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Intertwined cultural demands of immigrants and minority nations*

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Biographical note:

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He is currently working on three lines of research: the interaction between two types of cultural pluralisms: immigration and minority nations, the relation between political and social discourses on immigration, and immigration within the Euro-Mediterranean context.

Abstract:

Since at least the last two decades of the 20th century, the normative debate on multiculturalism has been one-dimensional. It has deployed arguments related to cultural demands either linked to feminism and sub-cultural identities, immigration or national minorities. Little attention has been given to the relations between these dimensions, and how they effect each other in putting forward demands to the nation-state. The purpose of this article is to analyse the interaction between cultural demands of immigrants and minority nations.

The basic objective of this paper is to give an overview of different reflections coming from three basic contributors: J. Carens, W. Kymlicka and R. Bauböck.

Key words:

Citizenship - Cultural rights – Immigration - Minority nations – Nation-state

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0. Introduction

Since at least the last two decades of the 20th century, the normative debate on multiculturalism has been one-dimensional. It has deployed arguments related to cultural demands either linked to feminism and sub-cultural identities, immigration or national minorities. Little attention has been given to the relations between these dimensions, and how they affect each other in putting forward demands to the nation-state. The purpose of this article is to analyse one of these interactions: the cultural demands of immigration and minority nations. Or what Kymlicka calls multinational and polyethnic understanding of multiculturalism. As first step of this new research area, my main objective is to give an overview of different main topics reviewing main contributions of three concrete works of major scholars in the field: J. Carens, W. Kymlicka and R. Bauböck.

In the *first section* I will give some justifications why I consider the analysis of this relation may contribute to opening a new research agenda within the debate on multiculturalism, both from a theoretical and a contextual point of view. I will then propose in a *second section* a framework with a set of seven basic premises, before going, in a *third section* into the different approaches exemplified by arguments coming from J. Carens, W. Kymlicka and R. Bauböck, the three main scholars that have been linking these two types of cultural demands. I will conclude this paper with some incentives for future research agendas.

1. Theoretical and contextual justifications for a research agenda

There are “circumstances of multiculturalism”¹ that can only be theoretically interpreted through contextual situations. There are contexts that demand theoretical answers to their institutional questions when they have to manage tensions arising from different cultural demands. Such contexts are mainly minority nations that are stateless but have a set of competencies for their own self-government. I think of the Flemish community within Belgium, but also, with a larger tradition, the Quebecois in Canada, and Catalanian in Spain. The purpose of this article is to analyse one interaction taking into account these contexts: the cultural demands of immigrants and minority nations.

Independent of the set of approaches and perspectives, scholars that deal with multiculturalism agree that liberal states are not culturally neutral and that what is at stake is the legitimacy of the nation-state in a multicultural society. How to manage the

necessary unity for assuring stability and cohesion, while at the same time respecting cultural diversity, has been the main source of argumentation (B. Parekh, 2000). There also has been an analytical need for differentiating empirical dimensions of multiculturalism, and some typologies have been more useful than others to orientate research agendas.² Epistemological concerns have also been common ground for discussion,³ as have profound debates concerning the management of difference and its current power relations.⁴ But beyond these distinctions, the main source of inspiration is coming from the Canadian philosopher W. Kymlicka. His well-known distinction between multinational and polyethnic politics (Kymlicka, 1995) has been used to distinguish a set of problems and inspired two streams of literature and research: one related to national demands of cultural/political communities within a multinational state, and one related to cultural demands of immigrants.

Cultural pluralism in modern states can therefore be distinguished by 'multinational' diversity on the one hand and 'polyethnic' diversity on the other hand. Indeed, multiculturalism can be related to the topic of incorporating founding cultures into a larger state, but it can just as well refer to the incorporation of cultural diversity brought by immigrant newcomers. Because each cultural demand has different normative implications, Kymlicka proposes to use distinct terms to designate both situations. While it is assumed that cultural demands of immigrants and cultural demands of minority nations or stateless nations are analytically distinguishable, what has neither been contemplated nor analysed are the normative implications in terms of cultural demands that arise when both processes interact in a specific context and form a triadic relationship between nation-state / stateless-nations and immigrants. The main objective of this article therefore is a tentative elaboration of a conceptual framework that might illuminate both theoretical reflections and contextual concerns on this unit of analysis.

In order to develop such a conceptual framework, my starting point is that the whole current debate on immigration supposes that the receiving society and the receiving state coincide. This premise is the main source of discussion. To develop a conceptual framework we need before questioning precisely this supposition. The premise conducting my argumentation is that within states there exist societies coming from minority nations that do not necessarily share the political culture of the dominant society and state, and therefore, the effects that cause the arrival and permanence of immigrants are different. Consequently, to sum up the main argument of this paper, they

perceive immigration as something that produces negative effects on the national project if it is not regularized, and if they do not have the main sources of control.

From this point of view, the envisaged conceptual framework is founded on the premise that immigration-based transformations also affect minority nations.⁵ In this case the dimension of immigration policy has to be understood as a political construction of national identity. To this end, an immigration policy is conceived as a policy of re-conceptualising and rebuilding the community.⁶

Within this framework, we ask which are the elements that might make up a *focus for the study of immigration*, bearing in mind the special community characteristics pertaining to a stateless nation. By *focus* I understand the standard conceptions that orient the institutional framework of policies.⁷ It is also necessary for this presentation to deal only with the immigration/minority nation relation. It will therefore draw on those aspects of immigration policies that give information and sense to this relation, and not to all the aspects of policies that are found in immigration policies.

Bearing the above statements in mind, the aim is to chart the subjects for discussion in order to conduct a *broader research programme comparing some case studies such as Quebec, Flandes and Catalonia*.⁸ Prior to evaluating policies and actions carried out, we need first to describe the normative framework within which policies may be developed.

This presentation, which is of an exploratory nature, reflects the initial gathering of information and the systematisation of existing arguments in international theoretical literature. Below, I will highlight the main perspectives and arguments that exist in the theoretical debate that may help to interpret the relation between immigration and minority nations and construct a focal point for comparative research.

2. A framework for analysing intertwined cultural demands: seven basic premises

Speaking about immigration is rife with assumptions, which constitute the bases on which arguments are built. We suppose that immigrants stay and that we are in front of an irreversible process, which has the effect of transforming our societies. These premises initially justify why it is pertinent to analyse the relationship between immigration and minority nations. It is only when these two assumptions receive institutional recognition that the process of building a framework for immigration

management can begin. This link is part of the political agenda of Quebec, Flanders, and to a certain extent in Catalonia (R. Zapata-Barrero, 2005a).

It is also true that we are dealing with a unit of analysis that has a political expression, but which has not yet been directly introduced into the international academic debate. There are merely a few dispersed reflections in papers on immigration and multiculturalism, especially in the cases of studies in areas where this double dimension exists. We include the arguments of three authors that may be useful in delimiting the subject and making headway with the study: J. Carens, W. Kymlicka and R. Bauböck. Among these three there is an exhaustive chart of basic subjects that make up the theoretical framework for analysing what we have called “intertwined cultural demands”.

The three focus on themes of identity management and share seven basic premises. Without ordering them according to priority, these premises are: In the *first place*, that accommodating immigrants implies a double transformation: the identity of the immigrants and of our society.⁹ In *second place*, that all arguments given, they cannot infringe liberal and democratic values. That is to say, that the reflections and production of the arguments made must have as an evaluative normative reference framework, the liberal-democratic values.¹⁰ In fact, these values belong to the notion of justice that must guide the evaluations of policies and immigration management criteria. In the *third place*, we speak about how identity is managed (first premise) without overstepping the limits of the values of our liberal democratic tradition (second premise) in the context of the different public spheres (area of interaction between people and public institutions), that is to say, of the public, not private life of the person. In this framework, a redefinition of what we mean by *common public culture* has the character of an exigency, since it will constitute the main framework of reference in order to legitimise policies.¹¹

The *fourth premise says that* in principle both the demands of immigrants and minority nations are conflictive, since immigrants will tend to be integrated into the predominant culture, with the consequent effect of turning into another pressure element in the process of national-building. It is a question of turning this initial element of pressure into an advantage that contributes to the very development of the national project. That is to say, and in our terms, changing from a reactive form of perceiving the issue proactively, where immigration becomes a necessary source for national development itself. The three authors share the view that that is not just possible, but is

necessary and in accordance with (does not violate) the principles of democracy and liberalism.

The *fifth* premise assumes that though a direct relation exists between the immigration policies and the understanding of the political community, this relationship takes on a vital character for minority cultural communities. It is a fact that the response given by society to immigration forms part of its self-understanding as a society (Carens, 1995; 20). Immigration has a *mirror effect* on all levels, from the individual to the social (R. Zapata-Barrero, 2004a, 2004b). Therefore, policies directly affect this self-understanding as a minority political community. In this framework, this self-understanding can only take on a political expression if a genuine self-government exists. Without self-government, it is impossible to maintain and develop the understanding that a political community has of itself. Therefore, *when speaking of immigration management for minority nations, we are dealing with one of the foundations that legitimise the demands for self-government.*

As *premise number six*, the authors' argumentative effort is concentrated on the need to conceive the demands of the immigrants and those of self-governments as being compatible and not as being mutually exclusive, having an inclusive, convergent conception. In this case, the centre of reflection is whether the minority nation is itself capable of being multicultural (Kymlicka, 2001; 278), including within its self-conception the multiculturalism that is expressed by the presence of immigrants, and for this multiculturalism, following the previous premise, to contribute to the development of its community. Last but not least, as *premise number seven*, we stress that one of the notions that the three authors use to describe the situation is not so much inequality as disadvantage. Especially Carens and Bauböck use it repeatedly in their arguments. It is important to properly circumscribe the meaning of this important notion as an analytical resource in order to specify the issues that interest us.¹² If we accept that both immigrants and the minority nations are at a disadvantage and we accept that, in fact, this is the initial situation at the base of the very reflection we wish to make, now it is a question of comparing the two situations in order to find out whether we are using the same notion to describe different points. The immigrants and the minority nations' situation of disadvantage arise for different reasons. What we need to ascertain is whether this situation worsens when linking the two, or not. The state immigration policy worsens the situation of the minority nations in that it does not provide it either with the tools nor the resources for the nation itself to manage this process that affects

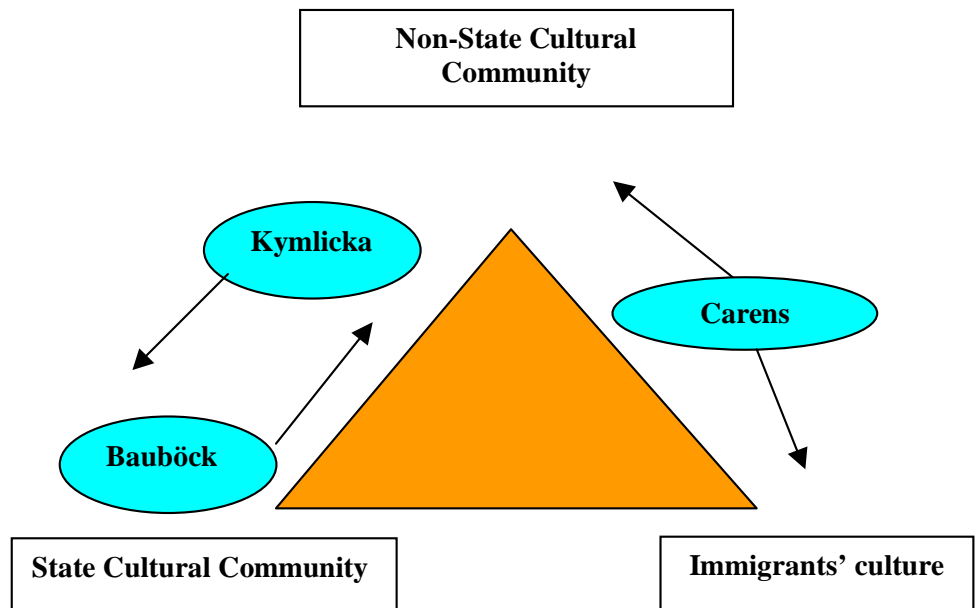
its very development as a cultural community. All lines of reflection followed must have as a political restriction focusing on the subject in such a way that the link between immigration and self-government do not worsen the situation of both. For it to improve would be ideal, but I think it is reasonable to maintain that it *does not* worsen it.

Now, from a common framework with seven basic premises, we go to the different approaches exemplified in arguments coming from J. Carens, W. Kymlicka and R. Bauböck.

3. Three different approaches: Carens, Kymlicka and Bauböck in perspective

According to the fifth premise above, we are dealing with a subject whose primary source of argumentation are the policies of self-government, that is to say, those policies whose bottom line of legitimisation is the management of the minority cultural community itself. Though the three authors focus on the subject in terms of identity management (that of the immigrants and that of the minority community), they share as an explanatory variable the maintenance and development of self-government. This will be our starting point. The heart of the matter is to develop the identity dimension of all immigration policies. To this end, all immigration policies manage, in the last instance, immigrants' belonging to a political community. This is the classic viewpoint. It is a question of putting forward this subject but in societies where a dual belonging exists: that of the dominant state political community and that of the community expressed by the minority nation. It is upon this basis that actions are justified. For example, the argument that the main aim of linguistic policies aimed at immigrants is to ensure the same opportunities as other citizens of the community does not cease to be significant. Language as a resource to ensure equal opportunities is the basic type of argument with which we will find ourselves.

Perhaps the biggest difference between Carens and Kymlicka is one of perspective. Most of Carens' arguments are produced relating the minority culture with immigration. Kymlicka, though he considers this relationship, also produces arguments analysing the effects that immigration has on the relationship between the minority nation and the



Graphic 1: Three approaches for analyzing intertwined cultural demands

predominant minority, but looking from the point of view of the minority nation. Then we shall see that Bauböck shares Kymlicka's perspective, but from the point of view of the dominant culture. The three perspectives cover, thus, three complementary levels of analysis. Now let us go through the perspectives of the cited authors, which could be summarised as follows:

J. Carens

The Canadian theorist J. Carens develops his reflections around what he calls the *cultural adaptation* of the immigrants that arrive at a minority nation. His case study is Quebec, but we can extract from his discourse the arguments that may be used to establish the theoretical framework of the study. Focusing on questions of identity demands, he locates the nucleus of his reflections in the link between immigrants'

identity demands within national construction projects (see schema above). The debate on the integration of immigrants is taking on the main role in a transformation of the identity of the nation and its self-understanding as a political community. In this framework, the basic question that must be asked has two directions: on the one hand, what can a minority nation expect in terms of immigrants' cultural adaptation, but also, on the other hand, what immigrants may expect from the minority nations in order to preserve their identities. With this backdrop, the minority nations negotiate with the state governments to have authority over all of these aspects of immigration policy that positively affect, or at least do not worsen, the situation of disadvantage they have to maintain their community identity. To this end, there is an obligation for the receiving community to communicate to the immigrants who wish to settle, which are their legitimate expectations as a "distinct society" from the dominant majority.¹³ This obligation is expressed in a "moral contract" between the receiving community and the immigrants, providing the regulatory foundations that legitimise immigrants' obligations to contribute to the construction of the distinct society and also the community's obligations to respect the identity of immigrants.

W. Kymlicka

I share with **W. Kymlicka** situating the discussion in the framework of the process of multiculturalism that is brought about by the process of globalisation. Globalisation brings up a new challenge to minority nations: the management of immigration. Historically, we have dealt with the pressures that national minority communities must face. Overcoming this new challenge therefore has a vital historical character. Kymlicka's contextual framework is not limited to Quebec but takes in other European minority nations (Quebec, Flanders and Catalonia). Thus his arguments are contextually developed taking empirical references. One of the implicit arguments, but which should be underlined as a premise, is that immigration has resulted both in Quebec and in Flanders, in the need for self-definition as a nation-state.¹⁴ In short, we are dealing with the interaction of two dimensions of multiculturalism: multi-nationality and ethnic pluralism (Kymlicka, 1995). Before developing the arguments that may be construed by linking the two dimensions, Kymlicka analyses them one by one in terms of demands towards the dominant state-nation. In some way, the first idea that we can express is that the two cultural demands have a common "enemy": the dominant state-nation. Now,

apart from this, Kymlicka's argument is that "empathy" (this expression has been coined by us) between them ends here, since the reactions they have had to face the pressures to become integrated into most public institutions differ.

One of the key concepts to understand his argument is that of societal culture.¹⁵ "While subject to similar pressures, immigrants and national minorities have historically responded in quite different ways. National minorities have resisted integration and fought to maintain or rebuild their own societal culture, while immigrants have accepted the expectation that they will integrate into the dominant societal culture" (Kymlicka, 2001; 156).¹⁶ In this sense, the starting point is very similar to Carens'. A minority nation that seeks to keep a different societal culture must have control over immigration policies.¹⁷ Contrarily, immigration may be just another element of pressure for the development of the community itself. Immigration must be considered, therefore, as an additional competency, just as education, work and language.¹⁸ It belongs to the issues to be able to keep societal culture. If the minority nation cannot control one of these competencies, its future as a *societal culture* may be threatened. In other words: immigration must become part of the national policy of minority nations. What is at stake is the *survival* of the community itself. We are tackling a vital matter for the very continuity of the cultural community.¹⁹

In this aspect, immigration is a matter not for the state government, rather for the self-government of a minority nation against a state dominant majority. One of the fundamental issues that needs to be clarified is the initial confusion that may rise between whether immigration is a benefit or a threat to the minority nation (Kymlicka, 2001; 277). Here Kymlicka introduces the question of the definition of nationalism as ethnic or civic.

His argumentation is directed towards taking into account civic nationalism, since it is evident that the reaction of ethnic nationalism before the presence of immigrants will always be a threat for identity itself.²⁰ What Kymlicka does not deal with, but can be followed in his argumentation, is that both types of nationalism are political constructions, and therefore, an *ethnicisation* can be produced from civic nationalism or ethno-nationalism,²¹ if the step between a conception of immigration as a conflict to the benefit of the societal culture itself is not handled, to continue with Kymlicka's expression. Thus, it is a matter of making compatible what in principle presents to be incompatible. Kymlicka's viewpoint tackles the question in terms of the analysis of the conflictive demands between the two types of claims. Like Carens, these reflections

cannot be made *outside*, but rather inside the framework of democratic-liberal values.²² The question lies in whether the minority nation can accommodate the multiculturalism that results from immigration, without violating the values that articulate its demands to the state. The centre of the debate here is whether the minority nation is itself capable of being multicultural, including within its self-conception, a multiculturalism that is expressed by the presence of immigrants. Most case studies on Quebec, and to a lesser extent on Flanders, are precisely along these lines. Confronting the theoretical argument (constructed by the dominant culture) that immigration may have the effect of *ethnicising* the system of political legitimacy itself, empirically what is happening is the opposite: a *multiculturalisation* (Quebec, is one of the clearest examples, but so is Flanders, despite the existence of extreme right-wing parties).²³

It must be recognised that the first impression one has when relating these two dimensions is that immigration is a threat for the minority nation. If the minority community does not have sufficient competencies in the matter, the tendency of the immigrants who settle in national territory is to integrate into the dominant culture, which habitually offers more opportunities. Following some of Kymlicka's suggestions, we can establish at least three types of argument: *first*, an *argument of power*: the presence of immigrants alters power relationships between minority nations and the dominant culture, above all in terms of competencies. *Second*, a *demographic argument*, if immigrants become integrated into the dominant culture, then the minority nation may become a minority within its own territory and therefore, increasingly less present in public life. *Third*, a *political argument*: immigration may become a political instrument of additional conflict in the relationships between the minority and the majority groups. In its policies, the majority group can well encourage the installation of immigrants precisely to reduce the power of the minority nation. What is clear is that Kymlicka rejects this form of argumentation that tends to perceive the relationship in terms of conflict. At the end, the utilitarian argument is the one to prevail: Just as for majority nations, minority nations need immigrants to occupy some labour sectors or to balance up the negative demographic trends in the two extremes (population age and birth rate).

Analysing Kymlicka's text, two other focal points exist that deserve attention. *On the one hand*, the presence of immigrants produces the need to rethink the way in which minority nationalism is spoken about (Kymlicka, 2001, section 3; 283-285). We are facing a situation that he calls *post-ethnic*, that is to say, where two nations, one

dominant and one dominated have equal rights to claim the protection of their identity before the demands of immigrants. In this case, we are faced with new conflicts where liberal and democratic arguments may be used both to defend one type of nationalism or another. This conflict tends to develop a concept of *distinct society* on the part of the minority nation,²⁴ as we have previously mentioned analysing Caren's approach, to detach itself from state nationalism.

As a second focal point, Kymlicka highlights that before this *post-ethnic multicultural form of minority nationalism arises*, the public policies required must be questioned (2001, section 4; 285-288). This opens two lines of reflection: control over the volume of immigration and control over the terms of integration. That is to say, and following the two parts of immigration policy, to develop competencies at an access level and at a coexistence level, once the immigrants have crossed the border. Each of these competencies is related to the development of the project of the minority society.

Control over volume is a determining factor since it ensures that the number of immigrants does not surpass the allowed limits that impede their integration. We see that the correct argument is that volume is important in order to ensure good integration, and not the argument that volume implies an "avalanche" and a "threat" for the citizens. Though he does not quote it, it is the argument of the limits of tolerance used from a quantitative point of view, and under the perspective of the resources available for the accommodation of the immigrants. Kymlicka also mentions the argument on the political use of volume control by state nationalism, as a "weapon against the national minority, both to break open access to their territory's natural resources, and to disempower them politically, by turning them into a minority even within their own traditional territory" (Kymlicka, 2001; 285). In order to protect themselves against these policies, the minority nations need to control, or participate in the control, of the number of immigrants.²⁵

Control over the terms of integration is also a demand that has a degree of exigency. If the minority nation has neither resources nor competencies in order to outline reasonable demands towards immigrants, inevitably the natural tendency is for immigrants to become integrated into the dominant society. Immigrants need incentives to become integrated into the minority cultural society. In this sense, some specific policies may be needed to encourage or pressure immigrants. For example, and taking Quebec as a reference, the demand for immigrants to school their children at French-speaking educational centres. This argument suggests that the policy of integration must

be linked to the linguistic policy of the minority nation. What is clear is that the immigrants will learn the language of the minority nation if it is ascertained that it is the language of most public sectors, if for them it has a meaning of prestige, economic, political and social success, of possibility, we can add, of social mobility.²⁶ Finally, throughout his argumentation, Kymlicka suggests a dilemma that deserves reflection. The fact that the policies demanded by immigrants should not be totally liberal, or that the dominant state nation should have more resources and instruments to make liberal policies than the minority nations.?? He ends his chapter with a doubt I consider worth of mentioning.

"Immigrant multiculturalism and minority nationalism are not necessarily enemies, but nor are they easy allies. The sorts of policies required to achieve a successful form of multicultural integration may be more complicated, and in some ways less liberal, than those which the majority can adopt. And this raises difficult questions which political theorists are only beginning to address" (Kymlicka, 2001; 289).

R. Bauböck

The reflections made by R. Bauböck (2001) are also pertinent in order to circumscribe the principal issues of theoretical debate. Basing himself on Carens' (2000; 194) analytical differentiation, he centres the matter on language, proposing in contrast to a *thin* theory of language (the strictly instrumental dimension and pragmatic character of language) and the *thick* theory of language (the identifying dimension and expressive character of language, or Wittgensteinian, language as a way of life), a *political theory of language*, that is to say, that which highlights the political dimension and the "strategic use of languages in staking claims to collective self-government" (p. 333).²⁷

Following Kymlicka's perspective, which hinges on the effects of immigration on the relationship between the minority and the dominant culture, Bauböck signals, and this is one of his most evocative arguments, that immigration inverts the relationship between language and self-government. Though in principle self-government is the necessary condition to maintain and protect language, with the arrival of immigrants, the relationship is inverted:

"They want to preserve the regional language boundary in order to maintain their claims to self-government within a federation. If a national linguistic minority were to become a minority in its own province through intermarriage, the immigration of other groups, or the emigration of its own members, this demographic shift would undermine its power to claim regional autonomy and special representation at the federal level" (Bauböck, 2001; 333)

Bauböck's perspective is similar to Kymlicka's, as he is interested in the effects that immigration has on the relationship between the dominant and the minority group, but he produces his argumentation from the point of view of the dominant group (see graphic 1). His approach help us to complete the interpretative setting.

The basic question is why a group has greater power of self-government to express its national culture and another group, that of the immigrants, cannot have this privilege. That is to say, *why cannot the arguments that are used to defend self-government also be valid to defend the cultural expression of immigrants within the same territory* (Bauböck, 2001; 336). This reflection is perhaps more rhetorical than the previous ones but it conserves its analytical usefulness to delimit our theoretical discussion.

The base for Bauböck's reflection follows the basic rule that also could be drawn from Kymlicka's argument: if we accept that belonging to a cultural community is a primary social good, it would seem logical that both immigrants and the minority nations' cultural demands must be assured, because the two are at a disadvantage with respect to a dominant cultural community. Kymlicka (cap. 9, 1989) argues that minorities must invest more resources in order to maintain their cultural structure than the dominant nations who take for granted the distribution of this public good. Immigrants encounter more obstacles when maintaining their cultures of origin than the minority nations, and so they deserve the same or more protection if we apply the same principle. The opposite would be to admit that a hierarchy of rights of minorities exists between immigrants and minority nations. In order to avoid the tendency to order the two demands in importance, Bauböck's posture is that there are at least six arguments that can be made to specify the distinction:²⁸

1. *Waiving protection through emigration*: this first argument perceives emigration as a voluntary act. Therefore, the relationship between the immigrant and the receiving

society is located between the wish of the immigrant who has chosen to emigrate and that of the receiving society which may or may not have the wish to receive the immigrant. From this point of view, immigrants know that when emigrating they must renounce certain aspects of their cultures, and the receiving societies do not have a duty to unconditionally accept them. This first argument shows that immigrants' claims for cultural rights cannot have the same explanatory source of argumentation as that of minority nations. They are two claims of very different origins.

2. *Waiving protection through voluntary assimilation*: despite immigrants having the same cultural rights as the minority nations, it can happen that many of them voluntarily renounce claiming cultural autonomy. Immigrants are free to continue with their culture or adopt that of the receiving society. That also implies accepting the opposite. If a group of immigrants wishes to self-segregate and establish a separate public culture, it must be free to do so with no impediments by the receiving society.
3. *No fundamental interest in cultural protection*: from the point of view of needs and interests, we must accept that immigrants and minority nations have different interests in preserving their culture. In general, immigrants are not interested in recreating their whole culture in the receiving public culture, and if they are, it is not sufficient reason for the state to have the duty to establish it.
4. *Scarcity of resources for dispersed groups*: This argument is related with the viability of distributing the same rights both to immigrants and to the minority nations. This is the pragmatic argument. It is true that the claim of language can have the same strength for one set as for the others, but it is also true that immigrants are spread across the territory and that the minority nations are territorially delimited and concentrated. Therefore, in the end, the argument that is valid to dismember the two types of claims is that of efficiency in terms of cost-benefit. Facing scarce resources, the cultural groups that are dispersed, as is the case of immigrants, have less priority than those that are concentrated, such as those of minority nations. In this sense, Bauböck argues "it is obvious that territory cannot be infinitely subdivided to satisfy the interests of all minorities to have their language

established as a public one. At the end of the process all would have the same rights, but there would not remain any public space within which any language would be hegemonic" (Bauböck, 2001; 339).

5. *Special obligations toward national minorities (in our terms, minority nations)*. This is probably the most authoritative, weighty reason that clearly differentiates between the two types of claims. A receiving society does not have any special historical obligations towards immigrants who have come of their own will. Now, possible objections exist which show the frontiers between the claims of the minority nations and those of the immigrants are not so clear-cut as it seems from this historical point of view. Bauböck does not mention it but I believe it is important to highlight the state's colonial past, which brings about obligations to receive immigrants,²⁹ and also that of slavery, which he does mention. It is true that as we go back in time, little by little this historical argument loses strength and authority, though we must admit that this is indeed a weighty argument.

We can see that there are two logics that complement each other and are present in these five arguments. The first is that of justifying not the rights of immigrants and minority nations, which according to Bauböck's argument are claims of different rights, but that of justifying the duties of the state and receiving society to satisfy these rights or not. From this first logic, immigrants' claims for rights are as legitimate as accepting these rights in the form of duties by the receiving society. According to Bauböck, this relationship between the rights of immigrants/minority nations and state society's duties is more open to discussion when dealing with immigrants than minority nations. The second logic is that all argumentation is done in terms of inclusion/exclusion of the public area. It is a question of situating all of these forms of argumentation within the debate as to which public culture must define the type of relationship between groups and people within a society.

Though these five arguments cannot be ignored, especially the last two, the pragmatic and historical arguments respectively, the *sixth argument* is directly related to the *conditions for self-government*. Here, it can be seen more clearly that the immigrants' historical interests and claims are different from those of minority nations. They also mobilise, though to a different degree, the five previous arguments. In my

view, it is here where the regulatory distinction between the claims of the two groups takes on a clear practical dimension.

6. *Condition of self-government*: The starting point of the argument is that if cultural rights constitute the main source of legitimising self-government, then why cannot immigrants also form minority self-governments? Let us tackle, in this way, the subject of the legitimate conditions to exercise self-government.³⁰ We highlight the four main ones and add how it may be possible to include (to fuse may be the most suitable word) the reality of immigration. In *the first place*, the existence of a territory that includes the minority national group is a necessary reason to support the demands for self-government. This territory must also be within reach of immigrants, who must be clear as to which territorial reality they are in. In the *second place*, is the need for a historic project and for demands to have a trans-generational nature. In this framework, though immigrants cannot change the past of the receiving community, the minority national society must start to include immigrants within its biography, and accept them as forming part of the national project. In the *third place*, an essential condition for self-government is to generate and maintain a *common public culture* which can serve as a reference for public education, political deliberation and social and economic mobility. With a reality of a presence of immigrants, it seems justified that the common public culture must be accessible and permeable to change to include the culture of immigrants. In the *fourth place*, self-government is a collective right of a *distinct society* that does not coincide with the whole population of a state within territorial frontiers. Hence the need to articulate this reality in multinational federal states.³¹ In these federations, the minority have not just the right to self-government within their territory, but also the individual right of its members to participate in this self-government. This right to participate as equal citizens must be open to all who reside; regardless of the status the state consents them. This has a fundamental implication. The need to construct a concept of citizenship based on the sentiment of belonging. This citizenship is necessarily inclusive in that it does not exclude any resident in its self-governed territory. Immigrants thus have the same cultural rights as other groups within the territory. We can therefore see that Bauböck's basic argument is that the presence of immigrants forces rethinking the source of argumentation of self-government. That means to re-think the essentialised construction of the political community itself, next to comparing identity questions of immigrants and minorised nations. This is basically

due to the need to distinguish between the claims of cultural rights put forward by both groups.

4. To conclude: basis for a future research agenda

We have seen how the relation between immigration and minority nations generates a whole series of normative questions that are hardly developed in academic debates. We have discussed arguments following the logic that states and also minority nations with self-government are not culturally neutral in dealing with immigration, but mainly that both minority nations and immigrants challenge a culturally homogeneous nation-state. Therefore one might ask what is the legitimacy of the nation-state in a multicultural society. We need to think of other conceptualisations of “political community” and de-nationalised forms of citizenship.

This theoretical framework allows us to reflect on how to undertake a comparative study between cases, such as Catalonia, Quebec and Flanders. Thus, we are dealing with a matter whose priority source of argumentation is the policies of self-government, that is to say, those policies whose primary base of legitimisation is the management of the minority cultural community itself. In this sense, in the last instance, all immigration policies manage immigrants’ belonging to a political community. The classic viewpoints would be here. What we must do is consider this issue but in societies where a dual belonging exists: belonging to the dominant state political community, and the community expressed by the minority nation. It is on this basis that actions can be justified.

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Endnotes

• Some preliminary versions of this article have appeared in the introduction of a comparative study (see R. Zapata-Barrero, 2005, *L'immigració en Estats plurinacionals: El cas de Catalunya en perspectiva*, www.upf.edu/dcpis/griip >Estudis). One part appeared also as a prologue in D. Juteau (2005) under the title “Multinacionalidad y la inmigración: premisas para un debate en España”, and the whole draft was presented under the title: “Immigration and self-government of national minorities: a conceptual comparative framework” at the ECPR The General Conference - Budapest 2005 Panel No: 9 - Political theory and multiculturalism in Europe: conceptual and political change at the crossroads (http://www.essex.ac.uk/ecpr/events/generalconference/budapest/section_list.aspx)

¹ P. Kelly (2002; 3) defines “circumstances of multiculturalism” as “context within which the problems raised by group differences arise and in which the issues addressed by multicultural theorists can be located.”

² For instance the typology of B. Parekh has been offered to the debate, such as one, who distinguishes between subcultural/perspectival/communal diversity. *Subcultural diversity* is embedded in a shared culture which it wishes to open up and diversity and not replace with another (such as, single-sex marriage, gay parenting's, and so on); *Perspectival diversity* represents a vision of life the dominant culture rejects altogether or accepts in theory but ignores in practice (such as feminist demands, environmentalism, and so on); *Communal diversity* springs from and is sustained by a pluralism of long-established communities, each with its own history and way of life which it wishes to preserve and transmit (B. Parekh, 2000; 4). A discussion on typologies, politics and models of multiculturalism can be found in R. Zapata-Barrero (2006).

³ Epistemological concerns for analysing multiculturalism can be found in E. Frankel Paul *et al.* (eds., 1994), J. Parens (1994), J. Raz (1994), A. Semprini (1997; 57-60), C. W. Watson (2000). These discussions related to “culturalism” or “cultural relativism” is exemplified in the work of P. Jones (1998; 33), who distinguished two perspectives from which cultural diversity might be viewed. The *external perspective* is when someone looks upon the world of cultures as if he were positioned outside and above that world, and is therefore able to view it as an external observer. This contrasts with an *internal perspective*, when cultural diversity is viewed but within a particular culture.

⁴ See, among others, the different works of I. M. Young (1990, 2000) and M. Wieviorka (2001).

⁵ On the processes of changes that are derived from immigration, see G. Aubarell and R. Zapata (eds. 2004). Though it deals rather with a theme of perspective, from now on, we shall use the most correct term of *minority nation* despite the existence of extensive literature, among which are Kymlicka and Bauböck, who continue to use the term *national minority*. It is true that the correct term ought to be “*minoritised nation*”, thus underlining a fact: that the majority/minority relationship should not be understood in quantitative terms but power relations (see D. Juteau, 2005). Therefore, a group is not a minority in itself, rather it has been made a minority by a majority dominant group.

⁶ I adapt the idea of *politics of reconceptualising community* by A. Favell (2001; 24).

⁷ We could say it is a question of analysing what A. Favell calls *philosophy of integration* (Favell, 2001), that is to say, the public philosophy that orients the institutional framework.

⁸ The Catalan society has become conscious that it is facing a new process of the arrival of immigrants, principally coming from developing countries, and that the presence of immigration is beginning to change the urban and social landscape, though it has not become aware of the effect it may have on the national-building. See first theoretical reflections in R. Zapata-Barrero (2005a)

⁹ "In integrating immigrants, Quebec is transforming not only their identity but its own as well" (Carens, 2000; 133. See also Carens, 1995; 8). This co-variation is the basic premise what I call *accommodation policy* (R. Zapata-Barrero, 2004a)

¹⁰ "There are some things that no liberal democratic state may legitimately do and other things that every liberal democratic state is obliged to do. Identifying those limits with respect to the cultural integration of immigrants is the principal task" (Carens, 2000; 108) "Commitment to these principles [democracy and pluralism] may entail some kind of adaptations by immigrants, but it also sets strong limits to the kind of changes that can be demanded and imposes obligations on the receiving society as well" (Carens, 2000; 117).

¹¹ M. Labelle and D. Salée (2001; 302 ss) include within this category of "common public culture" the following dimensions: language, democratic values, gender equality, pluralism, fundamental individual rights, secularism, social solidarity, sharing a common heritage, reconnaissance of historical rights.

¹² To my knowledge, one of the most interesting treatments of this notion, related to multiculturalism, has been made in P. Kelly (ed. 2000). See also a discussion in R. Zapata-Barrero (2006).

¹³ The development of the notion of "distinct society" is crucial in order to be able to precisely produce the arguments that support this demand of expectations. "The phrase 'distinct society' certainly evokes the image of a society with a distinctive culture. Immigrants can contribute to building a distinct society, only to the extent that they contribute to and share in that distinctive culture" (Carens, 2000; 124).

¹⁴ Regarding this idea, and for the case of Flanders, see M. Martiniello (1995), E. L. Lefebvre (2003; 129); for the case of Canada/Québec see, among others, M. McAndrew (1995), D. Juteau (2000, 2002, 2005), M. Labelle (2000, 2003), M. Labelle and D. Salée (2001). Concerning the distinction between *Nation-State* and *State-Nation* see M. Guibernau (1996) and the most recent work by F. Requejo (2005), A. G. Gagnon, M. Guibernau and F. Rocher, F. (eds 2003)

¹⁵ "By a societal culture, I mean a territorially-concentrated culture, centred on a shared language which is used in a wide range of societal institutions, in both public and private life (schools, media, law, economy, government, etc.). I call it *societal* culture to emphasize that it involves a common language and social institutions, rather than common religious beliefs, family customs, or personal lifestyles" (Kymlicka, 2001; 25). Kymlicka's basic aim when using this notion is to distance himself from the exotic and anthropological conception of culture, in an ethnographic sense (see his note at the foot of page 18).

¹⁶ It is remarkable how for such an analytically demanding author he so erroneously uses the concept of integration. What should be understood by "integration" is clearly "assimilation".

¹⁷ There already exists extensive literature on the relationship between immigration and national construction for the case of states. See, among others, A. Zolberg (1996) and one of the books to open the debate, R. Brubaker (1992).

¹⁸ Regarding the importance of language as a resource for the integration of immigrants (J. Carens, 2000; R. Bauböck, 2001). Language as a symbolic relation of power has been very well systematised in P. Bourdieu (1982). See also J. de Vries (1999; 262).

¹⁹ Kymlicka's declarations are explicit: "Sustaining a societal culture in the modern world is not a matter of having yearly ethnic festivals, or having a few classes taught in one's mother-tongue as a child. It is a matter of creating and sustaining a set of public institutions which enables a minority group to participate in the modern world through the use of its own language" (Kymlicka, 2001; 159)

²⁰ In this framework, he situates a division between Quebec and Catalonia, which follow a civic nationalism, and Flanders, which is closer to an ethnic nationalism.

²¹ This is W. Connor's main argument (1973).

²² "Which sorts of accommodation or settlements amongst immigrants and national minorities are most consistent with liberal-democratic norms of justice and freedom, and which settlements would be unjust and in violation of these norms?" (Kymlicka, 2001; 277)

²³ For Quebec, see the works of M. Labelle and D. Salée (2001; 309-310), among others. For Flanders, those of D. Jacobs (2001) and H. Boussetta (2000), among others.

²⁴ This is the line followed by Quebec. See R. Zapata-Barrero (2005a).

²⁵ Such practice has been carried out and is real. The Spanish PP government "delivered" to Catalonia a series of aeroplanes in 2002-2003 full of immigrants with no papers coming from the Canary Islands. The intention was quite clear: to put pressure on the Catalan government that does not have the tools to handle such immigration leading to social and public order conflicts.

²⁶ Referring to Catalonia, Kymlicka affirms that "here too the willingness to adopt a post-ethnic conception of minority nationalism has depended on the existence of a range of policies which enhance the prestige of the minority language and which pressure immigrants to integrate into the minority society" (Kymlicka, 2001; 287).

²⁷ This political theory of language is based on the premise that "Languages do not merely transport cultural knowledge; they also mark collective political identities" (Kymlicka, 2001; 332)

²⁸ We follow R. Bauböck (2001; 336-344).

²⁹ See for the case of Spain, a theoretical discusión on Spanish tradition on Muslims and multiculturalism, in R. Zapata-Barrero (2005b, 2006)

³⁰ Extensive literature exists on the justifications of self-government, see, among others, F. Requejo (ed. 2001).

³¹ See, among others, A. G. Gagnon, M. Guibernau, F. Rocher (eds. 2003); R. Máiz and F. Requejo (dirs. 2005), F. Requejo, (2005); A. G. Gagnon and J. Tully (2001)