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within the academy. This was one of my principal motivations for using Islam as a focus in this chapter. I have argued here that liberal states are not obliged to tolerate every practice that some people claim is justified by Islam but that it is wrong to suggest that Muslims cannot be good citizens. The various examples of alleged conflicts between liberal commitments and the place of women in Islam that I have considered suggest that, in fact, liberal critiques of Islam often demand more of Muslims than of members of other religious communities. An understanding of justice as evenhandedness would seem to require more modifications of Western attitudes towards Muslim immigrants than of Muslim practices. I am well aware that I have only scratched the surface of this rich and challenging subject and that any complete account of the appropriate relationship between Muslim immigrants and their liberal democratic host countries must consult the voices of Muslims themselves. My goal here was simply to use a contextual analysis to unsettle some of the assumptions that critics of Islam often make.

7

Multiple Political Memberships, Overlapping National Identities, and the Dimensions of Citizenship

In the previous two chapters I have been considering some of the ways in which cultural commitments may stand in tension with liberal principles, thus raising questions about the meaning of equal citizenship. In this chapter, and the next two, I will continue to explore the meaning of equal citizenship, while examining cultural identities that raise questions about the meaning of citizenship itself.

In the modern world, talk about citizenship sometimes presupposes, as a background assumption, an idealized (and misleading) conception of the nation-state as an administratively centralized, culturally homogeneous form of political community in which citizenship is treated primarily as a legal status that is universal, equal, and democratic. In this idealized conception, the nation-state is the only locus of political community that really matters and citizenship just means membership in a nation-state. Everyone in the world is supposed to belong to one such state and only one. Although the state may delegate its authority to sub-units, it retains ultimate authority because it exercises a legitimate monopoly of violence over the territorially based society that it governs.¹

This picture of citizenship is inadequate in many respects. It is conceptually inadequate in the sense that it does not appreciate the multiple dimensions of citizenship and the complex relationships among these dimensions. It is empirically inadequate in the sense that it does not correspond to actual practices in Canada and in other states that embody a recognition of multiple forms of belonging and of overlapping citizenships. And it is theoretically inadequate in the sense that it fails to see the ways in which recognition of difference may be essential to fulfil the commitment to equality that is often expressed in the language of citizenship.

¹ For an instructive account of the conventional view and some of its limitations, see Brubaker (1989: 1–27). I argued in Chapter 3 that Kymlicka's conception of societal culture presupposes this conventional view despite his focus on multiculturalism.

In short, our existing institutions, practices, and values provide many ways of recognizing claims of identity and community that are at least morally permissible and in some cases morally required, even though they are incompatible with the unitary model of citizenship. Once we see the legitimacy and desirability of these non-unitary arrangements, it may become easier to contemplate others as well. We may become less imprisoned by conventional conceptions and more willing to consider how we want to live together and why. In my view, our conceptions of citizenship and political community should grow out of, rather than determine, the political and social arrangements that we choose.

If the conventional understanding is inadequate, how should we think about membership in political communities? What does it entail? How *do* people belong to a political community? How *should* they belong? In this chapter, I will address these questions by identifying and exploring three different dimensions of citizenship—the legal, the psychological, and the political. The legal dimension of citizenship refers to the formal rights and duties that one possesses as a member of a political community; the psychological dimension to one's sense of identification with the political community or communities to which one belongs; the political dimension to one's sense of the representational legitimacy of those who act authoritatively on behalf of and in the name of the political community. I will argue that people often have multiple memberships within each of these dimensions, and that the three dimensions interact with each other in complex ways. An adequate conception of citizenship will have to leave room for these various forms of multiplicity, and whatever form that conception finally takes, it will have to differ markedly from the conventional unitary understanding if it is to provide a satisfactory empirical and normative account of citizenship in the modern world.

The Legal Dimension

One way to belong to a political community is to possess the legal status of a citizen. The unitary model of the nation-state both expects and prescribes that every individual possess the legal status of citizenship only in relation to one political community. Yet this model fails to capture contemporary realities or to provide good reasons for changing current practices to conform to the unitary ideal.

Even if one accepts the underlying presupposition that state citizenship is the only kind that matters, the conventional view is built upon shaky empirical and normative foundations. Consider the social and legal reality of state citizenship first. I do not know of any empirical studies estimating the

number of dual citizens in contemporary liberal democratic states, but there is no doubt that the incidence of dual citizenship has grown considerably in recent years and is likely to continue doing so (Spiro 1997; Schuck 1998). One reason for this phenomenon has been the gradual elimination of gender bias in laws regulating the transmission of citizenship (Bauböck 1994). Most such laws made the citizenship of children dependent exclusively upon the citizenship of the father. Now citizenship normally passes through either parent, so that if the parents have different citizenships, the child will possess both. In addition, in states where citizenship is determined by place of birth (as in the United States, Canada, and a number of other countries), children born to foreign parents acquire dual (or triple) citizenship at birth. Some states (like Canada and Australia) do not require renunciation of one's previous citizenship as a condition of naturalization so that immigrants normally retain their old citizenship even after acquiring a new one. And legal rulings in some states (like the United States) have made it more difficult to take away people's birthright citizenship as a consequence of naturalization elsewhere. The general growth of international migration makes the impact of these legal rules more significant.

One could imagine various legal attempts to restrict dual citizenship in ways that were not gender biased. Some states require immigrants to renounce previous citizenships. Such rules could be made more rigorous and could be applied to existing citizens who naturalized elsewhere. One could require children who acquired dual citizenship at the time of birth to renounce one of them at the time of majority. But these sorts of rules would seek to reverse current trends. The reasons for the expansion of dual citizenship seem good ones, rooted in our aspirations for equal treatment and the protection of vital human interests. Is there any good reason to resist this development? Why might some people see dual citizenship as a bad thing?

Objections to dual citizenship are closely tied to the picture of the nation-state sketched at the beginning of this chapter. In a world organized entirely on the basis of independent sovereign states, each state is supposed to bear certain responsibilities for its own citizens. If people hold more than one citizenship, who bears the responsibilities? Are not dual citizens potentially subject to two, possibly conflicting, sets of laws (e.g. with respect to such matters as marriage and divorce) and to two, possibly overlapping, sets of obligations (e.g. with respect to such matters as taxation and military service)?

In practice, these sorts of problems have proved highly tractable (Hammar 1989; Spiro 1997; Schuck 1998). Potential conflicts in legal rules and obligations are usually resolved through bilateral or multilateral negotiations that normally give priority to the place of domicile. In other words, dual citizens pay taxes and fulfil military or other obligations in the state in which they reside and that state's laws take precedence in cases of conflict.

A second set of objections to dual citizenship links legal status to issues of democratic legitimacy. If people have dual citizenship, does that mean that they can have a say in governing two different states by voting in the elections of each? If people live in one country but vote in another, doesn't that mean that they will not be subject to the government and policies they are helping to select? Doesn't that violate democratic norms? Double voting is indeed anomalous from a democratic perspective, but it need not be a major policy concern so long as the percentage of the electorate living outside the polity is small. In any event, there are some obvious mechanisms for addressing the problem (such as limiting the possibilities of absentee voting or prohibiting dual voting). Again, the norm would be to restrict participation to the country of residence.

People also object sometimes that dual citizenship gives rise to dual and potentially conflicting loyalties. Here I will anticipate a few points I will discuss in more detail below in the section on the psychological dimensions of citizenship. Multiple, overlapping, and even conflicting identifications and loyalties are a widespread phenomenon in the modern world, and one that has little to do with dual citizenship as a legal status. It is an open question how much these psychological attachments are affected by legal status. My guess is that permitting dual citizenship does little to exacerbate whatever problems such multiple identities create and eliminating it will do little to solve it.

In sum, dual citizenship creates few serious problems in practice, despite its obvious incompatibility with the conventional unitary model of citizenship. At the same time, it is an arrangement that enables people who have substantial ties to more than one political community because of their residence, family ties, or place of origin to protect their vital human interests in each. Thus the unitary model fails both descriptively and prescriptively to take the issue of dual citizenship into account.

There is another kind of dual citizenship that is even more important than the simultaneous holding of two state citizenships, namely, membership in two political communities within the same state. In a federal system like Canada's, everyone belongs to at least two political communities, each of whose jurisdiction and sovereignty is limited by and intertwined with the other's. The rhetoric of state sovereignty simply obscures this legal and political reality. Sovereignty, like property, is best conceived as a bundle of rights that can be parcelled out in many different ways. The rights and duties of political membership for people who live in Canada (and in many other federal systems) are not exhausted by the rights and duties created by the federal government, nor is the federal government necessarily supreme in confrontations with the provinces.

It is a fundamental conceptual, empirical, and normative mistake not to be open to the possibility that the units in a federal system are significant political

communities and that membership in such communities is an important form of citizenship. Whether that is true or not will vary from case to case and over time. In the late eighteenth and early nineteenth centuries, American states were political communities that rivalled or surpassed the federal government in their powers and their significance for the identities of many of their citizens. That is no longer true today in the United States, but it is true of the political units of other federal systems like Switzerland, Belgium, Canada, and Spain, although the significance of the units as political communities and *loci of citizenship* may vary even within the same state, something I discuss in the next section.

The development of the European Union (EU) has led to the creation of legal rights and duties for individuals distinct from the ones they possess as citizens of any given European state. In this case, of course, no one doubts the importance of citizenship in the component units (the states); rather the question is whether citizenship in the overarching unit (the EU) has any normative or empirical significance. While it is true that the individual's claim to membership in the EU is mediated through citizenship in a member state and that the depth and meaning of European citizenship are in dispute, we should not overlook the fact that individuals who are members of the EU can advance legal claims before European courts apart from and even in opposition to the legislation and court rulings of the state in which they are citizens. This fact alone fits badly with the unitary model's picture of the organization of legal rights, and it is entirely possible that these sorts of legal arrangements will become stronger and be extended in various ways. Whether that is desirable or not is an open question, but it certainly cannot be ruled out as empirically or conceptually impossible or normatively undesirable on the basis of the one person, one citizenship presupposition of the unitary model.

Finally, there is the question of what the unitary model presupposes about the distribution of rights among citizens. In the modern world—and in some earlier contexts as well—legal citizenship is closely linked to a norm of equality. To be a citizen is to be an equal citizen, at least in principle. Everyone must be equal before the law. There can be no second-class citizens.

But what does equality really mean in this context? The revolutionary French state abolished aristocracy and proclaimed the principle of equal citizenship but distinguished between active and passive citizens, partly on the basis of property ownership. The US Supreme Court declared in 1896 that the equal citizenship of African-Americans was not violated by state policies of enforced racial segregation. Of course, no one would defend such distinctions today, but the question of what equal citizenship requires and permits has obviously not disappeared.

Should all citizens have exactly the same rights and duties? If that were taken to mean a prohibition on any legislation that distinguished one group

of citizens from another, it would prohibit all legislation, including legislation regarding taxation, property, traffic, and so on. The real debate is about what legal arrangements reflect and enhance our commitment to equal citizenship and what arrangements violate or obstruct it. This is not a question that can be answered in purely formal terms. What it requires is that we consider whether particular ways of treating people differently can be defended as compatible with a conception of justice as evenhandedness. This requires immersion in concrete contexts and cases.

As we have seen previously in this book, it can be argued that a commitment to equal citizenship requires distinct legal rights for cultural minorities. In this debate and in related ones regarding gender, sexual orientation, race, physical or mental condition, and so on, both sides in the debate appeal to an ideal of equal citizenship. All this shows that even the legal dimension of citizenship is more complex and multiple than the unitary model suggests.

The Psychological Dimension

Another way to belong to a political community is to feel that one belongs, to be connected to it through one's sense of emotional attachment, identification, and loyalty. I call this the psychological dimension of membership.

On the conventional understanding of citizenship, there is a tight fit between the legal and psychological dimensions of citizenship. It is expected, both empirically and normatively, that people will feel a strong sense of emotional identification with, and only with, one political community, namely, the state in which they possess legal citizenship. (Again, the assumption is that people have only one legal state citizenship and that only states really matter as forms of political community). The conventional view does not deny that people may have other important forms of collective identity besides citizenship, and that these other identities may influence the political ideas and activities of citizens. Nevertheless, people are assumed to draw their primary *political* identity from membership in the state. Citizens are supposed to be patriotic, to love their country. One of the objections to dual citizenship is that people who hold more than one citizenship are likely to have dual or multiple loyalties, identities, and attachments. Where will their primary commitment be in cases of conflict? What happens to the unity and the integrity of the political community if there are competing national attachments?

I do not think this conventional view is entirely wrong, but just as it neglects multiplicity in the legal dimension it misses the reality of multiplicity in the psychological dimension, and the complexity of the relationship between the legal and psychological dimensions of citizenship. The

conventional view is right to distinguish psychological citizenship—one's sense of oneself as a member of a political community—from other forms of collective identity. Ethnicity, gender, sexual orientation, and disability are all examples of factors that may be relevant to one's personal identity and may be linked to a sense of group identity that is morally and politically relevant. Such group identities can be vitally important to people. They can serve as a focus for political mobilization, leading people to challenge public policies and the prevailing public culture. The groups may be described and experienced as communities. But these sorts of communities are not usually described or experienced as *political* communities, that is, as groups that possess (or aspire to) extensive self-government. People do not normally think of themselves as citizens of these sorts of groups. By contrast, not only states but also the units of a federal system are frequently described and experienced as political communities and use the language of citizenship. And groups that think of themselves as nations or national minorities frequently have self-government rights or seek them.² In the rest of this section therefore, I will focus only on contexts where this sense of membership in a political community is in play.

Consider first some of the ways in which people's attachments, loyalties, and identities may not correspond to their legal status. In Canada, a law called the Indian Act provided that Indian women lost their formal legal status as Indians if they married men without such status. This rule followed the widespread practice among Western states of making the citizenship status of women follow that of their husbands. Presumably, many of the women who lost their legal standing as members of their political community in this way nevertheless retained a much more powerful sense of identification with and loyalty to their communities of origin than to the ones they had been required to join. Immigrants and their descendants often feel a sense of loyalty and attachment to the country of origin, regardless of whether they retain legal standing as citizens there. Jews often feel a powerful sense of loyalty and attachment to Israel, even if they have no formal legal connection to it.

If people who lack the legal status of citizenship sometimes feel that they belong to a political community, people who have legal status as citizens sometimes feel very little attachment to or emotional identification with the political community in which they have this status. More generally, the degree of identification or attachment that legal citizens feel probably varies

² As I observed in Chapter 3, Kymlicka is entirely right to draw our attention to the fact that immigrant groups typically do not demand self-government rights and to argue that the differences between the aspirations of immigrants and national minorities are morally and politically relevant. I would not draw the line between such groups as sharply as Kymlicka does, for reasons spelled out in previous chapters, but I do think the differences in demands matter and cannot be entirely attributed to false consciousness or adaptive preference formation.

widely among individuals and groups and may vary a good deal over time within any given individual or group. To be slightly more precise, we might distinguish further between identity and attachment, noting especially that it is possible to have a strong sense of one's political identity as a member of a given political community without a corresponding sense of attachment to it. Identity may depend significantly on one's personal geographical history and on the availability of alternative political identities, while attachment may depend more on the congruence between one's own commitments and those of the community, including the extent to which people experience a sense of welcome in the political community for other aspects of their identities (e.g. race, religion, culture, sexual orientation, and so on). For example, one may think of oneself as a citizen of the United States or Canada or Fiji without feeling any strong sense of patriotism or attachment to the political community.

How might this variability in the sense of belonging, the psychological dimension of citizenship, be relevant to the legal dimension of citizenship? One answer is that it should not be relevant at all. Citizenship should be treated as a threshold concept. Once over the threshold, all are to be treated alike. We do not and should not hand out more legal rights (or legal duties) to some—say, the more patriotic—and fewer to others—say, the less patriotic.

That seems to me a largely valid principle, whose importance is brought home by the failure of so many states to respect it in ways that are profoundly objectionable. For example, in Chapter 9, I will argue that the lesser attachment of Fijian Indians to Fiji is morally irrelevant to the question of their legal status as citizens. Still, the principle does require a few qualifications.

First, what counts as equal treatment is always contestable and frequently contested. One clue about possible objectionable inequalities in citizenship rights—though it does not constitute proof of them—might be found by considering those citizens who do not feel a strong sense of identity or attachment, especially those who feel alienated from and hostile towards the political community. In some cases, disaffection may be created by particular constructions of 'equality' or particular configurations of 'equal rights'. Think, for example, of policies requiring separate but equal accommodations for different races or requiring all to close their shops on the same day, a day that corresponds to the religious practices of some and not others or requiring all to bare their heads as a sign of respect, a practice that reflects respect in some cultures and not in others. All these policies can be presented as ways of instantiating equal rights but experienced by some as forms of inequality and exclusion. In such cases, the disaffection might be alleviated, at least in part, by alternative constructions of equal rights that paid less attention to formal equality and more attention to the requirements of even-handed justice in particular contexts. This may invite the objection that I am

now proposing to give more rights to the less patriotic, but I'll take that chance.

The second qualification is even more important for the purposes of this chapter. Consider cases—as in federal states or in the European Union—where people are members of two or more political communities at the same time and where these communities divide up the powers and jurisdictions between them. There are many different reasons for dividing powers and jurisdictions in one way or another, but the question I want to focus on is whether the psychological dimension of citizenship is one of them. How should such institutional arrangements be related, if at all, to patterns of political identity and attachment?

The conventional understanding of the state and citizenship is not much help here because it does not have much space for any version of federalism that goes beyond issues of administrative convenience. It insists, in ways that I think are often problematic, on the sovereignty of the state and thus the subordination of other forms of political community, whether internal to the state (e.g. provinces) or external (e.g. the EU). With respect to citizenship, the conventional view is that state citizenship should take priority as a locus of political identity, that other forms of citizenship ought to be subordinate, both legally and psychologically.

As an empirical matter, it can certainly be the case that people feel a stronger identification with and attachment to one of the constituent political units of a federal system than they do to the federal government. For example, public opinion surveys have shown that francophones living in Quebec tend to identify more strongly as Québécois than as Canadians and to express a strong attachment to this identity (Kalin 1995; Kymlicka 1995: 191). Francophone Québécois tend to think of themselves as citizens of Quebec first and most strongly and most affectionately, as citizens of Canada second and more weakly and less affectionately (though, of course, one should keep in mind what I said earlier about variability within groups and within a given individual, especially across time).

If this is the psychological reality, how should the rest of Canada respond to it? In particular, what should we make of this psychological reality from a normative perspective? One possibility is to criticize francophones for having such attitudes, to demand that they identify more strongly with Canada. One hears this sort of view expressed, implicitly and explicitly, often enough, but I confess I am unable to see the point of it. Justice neither requires nor prohibits the efforts to construct political structures, institutions, and policies that will strengthen or weaken the collective identities that are in play here. Justice does set some limits to the ways in which collective political identities may be constructed, prohibiting certain kinds of exclusions from citizenship and the political community. In my view, for reasons spelled out in Chapter 5, the Quebec nationalist project generally falls well within the limits of what

justice permits in these matters.³ I do not see why francophone Québécois have any obligation, moral or otherwise, to identify more strongly as Canadians. I think that it would be better for Canada as a political community if they felt a stronger sense of identification with Canada, but I do not see why this makes it morally incumbent upon them to do so.

There are various other possibilities. I will mention five (some of which could be combined in various ways):

1. Adjust the institutional arrangements of federalism (and hence, directly or indirectly, the legal rights and duties of citizens) so that they reflect the psychological realities of differentiated political identities. In other words, on this view, the federal government should play a stronger role in the lives of the citizens of other provinces than it would in the lives of the citizens of Quebec. This kind of arrangement goes under the label asymmetrical federalism and a partial (if formally unacknowledged) version of this has been the actual practice in Canada for some time.

Some people oppose asymmetrical federalism on principle, arguing that any such arrangement is incompatible with a commitment to equal citizenship, but it seems to me that this argument depends on an entirely formal view of equal citizenship. The alternative, as I have argued before, is to see that a substantive commitment to equality sometimes requires the legal recognition of differences. Asymmetrical federalism provides one mechanism for achieving that. It is a form of evenhanded justice that takes reasonable account of the differences between Quebec and the other provinces. Still, questions of degree are important here. At some point asymmetry slides into something else. Moreover, I would not claim that this political arrangement is morally required, only that it is morally permissible and has certain advantages in Canada's current situation.

2. Decentralize radically to all the provinces, in the name of equality (whether provincial equality or equal citizenship or both). This is a course recommended by some on the right in Canada who favour decentralized government generally and less government overall. The solution would presumably strengthen provincial identities and weaken Canadian identity everywhere, at least if political identities are significantly shaped by the institutional allocation of power. In that respect, it does not correspond to the existing (asymmetrical) patterns of political identification in Canada. As I just noted, I do not find the view that equal citizenship always requires identical legal arrangements persuasive, and I would add here that I do not see why the idea of provincial equality should be regarded as morally compelling. On the

³ One important qualification to this claim would involve Quebec's stance towards aboriginal peoples which is deeply problematic in ways similar to Canada's. I explore these issues in relation to Canada in Chapter 8. Apart from the treatment of aboriginal people, I think the Canadian nationalist project also falls within these parameters of justice for the most part, but this is not usually questioned in the way that Quebec's project is.

other hand, while I find this course of action politically unattractive because it would reduce the capacity of the federal government to address national problems and to engage in redistributive programmes, I would not say that there is anything intrinsically unjust about it. It, too, could plausibly be defended as compatible with evenhanded justice.

3. Try to find a positive, rather than a critical, basis for strengthening the identification of Québécois with Canada. I think that there is a lot to be said for this approach if one can find a way to do it effectively. Alan Cairns has argued (plausibly) that this was the political strategy behind Pierre Trudeau's advocacy of the creation of the Charter of Rights and Freedoms in 1982 (Cairns 1992). Trudeau wanted the Charter to become a symbol to which all Canadians would feel attached because all would share the fundamental liberal values it expressed. He hoped that the existence of this common set of formal legal rights would help to create a sense of common citizenship and a shared political identity among Canadians. In fact, the Charter itself recognizes all kinds of legally relevant differences among Canadians, including a variety of collective rights, but that did not necessarily detract from and may even have enhanced its usefulness as a symbol of shared political identity in Canada.

This alternative provides a useful reminder that it is not only minorities who may seek to shape and reinforce collective identities through political institutions and policies. Indeed, much political contestation involves competing collective identities because what people regard as their interests often depends on how they think of themselves and on how they think about the identity of their community. Again, there are ways of constructing collective identities that are morally objectionable, but if we think that we ought to recognize significant space for democratic self-determination, then we have to leave considerable room for the construction and competition of collective identities.

In many ways, Trudeau succeeded in his project. The Charter is extremely popular, even in Quebec, and is the thing most often cited when people are asked what it means to be Canadian. Yet Trudeau did not manage to transform the primary political identification of most Québécois with Quebec, and in important ways his strategy may have backfired by politicizing the Constitution and leading the Québécois to feel that only major constitutional changes (or formal sovereignty) could provide adequate recognition for their identity (Aizerstat 1995).

4. Do nothing. This may be the least bad alternative under the circumstances, in the sense that it does not make things worse. Still, it leaves an important problem unaddressed. It seems to me that it would be deeply unfortunate for Canada as a political community if the Québécois stay within Canada only out of a sense of regrettable necessity, that is, out of a fear of the potentially high and very uncertain economic costs of separation, rather than

out of a positive identification with Canada as a political community. Maintaining political unity on the basis of regrettable necessity might be a prudent decision. It might be better for the rest of Canada as well as for Quebec than separation, but it would be unfortunate. A community held together only by regrettable necessity will presumably find it more difficult to act collectively and to induce its members to make sacrifices for a common good and a shared future when the sense of common identification is so weak. It will find it harder to pursue evenhanded justice in many areas.

5. Find some way to embrace 'deep diversity' (to use Charles Taylor's term) as a positive basis for unity and a common identity. Taylor puts it this way:

For Quebecers and for most French Canadians, the way of being a Canadian (for those who still want to be) is by belonging to a constituent element of Canada, *la nation québécoise*, or *canadienne-française*. Something analogous holds for aboriginal communities in this country; their way of being Canadian is not accommodated by first-level diversity. . . .

To build a country for everyone, Canada would have to allow for second-level or 'deep' diversity, in which a plurality of ways of belonging would also be acknowledged and accepted. Someone of, say, Italian extraction in Toronto or Ukrainian extraction in Edmonton might indeed feel Canadian as a bearer of individual rights in a multicultural mosaic. His or her belonging would not 'pass through' some other community, although the ethnic identity might be important to him or her in various ways. But this person might nevertheless accept that a Québécois or a Cree or a Déné might belong in a very different way, that these persons were Canadian through being members of their national communities. Reciprocally, the Québécois, Cree, or Déné would accept the perfect legitimacy of the 'mosaic' identity (Taylor, 1993: 182-183).

This approach goes further than asymmetrical federalism in the sense that it affirms, and does not merely yield to, the multiplicity and variety of political identities in Canada. Taylor focuses not on the institutions but on the underlying political culture in which those institutions are embedded and through which they are interpreted. To put it another way, it would only be possible to establish asymmetrical federalism as something more than a covert concession to necessity if Canadians were to adopt the sort of attitude Taylor describes here.

As Taylor suggests, most of the points made about the psychological identification of the Québécois as citizens could be made even more strongly about aboriginal people in Canada. If their current institutional capacities are much less fully developed (after over a century of systematic destruction of these capacities), their political identities are clearly much more sharply distinct from Canadian citizenship than those of any other people who live in Canada, including the Québécois. (Of course, like all identities, the identities of aboriginal people vary across individuals and even within the same individual over time.) Many aboriginal people, especially though not exclusively those who live in a territory where aboriginal people constitute a

majority, think of themselves as members of this or that people or this or that community and aspire politically for the people to which they belong to govern itself as much as possible. Some aboriginal people do not regard themselves as Canadian citizens even in legal terms (seeing Canadian citizenship as an identification forced upon them against their wills), and many others see it as a very weak identity. Even more than the Québécois, aboriginal people seem linked to Canada primarily by a sense of regrettable necessity, necessity defined here as the need for ongoing transfers of resources (even if conceived as justified entitlements) and/or as the non-viability of small, economically and organizationally limited political units in the modern world.

What might change that sense of regrettable necessity into something more positive? What might create a sense of common citizenship between aboriginal people and other Canadians? Again, I think that Taylor's conception of deep diversity points in the proper direction. In Chapter 8 I explore more fully what it might mean if Canadians were to take that conception seriously in their dealings with aboriginal people.

The Political Dimension

Let me turn finally to the political dimension of citizenship which is concerned with the way people may share in collective agency. I will focus on the issue of representational legitimacy. Who may act authoritatively on behalf of and in the name of the political community and why?

The conventional view is closely tied to the understanding of citizenship as primarily a legal status establishing certain rights and duties. On this view, representational legitimacy depends upon being selected by voters in fair and free elections. One has only to look at South Africa or the former Soviet Union to see how powerful this view is and why it must be the first and most fundamental element in any democratic theory of representational legitimacy.

But is it sufficient? I think not. I pass by here a number of problems with respect to elected officials: the enduring question in democratic theory of the relation between representatives and those who voted against them; the issue of alienated or apathetic voters; the deep scepticism about all elected officials. There are other problems of legitimacy when key decisions are made by people not subject to elections and formal democratic control, whether in the public or private sphere (central bankers, the World Bank, the International Monetary Fund, European Community bureaucrats, capitalist investors) (Pauly 1997).

The question I am concerned with is how we should think about representational legitimacy in a particular context of conflicting claims: when the

representational legitimacy of people elected through conventional democratic mechanisms is challenged either by another set of elected representatives (provincial officials claiming that they, rather than federal politicians, speak for the Québécois) or by spokespersons not directly elected by those for whom they claim to speak (leaders of aboriginal organizations claiming that they, rather than elected politicians, speak for aboriginal people).

I want to suggest that representational legitimacy must depend partly upon issues of identity as well as upon legal electoral procedures free of fraud and violence. Where the issues at stake are closely tied to powerful, politically relevant identities, the representational legitimacy of elected officials will appropriately depend on the extent to which they can be seen as having been chosen by people with the politically relevant identities in contexts where the issues connected to those identities were clear.

When feminists criticized the judiciary committee considering charges of sexual harassment against Clarence Thomas because it was composed entirely of men who 'just didn't get it', the criticism had a powerful resonance and appropriately so, despite the fact that roughly half of the voters who had elected these senators were women. Even most men could understand that most men's experiences and interests have been very different from women's experiences and interests in this area, so that it was much more problematic for men to claim to represent women on this issue than it would be, say, on free trade or general health legislation, even though there might be important differences between men and women in such areas as well.⁴

The same dynamics are at play in Canadian politics as a result of the fact that people have multiple and overlapping national identities. Alan Cairns, a distinguished commentator on Canadian politics, objects to the way minority leaders have deployed their identity claims in recent political debates to challenge the representational legitimacy of federal politicians:

Both Québécois and aboriginal nationalists act as if their people did not have dual identities and loyalties, one of which is legitimately represented by the federal government. Instead, they implicitly deny, or at least downgrade, the 'other' identity of Québécois and aboriginal peoples as Canadians. They treat the Canadian identity as that of the other, of the external party that sits on the other side of the table and therefore speaks as an outsider, through Quebec and aboriginal leaders, to Québécois and aboriginal peoples (Cairns 1993: 193).

⁴ For an insightful discussion of the problem of representation with special attention to the position of women and African-Americans in the United States, see Williams (1998). For other important discussions of these issues, see Young (1990), Phillips (1993, 1995), and Kymlicka (1995). My comments here do not even attempt to address most of the questions about representation raised in these rich works. My goal is simply to highlight some of the ways in which multiple and overlapping citizenships raise questions about the legitimacy of conventional forms of representation.

Cairns goes on to note that federally elected members of Parliament no longer seem able to speak for the Québécois or aboriginal people they were elected to represent, and he concludes that the 'theory and practice of representation are in disarray' (Cairns 1993: 193). Sometimes Cairns seems to admire the political skill of the nationalists in delegitimizing duly elected representatives; sometimes he seems frustrated as though they should not be able to get away with it.

For my part, I find this development both understandable and defensible. The nationalists are skilful, of course, but I think they win these legitimacy struggles for other reasons, namely, that our conventional electoral mechanisms presuppose a degree of shared identity between voters and the people elected to represent them that it has not been plausible to assume in the cases Cairns cites.

Cairns wrote his article before the appearance of the *Bloc Québécois*, a political party that emerged in the 1993 federal election to compete for seats in Parliament. It exists only in Quebec and its central political goal is Quebec sovereignty. It was very successful, winning enough seats to become the official opposition party in Parliament. In the subsequent election, it lost a few seats and its status as the official opposition, but it still elected by far the largest contingent of Quebec MPs. It is formally distinct from, though it has close ties to, the *Parti-Québécois* which is a party that contests only provincial elections in Quebec and also has sovereignty as its central goal. The *Bloc* sees its role as transitional and temporary, whereas the *Parti-Québécois* aims to become the governing party in a newly independent Quebec.

The struggle over representational legitimacy has shifted in a significant way with the appearance of the *Bloc Québécois*. Previously, the question of who could speak for Quebec voters with regard to issues of Quebec's distinct identity and interests was clouded by the fact that federal elections tended to focus on other issues, while such questions had been central in Quebec's provincial elections since the emergence of the *Parti-Québécois* in the early 1970s. This gave provincial officials a representational legitimacy on these issues that was hard for federal officials to match. Now the *Bloc Québécois* enjoys the same sort of representational legitimacy, but if the *Bloc* were to lose most of the seats it now holds, the representational legitimacy of the federal officials elected in their place would be greatly enhanced on issues relating to Quebec's distinct identity. In the last federal election, however, the *Bloc* held onto most of its seats and hence to its representational legitimacy.

The issue is even clearer with respect to aboriginal people. Over the past several years, when considering changes in the Constitution that would take account of the claims of the Québécois and of aboriginal peoples, federal officials have engaged in formal negotiations with aboriginal leaders. Cairns suggests that this practice is anomalous: from the perspective of the conventional theory, national representatives should be selected through parliamentary elections.

Instead, these arrangements gave extraordinary representational authority to the leaders of organized groups who were not subject to direct election by the people they were to represent.

Now it would be perfectly possible to challenge the representational legitimacy of these aboriginal leaders. For example, an organization of Indian women argued that these predominantly male aboriginal leaders did not adequately represent the perspectives and interests of aboriginal women. But the aboriginal women offered an alternative form of representation of aboriginal people by aboriginal people. I doubt that Cairns means to suggest that members of parliament who were neither aboriginal people themselves nor elected in constituencies composed primarily of aboriginal people could claim to speak effectively on behalf of aboriginal people. I do not see how any non-aboriginal person could claim to speak politically on behalf of aboriginal people, unless directly authorized to do so by an aboriginal constituency, because the political salience of aboriginal identity is so apparent.

Thus, the political dimension of citizenship points to the need for judgments about the fit between electoral mechanisms and political identities in assessing representational legitimacy, even when people share a common legal citizenship. My goal here is not to settle the question of what sort of representation is legitimate, but rather to open the question up. In some cases, special forms of representation may be appropriate, and in others not. In some cases distinct institutional arrangements may be desirable, and in others not.

To summarize, a contextual approach to political theory encourages us to begin thinking about citizenship by reflecting upon existing practices. In this chapter, I have tried to show that the practices of Canada (and of some other states as well) differ sharply from the unitary conception of citizenship that emerges from a conventional view of the nation-state. What we find is not singularity and exclusivity, but multiplicity and overlap along legal, psychological, and political dimensions. I have argued that these practices are at least morally permissible and, in some respects, morally required ways of recognizing claims of collective identity. We ought at least to be open to these sorts of practices as ways of addressing the problem of citizenship in multinational states. So, the conventional conception of citizenship is an intellectual and moral prison from which we should escape. What is needed is a more complex conception, one that is open to multiplicity and that grows out of practices we judge to be just and beneficial.

8

Citizenship and the Challenge of Aboriginal Self-Government: Is Deep Diversity Desirable?

In Canada, as in many other countries with aboriginal inhabitants, the government exercises much more direct control over the lives of aboriginal people than it does over most of the population. For a long time, and with increasing emphasis in recent years, representatives of aboriginal people in Canada have been demanding that the government give up this control. For the most part, however, they are not advocating that aboriginal people should simply be treated like other citizens. Instead, what they want—and what they argue is required as a matter of fundamental right—is a distinct set of institutions and arrangements through which aboriginal people can govern themselves within Canada.

One important obstacle to the project of aboriginal self-government has been the hegemony of the unitary model of citizenship, the widespread view that any form of differentiated citizenship would be incompatible with the inclusion of aboriginal people in a Canadian political community in which they were full citizens and all citizens were treated equally. In the previous chapter, I argued that the unitary model was inadequate and that our conceptions of citizenship should become more open to multiplicity. In this chapter, I will pursue that theme in more detail through a discussion of the relationship between Canadian citizenship and aboriginal self-government. I want to explore further the vision of differentiated citizenship that Charles Taylor has labelled 'deep diversity', an arrangement in which many aboriginal people would have a self-governing aboriginal community as their primary locus of political identity and participation while still being Canadian citizens. I will not attempt to spell out what this sort of deep diversity might entail in specific detail. That would be far too ambitious for this chapter.¹ My goal instead is to anticipate and meet two key objections to the project of deep

¹ The best discussion of these issues can be found in the *Report of the Royal Commission on Aboriginal Peoples* (1995).