

Jeff Spinner, *The Boundaries of Citizenship: Race, Ethnicity, and Nationality in the Liberal State*, Baltimore: The Johns Hopkins University Press, 1994, 230 pp.

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Among the most pressing problems confronting contemporary, liberal democracies is that of forging out of a highly diverse population a political association of citizens sufficiently bound together by both shared political values and affective ties of social solidarity. The assimilationist policies of the past were aimed at creating an association of identical citizens for whom racial, ethnic, national and other group-based differences no longer made any difference. These policies are no longer politically feasible and, in any case, were probably never politically justifiable. Consequently, the movement over recent decades has been in the direction of accommodationist policies. Yet accommodationist policies generally pose their own risks. The demands of both justice and social stability impose limits on the range of character traits, dispositions, social roles and ways of life a liberal state can tolerate.

One standard way of reducing, if not resolving, this tension between assimilationist and accommodationist pressures in pluralist liberal democracies is to draw attention to the distinction between the state and civil society. Because the state is a nonvoluntary association, all are entitled to a state governed by liberal norms of nondiscrimination, tolerance, equality, mutual respect and the like. But the various associations of civil society are voluntary insofar as individuals are free to exit any particular association at their pleasure. Thus, the standard argument goes, the liberal norms of nondiscrimination, tolerance, equality, mutual respect and the like need not extend to the voluntary associations constitutive of civil society.

This argument, of course, must be rejected. The broad institutional arrangements of civil society exert just as powerful an influence on the life prospects and self-development of individuals as those of the state. Thus, liberal ideals must extend to some significant degree to civil society as well. This, however, exacerbates

the tension between the assimilationist and accommodationist pressures on contemporary liberal democracies. The intrusion of liberal ideals into civil society inevitably undermines the ability of many particularist groups racial, ethnic, national or otherwise to sustain themselves, since their survival often depends on informal modes of discrimination and exclusion within civil society. It should come as no surprise then that the extension of liberal ideals into civil society beyond the formal boundaries of the state has raised new demands for accommodation by various particularist groups: Blacks, Hispanics, Native Americans, the Amish, Hasidic Jews and others.

The fundamental issue here is one of drawing boundaries. What may liberal democratic states properly require and expect of citizens who already are, and probably will always already be, members of particularist groups of a racial, ethnic, national or other sort. And what may such citizens require and expect of a liberal democratic state? It is this pressing problem that Jeff Spinner takes on in this book.

Spinner argues that individual identity is the product of a dialectical exchange between internally generated, individual choices and an externally imposed, social context. Race, ethnicity and nationality are problematic from a liberal point of view because all generally function as externally imposed elements of the social context within which persons make choices and acquire a particular individual identity. This is most obvious in the case of racial identity, since paradigmatically racial identity is imposed by one group on another. In contrast, groups often self-impose ethnic or national identities. Still, neither ethnic nor national identity is a matter of individual choice. Even if groups often self-impose ethnic or national identities, from the point of view of individual members of such groups, their ethnic or national identity is still typically an unchosen given.

Race, ethnicity and nationality, then, all pose a problem for liberalism, since liberalism aims at securing for all the social conditions necessary to live self-reflective, self-interpreting autonomous lives. Liberalism does not require a social order within which individuals do not self-identify along racial, ethnic, national or other group-based lines. But it does require a social order in which they

do not do so unreflectively, automatically and without options. The liberal ideal of universal citizenship, complete with rights to non-discrimination, tolerance and the like, insures for each citizen a public identity independent of his or her racial, ethnic, national or other group-based identity. But Spinner notes, citing Marx in *On the Jewish Question*, this liberal emancipation of the citizen from racial, ethnic, national, religious and other constraints is only partial, for within civil society, citizens will remain constrained and divided involuntarily along racial, ethnic, national, religious and similar lines. The emancipatory project initiated with the introduction of liberal citizenship ideals in England, France, the United States and elsewhere demands, then, a reordering of civil society along liberal lines.

There is here, of course, a great danger: namely, that of the thoroughly homogenous, oppressive, totalitarian liberal state. A genuinely liberal state is a free and open state within which many diverse social groups and ways of life flourish. It is a state with a heterogenous and lively civil society comprised of active, flourishing churches, corporations, artistic societies, advocacy groups, neighborhood associations, clubs and the like. But such a civil society is not possible unless various social groups are able to define themselves according to their own values and exclude those who do not, in their judgment, belong. So, for example, a liberal state must permit illiberal churches to exist, even flourish, notwithstanding the fact that they reject and violate internally liberal ideals of nondiscrimination and tolerance.

Still, a liberal state must insure that liberal ideals extend significantly to important aspects of civil society: e.g., labor, capital and housing markets, education, and the like. To determine how far liberal ideals must extend to civil society, Spinner argues we must answer two questions: First, which institutions within civil society are essential to full citizenship? Second, which institutions within civil society can incorporate liberal ideals and still survive to serve their basic purpose? On Spinner's view, if we think about these two questions we will see that a liberal state must extend liberal ideals of nondiscrimination, tolerance, equality and the like to labor, capital and housing markets, and to education (which must be compulsory and informed by liberal democratic

political ideals). We will also see, on Spinner's view, that a liberal state ought not demand that these ideals be honored by all churches or voluntary political associations. A liberal state ought not tolerate discrimination within the workplace or lending institution, but it ought to tolerate (but not encourage) it within the church or political party. Of course, in the ideal, there will be few if any illiberal associations within civil society in a liberal state. But this is an ideal compliance with which a liberal state cannot require, but only gently encourage.

Nevertheless, a liberal state will prevent citizens from acting in many ways for reasons of ethnic identification and will thus undermine ethnic identifications. Most ethnic groups (e.g., Irish and Italian Americans) will simply assimilate to the larger liberal culture, with individual group members retaining voluntarily only a weak sense of ethnic identity. Some ethnic groups (e.g., some Native Americans, the Amish or Hasidic Jews), however, will resist the larger liberal culture and seek to withdraw from it so as to insure that group-members are reared into a strong ethnic identity and carry forward the group's self-understanding and way of life. Such groups raise fundamental difficulties for a liberal state: Should a liberal state encourage such groups not to withdraw from the larger liberal culture? Should the members of such groups be excused from the sort of compulsory education citizenship requires, or from nondiscrimination rules in the workplace? Spinner suggests that a liberal state ought to encourage such groups not to withdraw from the larger liberal culture, but that groups that choose to so withdraw ought to be accommodated if their withdrawal is significant and poses no threat to the justice or stability of a liberal democratic state. For example, most Amish groups are more or less fully withdrawn from the shared social and political life of citizens generally. Moreover, tolerating the Amish among us and excusing them from the demands of compulsory education or nondiscrimination within the workplace does not threaten the justice or stability of our liberal democracy, provided group members are not denied meaningful exit options. So, after a discussion of *Wisconsin v. Yoder*, Spinner concludes that the case for tolerating the Amish, at least with respect to compulsory education and the like, is strong.

As perhaps is already evident, Spinner argues throughout this book for a middle path between the assimilationist policies of the past and the more radical and thorough-going accommodationist policies and identity politics in vogue among self-professed multiculturalists. Like many multiculturalists Spinner rejects the assimilationist policies of the past and recognizes the pain they caused to many. But unlike most multiculturalists, Spinner argues that pain is not itself a reason *per se* for abandoning assimilationist policies. Most immigrants, at least, would likely have suffered pain upon moving to the United States, independent of any assimilationist policies, for the simple reason that cultures do not move the way people do. You cannot have Hungarian culture in the desert southwest everything is different: available foods, weather, the land, feasible housing, and the like. To pretend otherwise in the hope of sustaining some sense of belonging to one's indigenous culture or homeland is futile. If immigrants are to achieve any sense of real belonging to a political community, they must assimilate to some significant degree. Spinner ultimately rejects the assimilationist policies of the past, then, not because they aimed at assimilation to a liberal political order and culture, but because they aimed at assimilation to a pre-ordained and non-negotiable conception of a homogenous civil society within which ethnic and other group-based forms of identity, even when self-reflectively affirmed and chosen, were to be fully erased, at least for those who were not WASP s. For roughly parallel reasons Spinner rejects much of the more radical agenda of multiculturalism and identity politics. More specifically, he rejects any conception of liberal politics within which ethnic groups enter politics solely to advance their own group-based interests and with arguments addressed only to their own group-based self-understanding. Liberal states require, at a minimum, that diverse citizens be assimilated to shared political traditions and values within which public debates over the common good may be framed.

Of course, what is true of ethnic groups, especially in the United States, is not necessarily true of racial groups. As Spinner rightly notes, the history of racism in the United States makes it difficult to draw any direct inferences about the proper place of racial identity in the United States from claims about the proper place of

ethnic identity in a liberal state. Unlike ethnic identities, racial identity in the United States, at least for Blacks, has always been imposed fully from the outside, and has been so imposed within a context of deep social oppression and inequality. The challenge for a liberal state, like the United States, with a history of racism, then, is to find a way to accord Blacks full citizenship without reifying and institutionally reproducing a fixed Black identity. Ideally, there should be no difference between racial and ethnic identity in a liberal state: both may exist, provided they arise through the self-reflective choices of individuals interacting as free equals with a larger liberal political culture and a heterogeneous civil society. The task facing the United States, then, is to find a way to enable Blacks, who were only recently accorded full formal citizenship, to understand and experience themselves in daily life as full citizens. For it is only with that experience that Blacks will find themselves able critically and reflectively to assess Black racial identity, choosing individually whether and what parts of it to retain for themselves.

Toward this end, Spinner argues for Black colleges and voluntary associations, and for their public support. His hope is that within such institutions, Blacks will acquire the sorts of experiences needed to enter the larger public culture, not merely formally but substantively, as full citizens. If Blacks are ever to determine for themselves what it means, if anything, to be Black, they must first find their way to a meaningful political and social equality with Whites as fellow citizens, free and equal. Spinner acknowledges that public support for all Black colleges and other institutions may simply encourage a Black separatism at odds with liberal ideals. But he argues that ultimately poverty and the ongoing substantive exclusion of Blacks from public and political life pose far greater threats to political stability than any temporary affirmation of a separatist Black identity.

Nationalist identifications present yet another challenge to liberal states. Nationalists regard the nation as a sort of organic entity, marked in part by a unique culture, the survival of which depends on political control of some well-defined territory. There are many reasons why liberals ought to reject any blanket nationalist principle. For one, there are simply too many nations for each

to have full control over its own territory. Moreover, there are virtually no significant habitable areas of territory left on Earth not already inhabited by a heterogenous population. Still, nationalist movements are often emancipatory (e.g., the American Indian Movement, the Armenian struggle) and liberals ought to support them when they are. The difficulty is determining how to distinguish in principle between emancipatory nationalist movements and those that are oppressive (e.g., Milosovic in Yugoslavia). On this issue, Spinner does not provide much guidance, except to argue in favor of a middle ground which neither rejects nationalist movements *tout court* nor suggests that liberals ought to support any and every genuinely nationalist movement. In the end, Spinner maintains, liberals ought to support nationalist movements only to the extent that they are likely to advance the cause of liberal justice in a postnationalist global order within which most states are multinational states.

In the end, then, Spinner's view fits squarely in the liberal tradition. It is fully compatible with (although in certain respects more fully developed than) the view defended by John Rawls in *Political Liberalism* (Columbia U.P., 1993; revised paperback 1996) or Will Kymlicka in *Liberalism, Community and Culture* (Oxford U.P., 1989). Unhappily, it is also open to some of the same challenges and objections, several of which Spinner either does not address or does not address effectively. The first concerns the problem of social unity and stability in a liberal democracy. Like Kymlicka and Rawls, Spinner assumes that the stability and unity of a liberal democracy is to be found in or cultivated through the shared values and affective ties constitutive of the common bond of citizenship. Yet he never really explains how those values and ties are to be socially reproduced from one generation to another without violating liberal ideals. To be sure, he endorses and discusses compulsory education. But he does not explain how a regime of compulsory, state-directed education can do the work required of it without violating liberal ideals. This pressing issue has, happily, been recently addressed by Eammon Callan in his fine book, *Creating Citizens: Political Education and Liberal Democracy* (Oxford U.P., 1997).

A second and related difficulty concerns the family within liberal states. Liberals, of course, have good reason to protect the family as a zone of private intimacy from excessive state intrusion. Yet, the family is the first and in some cases most influential of social forces shaping the character of future citizens. Thus, among institutions within civil society, the family stands out as in need of liberalization if liberal ideals are to be realized for all. This raises a key difficulty: How is the family to survive as a zone of private intimacy while being forcibly brought into line with liberal ideals? The point here is not that families which voluntarily honor liberal ideals cannot function as meaningful zones of private intimacy. The point is rather that at present many families are structured along illiberal lines rooted in ethnic or religious traditions and self-understandings, and it is hard to see how such families are to be transformed through state intervention without violating traditional liberal commitments regarding limited government, familial privacy, and the like.

A third difficulty with Spinner's work concerns the on-going debates over liberal nationalism. Charles Taylor, David Miller and others have argued with some plausibility that modern liberal states are unlikely to survive as multinational states because such states demand of citizens that which citizens are likely to provide one another only if they affectively identify in strong ways with one another. If Taylor, Miller and others are right about this, then liberal states have a reason both to adopt fairly strong assimilationist policies, and to limit immigration to persons likely to be recognized by present citizens as one of us. Spinner fails to address this argument head on, although he clearly rejects the conclusion in favor of affirming multinational states within which citizens are bound to one another by shared political values and loyalties. Again, however, the challenge is to explain how a liberal state is to achieve unity and stability in this way without making use of the sort of sentimental nationalist or patriotic assimilationist programs Spinner presumably rejects.

A final objection Spinner's work invites and does not address concerns the problem of oppression. Spinner recognizes this problem in his discussion of racial identity and Black oppression in the United States. And while Spinner is more sensitive than many

liberal theorists to the group-based nature of racial and other forms of oppression in the United States, he assumes without establishing that all that is needed to end the oppression of Blacks (and, presumably, other cases of group-based oppression) is to insure that Blacks (and other victims of oppression) substantively enjoy the same individual rights as Whites (and other non-oppressed persons). Yet as Iris Young, Larry May and many others have argued, there are good reasons to think that in order to eliminate group-based forms of oppression liberal democratic states will have to recognize group-differentiated rights. Of course, the recognition of such rights problematizes the traditional liberal conception of citizenship for the traditional conception is univocal in that different persons are rendered all the same for political purposes through their citizenship status. And, at the end of the day, Spinner's is a traditional conception of citizenship.

This is a well-written, well-argued, and not yet dated, book that deserves to be read by all those, philosophers, political scientists, law professors and the like, working in contemporary liberal theory or engaged in the on-going debates over citizenship, multiculturalism and social stability. I recommend it highly.