territorial autonomy arrangements are implemented along communal lines, since they empower ethnic groups *politically* and not just culturally. Scholars of ethnic conflict have pointed out that, while such institutional arrangements may sometimes prevent violent conflict, they also bear the risk of over-institutionalizing ethnicity. By enshrining political representation and participation on the basis of group membership, they tend to 'freeze' ethnic confrontation into the indefinite future and transpose most political disputes into ethnic ones (Bieber, 2004, p. 15).

Communal Conflict and the Tyranny of Constructed Identities

One necessary precondition for the institutional recognition of ethnic minority groups is to actually *identify* those groups in the first place. In other words, there must be a criterion for determining who belongs to a group and how the boundaries of the community will be drawn. The determination of what constitutes an ethnic group however is a pre-eminently political task, which appears often highly arbitrary from a normative standpoint (Deets & Stroschein, 2005). One possibility the HDR does not consider at all is that ethnic groups may be socially constructed through the skilful agency of cultural and political elites.

Specific ethnic characteristics are often relatively marginal to the self-perception of individual group members, until political entrepreneurs 'discover' them for the purpose of mass mobilization. Transitions from authoritarianism to democracy appear particularly

sensitive in this context, given their fragile institutional background and concomitant socioeconomic hardship for large segments of the population (Snyder, 2000). Liberal proponents of multicultural policies usually conceive of individuals as freely 'choosing' to demand the institutional recognition of their ethnic identities by the state. Kymlicka in particular grounds his argument for group-differentiated rights of political representation on the explicit desire of individual group members to preserve their community and have it officially recognized. This desire, he argues, is expressed most clearly on the occasion of democratic elections: if nationalist parties can win a free election, "then we can safely assume that they represent the desires of many citizens, and that their interpretation of the group's interests is not 'arbitrary', but rather is truly representative" (Kymlicka, 2001, p. 349). The argument that individuals choose freely when their society is polarized along ethnic lines—which is when the 'desire' for collective recognition is usually greatest—comes as a surprise. It appears like an ill-fated attempt to challenge the evidence from several empirical studies, which have established beyond reasonable doubt that, under conditions of ethnic conflict, ethnic activists can easily "drive individuals to represent falsely their true preferences" (Lake & Rothchild, 1998, p. 19; see also Brubaker & Laitin, 1998).

Can Sub-state Nationalism be *Liberal*?

Kymlicka himself has recently suggested that sub-state or minority 'nation building' ought to be seen as legitimate only when it complies with certain demanding liberal standards (2001, pp. 54–58). If sub-state nation builders rely on coercive strategies and mass–popular manipulation for the purpose of collective mobilization, their claims should not be recognized as legitimate on normative grounds. One question that arises spontaneously in this context is the following: how frequent is 'liberal' sub-state nationalism in the real world? Kymlicka probably has Canadian (i.e. *Québecois*) sub-state nationalism in mind, which, in spite of its assertiveness has indeed chosen a fairly liberal path in recent years. Most other known instances of sub-state nation building, including those in Central and Eastern Europe, and without speaking of the Caucasus, the Balkans or the Middle East, appear much less liberal and would thus hardly pass the normative threshold.

   The very policy of conferring group-differentiated rights of self-government and political participation creates an incentive for groups to emphasize their differences from the mainstream culture, by enforcing 'authentic' types of behaviour and thus inhibiting individual capacities for choice. This is why the political recognition of ethno-linguistic groups, which is implicit in the power sharing and territorial autonomy arrangements defended in the HDR 2004, appears to be inherently incompatible with the promotion of cultural liberty and greater individual freedom of choice. If cultural liberty is the goal, then the means can hardly consist in the recognition of group-differentiated political rights for ethno-linguistic groups.

Conclusion

There is one fundamental inconsistency in the HDR 2004. On the one hand, the authors cogently recognize that "if what is ultimately important is cultural liberty, then the valuing of cultural diversity must take a contingent and conditional form" (p. 16). On the other hand, specific institutional reforms are suggested that imply an explicit political

empowerment of ethno-national groups. The proposed adoption of territorial autonomy and power-sharing arrangements along ethnic lines appears particularly problematic in this context, and its likely implications have been discussed at some length.

The institutional recognition of specific ethnic groups makes attendant identities politically salient and reifies them into the indefinite future. Ethnic identities become clearly dominant over other forms of individual belonging, thus transposing most political disputes into ethnic ones. This radically undermines people's ability to choose freely between alternative lifestyles. The adoption of power-sharing and territorial-autonomy frameworks for ethnic groups may well be warranted—and is indeed often necessary—on pragmatic grounds of conflict regulation. The political empowerment of ethno-linguistic groups on grounds of 'cultural liberty', however, may ultimately be self-defeating.

Acknowledgements

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