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Liberalism not Neo-Liberalism: Comment on Will Kymlicka's article: "Solidarity in Diverse Societies"

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Will Kymlicka has been an admirably staunch defender of multiculturalism over the years, despite the tendency of many fellow scholars to echo politicians such as Angela Merkel and David Cameron in pronouncing the end of this progressive philosophy (Joppke & Morawska, 2003). He has also done much to tackle the pernicious idea, linked to this and propagated by scholars such as Robert Putnam, that immigrant diversity is damaging for solidarity (Putnam, 2007). Here, in these brief comments, I would like to question what kind of "liberal" he is.

Not a "neo-liberal", for sure. Kymlicka concurs with the Marxist Slavoj Žižek in decrying the ascendency of "neoliberal multiculturalism", which he associates with a hollowing out of citizenship rights and justice-based multiculturalism in favour of the inclusion of minorities and foreigners through assuring mere "equal access to the market" in a globalising world. The argument is linked, at the end of the article, with the ascendency of "super-diversity" as a sociological condition in which solidarity and membership has become becomes impossible in a world of "liquid mobility".

One might well ask why it is that so many left leaning liberals, such as Kymlicka, are comfortable adopting the rhetoric of crude Marxist political economy – which openly soils a word – liberal – that should be defended. As a term of abuse, the term "neo-liberalism" as it is bandied around in the world of utopian left wing critique, is basically a straight synonym for "capitalism"—an untenable position for liberalism which is and always has been a philosophy about the appropriate relation of state-given rights and market freedoms, not one in which markets are the root of all evil. Rawlsian liberals ought to be a lot more hesitant before assigning the affix "neo-" to their own creed, particularly if they are to come to any adequate understanding of the very positive and progressive consequences for modern societies of those cross-border migrations and mobilities that are driven by global (capitalist) integration of labour markets and cultures.

The middle way for Kymlicka, between the evils of neo-liberalism, and the return to a neo-nationalist welfare chauvinism, is not quite a republican or civic liberal nationalism (as defended by David Miller, (1995) but also effectively by many classic French philosophers). It is something like the "multiculturalism-in-one-nation" which I characterised as the triumphant philosophy in Britain *before* the 1990s and 2000s, and before hypermobile super-diversity and neo-liberalism—promoted by successive Labour and Conservative governments – (allegedly) ruined all that (Favell, 1998). It is, for Kymlicka,

liberal nationalism, supplemented and constrained by multicultural rights and recognition—for minorities and migrants as co-nationals, with those rights and recognitions ending at the borders.

Certainly, we may have reason to feel a little nostalgic for the stable past of "container" nation-states which were able, albeit after much conflict, to re-imagine themselves in terms of multi-racial or ethnically inclusive citizenships. I agree that, in the past, the nation-state has been a progressive vehicle in this sense: it gave the modern world democracy, citizenship rights, legal freedoms, equality of rights and recognition (if not outcome) on gender, class and (tentatively) ethnic diversity, and – and in its continental European apogee before post-industrial restructuring (Crouch, 1999) – a fair dose of welfare-based solidarity too. Some nation-states, such as the Netherlands, the UK and France, even became quite plausibly diverse and integrated between and across their populations. The question now, is, in a world facing the "fact of super-diversity" (to paraphrase a famous Rawlsian parameter), can we put Humpty Dumpty back together again?

Why should we want to? The story of nationalism, overall, is hardly an edifying one. And leaving aside the disasters of colonialism, war and totalitarianism of the last two centuries, the nation building projects of liberal democracies can hardly be read as uniquely progressive philosophies. Yes, national welfare states are about membership and rights, and not just charity towards strangers; but at the same time, from Bismarck to Foucault, the history of welfare states – and *a fortiori* – national citizenship has also been all about disciplining and bounding populations: classifying and controlling members and aliens in order to determine who gets "club" benefits and who does not. It is unclear that any kind of strong solidaristic defence of the welfare state can do without such nationalist chauvinism—the agonies of contemporary Danish politics are a good illustration.

The post-national question, which Kymlicka rejects, is how recent migrations and mobilities may have changed the Marshallian order of rights once *exclusively* anchored in bordered, nationalised welfare states (for an alternative argument to mine on this same question, see Soysal, 2012). Let us take one real example of a post-national experiment: the European Union. The EU's normative response to the challenge of globalisation and super-diversity was to embrace the canonical freedoms of neo-liberalism (freedom of movement of capital, goods and services), but then hitch a "fourth freedom", the freedom of movement of persons, with quite different consequences (Favell, 2014). Freedom of movement of persons is also grounded in market dynamics. Yet it introduces into the post-national space of the de-bordered market economy a revolutionary little legal provision: the principle of non-discrimination by nationality. Kymlicka cynically describes this kind of legal mechanism as "Benetton multiculturalism": inclusion limited to evening up market conditions. Yet, even if it only applies to everyday issues such as equal opportunity in jobs (i.e., the labour market), housing, student fees, or – something currently under hot dispute in Britain – equal access for working foreign residents to welfare benefits, this liberal "market building" provision has profound normative consequences.

Without this principle, foreigners will be routinely discriminated in job applications, as students, as clients and customers, in access to public institutions, and many other basic rights given preferentially, most of the time, in most societies, to co-nationals. The principle in fact is an extension to parallel "market freedoms" introduced *within* nations, *among* citizens: the everyday discriminations that may continue to exist in

everyday life beyond formal equality of political rights and legal due process. Within a national context, these inequities are usually referred to as racism. As decades of anti-racist analysis has shown, protection against racism and xenophobia may indeed be rather more important in everyday private transactions that in formal public settings: when applying for a job, renting an apartment, or paying for affordable insurance coverage. The principle of non-discrimination, of equal treatment in the job, housing, or insurance markets, is here very far from being some kind of anodyne, marketeers' 'Benetton multiculturalism'.

The principle of non-discimination in the market place towards foreigners and "aliens" was an extension of these principles beyond national borders—the EU's experiment perhaps enables us to imagine broader communities linked by similarly regulated, fair markets. A world in which similar guarantees to *de facto* members of our economy, our global culture, our global society, even, if we can successfully imagine these units. Of course, even with the small, macro-regional unit of the EU, the reality falls short. Foreign EU residents are taxed as residents, but have a political status which excludes them from voting (nationally) to complain about it; they may also not always have equal access to key welfare benefits such as child care or pension rights, because of length of residence or when they move again (Favell, 2008). In Britain today there is an active attempt to withdraw their equal rights on the labour market and the social benefits which follow. Roll-back to the national unit of solidarity seems inevitable; but this is hardly a normative triumph.

Within the post-national space of "Europe" the legal innovation of the principle of non-discrimination by nationality also negates one of the cornerstones of Kymlicka's arguments: that we owe something *more* to our co-nationals out of egalitarian membership; that is, beyond the humanitarian charity that may lead us to be fleetingly fair to the non-nationals among us. For, as Kymlicka emphatically must conclude, human rights alone will not lead us to share our welfare cake with non-nationals once their basic humanity has been recognised.

What is this special obligation to our co-nationals? Is it just propinquity? Shared time and space together? That we shared a socialisation, and national integration process? That surely would be (nationalist) cultural integration, more David Miller than Will Kymlicka, the multiculturalist, speaking. Defending our political obligation in terms of our political membership just begs the question – this is surely a circular definition of solidarity. Why are we not *equally* politically responsible to foreigners and strangers? And, in moral terms, why should we follow the mawkish nationalist sentimentality of headline writers when they underline (and therefore mourn *more*) the six Britons among the 350 dead after a disaster. The horror here is surely the loss of life for all; not our special feelings for our co-nationals. Maybe we owe this to our families, our friends, or (even) our local communities. But those are not "citizenship" obligations, and it is not what is being asked on behalf of our anonymous co-nationals. This example may make us question whether we do indeed have more of an obligation of solidaristic equality to our co-nationals than others.

At the macro level, why indeed should the demos and the nation be one and the same thing? This is surely an empirical issue, and one which immediately admits of historical variation. There have been *demoi* in the past, in Rome, in medieval city states, in multinational empires, that were surely not nation-states in the conventional modern

sense. To borrow a suspect, but here quite useful phrase from global sociologist Saskia Sassen (2006), the modern twentieth century conjunction of territory, sovereignty and population is but a contingent and fluctuating "assemblage". That assemblage has substantially come apart in the emergent "globalising" age since the 1980s. The empirical world she describes of de-nationalising capitalism, inventing new forms of higher and lower level statehood to deal with new issues of governance of economies, culture and people no longer so strictly congruent with old national borders, is one in which democracy – if it could be imagined for such a world – would look quite different, as a participatory process or as a sense of shared legal obligations, to Kymlicka's democracy of co-nationals.

Kymlicka is correct that the world has not worked out such forms politically. This is a normative failing. One might add that when we use the term "neo-liberalism" to describe this world of ungoverned market and social forces beyond an enfeebled and inadequate national realm of governance, we are blaming the enfeeblement on the symptom (national governments' adoption of strident "laissez faire" policies) and not the cause (national governments' lack of control or power because of economic and social change, and declining legitimacy). Anti-democratic, inegalitarian political forces for sure have ridden these trends to great success: the world we live in, at the national level, is surely a less democratic and less equal place than it was thirty years ago, at least in the rich, post-industrial West—although the effects of globalisation elsewhere, such as East and South Asia, have been different (Evans & Sewell, 2013). But is scarcely credible to assign all these failings to faceless, evil market forces, when the weakness of our politics lies in the inappropriateness of nation-state centred modes of democracy and governance – its dismal party politics and incompetent national politicians – to the complex macro-regional and globally interconnected world we live in and share today. It is the failure of politics, not the triumph of the "politics of" neo-liberalism.

Even if bounded national democracy is all we have realistically – "convergence of preference on units", as Kymlicka calls this, a mere convention in other words – that makes it no less wrong *normatively*. How much better would the world be if we could indeed share a conception of democracy in which the foreigner on the other side of the planet as well as the one next door was both our neighbour and our co-citizen sharing the responsibility of governing the international system and natural planet in which all our societies are embedded; where difference of nationality or birth made no difference to equality of opportunity, or created any hierarchy of obligation and recognition in legal, political, cultural or economic participation?

The EU principle of non-discrimination concurred with this logic – within a territory delimited by political possibility. It invented a principle of equality for citizens beyond the nation-state. It was Euro-centric (by definition); it was bordered by a Fortress (as all the critics are right to point out). But while it has lasted it abolished national privileges in everyday market transactions in favour of a political economy, scaled to the size of a macro-regional continent, rather larger in population than the US.

The EU is not a replacement unit for a functioning multicultural society; it is hard to call it a democracy. But it is more plausible to suggest that what has been democratic about it was that it did create a genuine type of politically amenable post-national governance. It had many failings, and it was a pallid version of the nostalgic national democracy that most Europeans felt was still their birthright. European citizenship was

in all kinds of ways derivative on the national citizenships that gave members of member-states their European membership privileges. It was indeed partly parasitical on the multicultural nation-state; not so much a normative paragon, then, as a functional necessity responding to the super-diversity and "neo-liberal" mobilities of our less bordered way of living in nations today. I wholeheartedly acknowledge these imperfections. But normatively, though, it has shown that our ideas of solidarity, as with our ideas of democracy and governance, of rights and sovereignty, all need updating for a world beyond the nationalist multicultural state. These resources can and do still lie in liberalism as a political ethos. The setbacks of a re-nationalising world should not deter our normative intuition that there must still be other possibilities than, simply, nostalgic roll-back. Maybe then we will be able to talk again of being liberals, of liberalism, and (even) of liberal democracy, without the slur of "neo-" affixed.

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