Social Movements as Nationalisms
or, On the Very Idea of a Queer Nation[1]

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Given the immense mobilizing power possessed by the rhetoric of nationalism, as well as the many resources which can be tapped by groups which successfully establish national claims, it is not surprising that we have recently seen such a resurgence in nationalist discourse. One of the things which may surprise us, however, is the growing breadth in the *types* of groups which now launch such claims. No longer is the discourse of nationalism limited to use by ethnic groups and territorial populations. Recently it has come to be deployed by groups which we would normally tend to look upon as social movements. There has been a growing realization of the way in which constituencies such as Blacks, gays and lesbians, Chicano/as, and so on, make up distinct peoples with cultures, public institutions, dialects, tastes, and social practices that set them off from the people or peoples around them. This growing sense of peoplehood has been explicitly formulated by groups such as Nation of Islam and Queer Nation,[2] but these fringe organizations are less important than the wider social transformations which have made them possible; namely, the creation of alternative sets of institutions which have permitted and encouraged a sense of peoplehood to grow within these social movements, and has allowed the claims of Black and gay and lesbian nationalists to strike a resonant chord.[3]

Social movements which cast themselves as nationalisms raise a host of important questions for students of nationalism. Is the roster of world nations fixed and sealed, or does it hold a place open for the acceptance of new peoples? If so, how do we adjudicate between the needs of nascent nations and the claims of more traditional groups? Are the claims of these new groups invalid because of the sorts of communities they have or the modes of identity they centre upon? And, finally, is there any good reason for believing that the 'contexts of choice' which are forged within social movements are less important and enduring than those which have developed within traditional ethnic communities?

None of these questions would be so pressing were it not for a crucial shift which has occurred in theories of nationalism in recent years. Since the Second World War defenders of nationalism have been forced to abandon the old social-Darwinist picture of a struggle among

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[1] I would like to thank Jeremy Webber, Alan Conter, Will Kymlicka and Victor Wolfenstein for comments on an earlier version of this paper.

[2] Queer Nation is an activist coalition formed in April 1990 as an offshoot of ACT UP. Like the former coalition, Queer Nation aims at publicizing what it sees as the criminal slowness of the American government's response to the AIDS epidemic. But it aims beyond that at a more general attack on the homophobia which had such mortal results the first years of the AIDS crisis, when the latter was still seen as a gay disease. The early pamphleteers of Queer Nation drew an explicit link between their strategies and those of black nationalists. See Esther Kaplan, 'A Queer Manifesto,' quoted in Lauren Berlant and Elizabeth Freeman, 'Queer Nationality,' in *Boundary* **2** (Spring 1992) 149-80, esp. 155-6.

[3] I shall argue this point at much greater length below.

races for scarce living space and have adopted a defense of nations based on the need to protect fragile cultures.[4] 'Culturalist' defenses of nationalism were developed out of pre-war anthropological theory in a series of influential papers from UNESCO which together served as one of the principal justifications for the nationalisms of the decolonizing period.[5] A version of this culturalist justification has recently been rendered plausible within analytic legal and political theory by the works of Will Kymlicka, Joseph Raz, Avishai Margalit, Moshe Halbertal, and many others.[6]

The development of social movements which look on themselves as nations poses particular problems for this sort of defense of nationalism because social movements, as Alain Touraine and many odiers have pointed out, are one of the primary means by which new cultures are created within the modern state.[7] Movements such as the gay and lesbian rights struggle create viable cultures which operate at many different levels and fulfill a broad range of functions beyond those entailed in the fight for basic civil rights (I shall show this below). The gay and lesbian movement has created what is, by even the most standard definition, a culture. So if our primary defense of nationalism has shifted to a culturalist one, then perhaps these groups *should* be looked on as having the rights, and as deserving the powers, of other, more traditional nations. And it is this recognition which pushes us to ask the set of questions which I have set out above.

In this paper I will address issues raised by social movements which take on a nationalistic character, especially the issues raised by the development of nationalistic themes within the gay and lesbian rights movement. Whether or not the nationalistic themes in the homosexual rights movement develop into a full-fledged nationalist movement, the advent of a gay nationalism, and more generally, of other social movements which take on a nationalistic character, forces us to face the question of which collectivities should be the proper focus for the strong rights and political powers we (may) see as the appropriate responses to a collectivity's sense of peoplehood. If, as many writers now suggest, modern states should see their minority peoples as having rights to cultural protection, then we would expect many new groups to arise which will press claims to such rights. If groups such as gays and lesbians talk of their nationhood even within a system centred on individual rights, we can safely predict that there will be even stronger reasons for such claims if culturalist arguments for collective rights are accepted and if nations are seen as having a right to extra political powers above and beyond those to which their members are entitled as citizens of a liberal state. Once we adopt a discursive frame which sees minority cultural communities as the beneficiaries of political rights it will become much more important to determine just which groups should be seen as reasonable claimants of such rights.

Social movements which foster a sense of peoplehood also raise questions about which *sort* of nations should be the beneficiaries of rights. Many advocates of rights for peoples suggest that

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[4] See Elazar Barkan, *The Retreat of Scientific Racism* (New York: Cambridge University Press 1991), 343-5.

[5] See Pierre-André Taguieff, 'Las métamorphoses idéologiques du racisme et la crise de l'antiracisme,' in *Face au Racisme Tome 2: Analyses, hypothèses, perspectives* (Paris: La Découverte 1991), 13-63, esp. 21-25.

[6] See Will Kymlicka, 'Individual and Community Rights,' in Judith Baker, ed., *Group Rights* (Toronto: University of Toronto Press 1994), and *Liberalism, Community and Culture* (Oxford: C1arendon Press 1989); Melissa Williams, 'Justice Toward Groups; Political Not Juridical,' *Political Theory* **23:1** (February 1995), 67-91; Avishai Margalit and Joseph Raz, 'National Self-Determination,' *Journal of Phylosophy* **87:9** (September 1990) 439-61; Avishai Margalit and Moshe Halbertal, 'Liberalism and Right to Culture', *Social Research* **61:3** (Fall 1994) 491-510; Vernon Van Dyke, 'Justice as Fairness; For Groups?' *American Political Science Review* (1975), 607-14; Michel Seymour, 'Anti-individualisme, droits collectifs et Etatsmultinationaux,' *Le defi du pluralisme; Lekton* **4:1** (Printemps 1994), 41-80.

[7] Alain Touraine, 'The Idea of Revolution,' in Michael Featherstone, ed., *Global Culture* (London: Sage Publications 1990), 121-41.

political powers should be reserved above all for cultural communities which are gathered together in large numbers on a particular territory. The question is whether such a limitation can be defended against the claims of non-territorial, trans-statal cultures such as that of gays and lesbians.[8] The latter are nowhere in a clear majority and have institutions which are scattered across many borders and states; yet their claims to cultural vulnerability are at least as strong, and in some ways stronger, than most other national groups.

The third sort of issue raised by the advent of gay nationalism is that of the role and rights of new nations and cultures in comparison with the rights of more traditional national groups. In the course of history cultures come in and out of existence, with peoples merging into, and fragmenting off from, the larger cultures around them. Certain cultural groups in history have been lucky enough to gain control over states and thus have been able to ensure that a version of their cultural patterns survives from generation to generation over time. Culturalists wish to distribute this integrity-promoting power to more groups than have hitherto profited from it, and they thus advocate forms of de-centralization which would allow local cultures (such as Canada's aboriginal peoples, or French-Canadians, or Arabs and Ultra-Orthodox Jews in Israel) to control their territories. But where does this leave cultures which are in the process of formation, cultures that in some sense have never been traditional, but were, rather, launched by developments in modernity itself? Resources for cultural creation are limited on any given territory, and if only traditional cultural groups are rightful claimants to cultural resources then newly forming groups will be disadvantaged. The preference for traditional cultures may also harm gay and lesbian claims by giving new powers to homophobic groups. Many traditional cultures are deeply homophobic, and if communities are allowed to wield the sorts of dense and far-reaching powers which culturalists advocate, we can easily imagine new cultures like that of gay men and lesbians being squeezed out, with no place to go.[9] Social movements which take on a nationalistic character thus raise a number of important questions for students of nationalism.

These three questions I have just posed about the sorts of nations which merit collective rights are subsidaries of a broader question I would like to pose about the *dramatis personae* admitted into the language-game of modern nationalism. In spite of the shift which has taken place in recent justifications of self-determination there is still an implicit assumption that the nations we should concern ourselves with are basically the same as before. The groups which culturalist writers such as Kymlicka, Raz, Van Dyke and others concentrate on are still basically races and religious groups: the collectivities that were the focus of collective rights within the abandoned racialist framework. It is useful to concentrate on th example of gays and lesbians because their nation is so much unlike any other, not only in that it is vehemently modern, the child of our current rights-system, but also because there is nothing of the racial bond in the collective life that gays and lesbians share. They are held together by strictly cultural means, by institutions and modes of thought which are historically specific and vastly fragile but which find no stabilization in ethnic appeals. Gay and lesbian nationalism thus serves as a test case for those defenders of nationalism who see themselves as having achieved a culturalist shift. The strictly cultural claims of gays and lesbians are undeniable and it would seem one could deny them collective rights only by appealing to an implicit

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[8] I shall use the terms 'trans-statal' and 'diasporic' to refer to the way in which gay culture relates to its territories. I use 'trans-statal' rather than the more usual term 'transnational' in order to avoid several confusions pointed out by Katherine Verdery in her article 'Beyond the Nation in Eastern Europe,' *Social Text* **38** 1-19. 'Transnationality' is generally used to refer to "movements of peoples, commodities, ideas, production processes, capital, images as well as possible political alignments across the boundaries between sovereign states" (Verdery, 1). But, as Verdery points out, 'transnationalisin' is thus a misnomer, since what is referred to is not processes which bridge ethnic nations but sovereign states. I follow Verdery in using the much clearer 'trans-statal' instead.
[9] I have been influenced here by Leslie Green, 'Internal Minorities and Their Rights,' in Baker, ed., *Group Rights,* 112.

racialist claim, namely the idea that ethnic or quasi-ethnic peoples (such as religious groups which hand down their practices from generation to generation) are the principal foci of collective rights claims.

So I wish to focus on a number of issues raised for students of nationalism by this basic language shift justifying national self-determination. I will first discuss this shift and try to show why the exclusionary functions permitted within the racialist paradigm of nationality can no longer be preserved within the framework of the new culturalist form. I will then go on and look at the gay and lesbian claim to national status at greater length.

Nationality Claims and Intergroup Politics

Groups have a strong interest in portraying themselves as nations. When a claim to the survivance vocabulary of nationalism is successfully justified then one may legitimately take up an intransigent bargaining position with a high bottom line.[10] But this only works so long as the number of groups that can make this sort of claim is strictly delimited. If all collectivities could establish claims to nation status then relations between them would either break down (so that force and violence would determine their interactions) or all groups would be forced back into a game of strategic tradeo-ffs. Theorists who defend nationalisms thus have two tasks: a task of justification and a task of exclusion. The first goal is to explain why one set of collectivities is justified in putting itself outside the normal bargaining games of a pluralist society. The second goal, intimately connected to this first, is to show why some other groups which might want to make this sort of claim should not be allowed to do so, should not, in other words, be seen as true nations.

Since the French Revolution we have seen three distinct justificatory matrices which nationalist groups have employed to justify their claims to outgroup members and, at the same time, to suggest where the distinction between real nations and false nations should lie. These justificatory vocabularies draw on over-arching goods shared by significant numbers of members both inside and outside the prospective nation and which thus may be used as a means to validity claims going in both directions. The background justifications are, in order of their chronological dominance: the theological argument based on God's will; the biological / racialist argument based on the struggle of races for scarce space and resources; and more recently, the culturalist argument, based on the strong role that cultural contexts of choice play in the formation of personality.[11] Although this is not the place to give a thorough

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[10] Claims to the status of nationhood or peoplehood are above all claims about survivance. They are claims that one's collectivity has the right and perhaps the duty to resist certain forms of metamorphosis, that one's group can not, and will not, be moved from its integral relation with a certain set of patterns.
Nationality claims which are successfully established thus rule out as illegitimate the trade-offs which might otherwise be demanded of a group within the terms of pluralist politics, where many groups struggle together for scarce resources. Prior to the successful assumption of the mantle of nationhood one's collective might be seen as just one more interest group among the many which make claims on common resources. In pluralistic democracies these claims are mediated by central authorities who force strategic trade-offs in the name of the large number of groups fighting for scarce goods. When claims to the status of nationhood are successfully established they lift one's group out of this game of bargaining and strategic trade-offs, and they ustify the refusal of certain compromises which might otherwise have seemed reasonable.
[11] It might be suggested that the right of democratic self-determination serves as a fourth justification for national self-determination claims, and this is to some extent the case. The right of groups to determine their own future has served, since the French Revolution, as a sort of macro-justification to which all nationalisms have appealed. This aspect of republicanism serves as the *lingua franca* of modern self-determination movements. But arguments for democratic self-governance have seldom been a sufficient justification for national self-determination, and that for the following reason.
It is widely accepted that peoples have a right to govern themselves, as long as they accept certain well-known side constraints (that they can achieve autonomy without thereby causing unnecessary harm to other peoples, for example). But there is almost always a great division of opinion on the question of who makes up 'the

analysis of the discursive regimes which these justifications permit, a brief sketch will allow me to deepen my explanation of why social movements which cast themselves as nationalisms pose such an interesting problem.

The first means by which nationalists justified their concern for the survival of their local cultures was by a theologically oriented reference to a providential plan. Herder, for example, justified resistance to the ideals of the Enlightenment (which, in bis view, was very much the *French* Enlightenment) by reference to the pluralism through which God realizes his Vision of the good. Different local cultures represent different aspects of God's divine vision, which is singular in essence but plural in representation.[12] One cannot ask a culture to give up its lifeway without destroying an essential part of the divine vision. One thus has a duty to protect the patterns, customs, and worldview of one's local community.

In the nineteenth century this theological justification gave way to a pseudo-scientific, quasi-biological justification based on the idea of race. The human species was seen as divided up into natural 'races,' each of which exhibited certain characteristic traits (such as 'industriousness' for the Scots, 'spirituality' for the Slavs, 'joie de vivre' for the Latins, and so on) on the basis of which the various races could be ranked in terms of superiority and inferiority.[13] By the middle of the nineteenth century this racialist vision was often given a social-Darwinist spin; these various races were portrayed as made up of struggling populations, each of which was increasing at an exponential rate and fighting for its own survival niche. As the uglier ramifications of this picture became evident a concerted political movement grew up inside and outside the scientific community which was aimed at debunking this pseudo-biological vision of the differences which divided populations.[14] Scientists such as Franz Boas argued that there was no evidentiary backing for such claims, no means to rank cultures in any intellectually convincing way, and they suggested a replacement picture based on the holism and equality of cultural meaning sets. This movement within American and British scientific conimunities gained wide popular resonance after the negative features of the racialist picture were made so clearly visible in the events leading up to the Second World War.

The debunking of the racialist scientific paradigm, and the recognition of its disastrous consequences for European civilization, led to the second major shift in the justificatory matrix for nationalism. In the post-war period, defenders of the rights of peoples picked up the arguments of the pre-war anthropologists and grounded nationalist claims in arguments about the centrality of culture.[15] The recovery and reformulation of a discourse of cultural

people' for the purposes of self-governance. For example, if Canadians make up one people *a mare usque ad mare* then the borders of the unit of self-determination are set at the Atlantic and Pacific coasts. The various groups living between — those claiming aboriginal heritage and the French-Canadians − are therefore subject to the decisions of the majority, and are held to the everyday give-and-take of the federal order with their needs being discounted accordingly. However, if Canadians make up one people, and francophone Quebeckers make up another, then the appropriate border of self-government is not that of the country Canada but that of the borders of the territory populated exclusively by francophone Quebeckers, namely the areas outside aboriginal lands and outside the island of Montreal (which has always been a polycultural city). Or, if all citizens of the current province of Quebec (aboriginal peoples, anglophones, Montreal immigrants, francophones and so on) make up one people then the relevant political unit would be the current border of the province of Quebec. An argument for democratic self-government cannot address the question of the appropriate border of the 'people.' This is why theories of nationalism tend to situate a republican core within a more elaborated justificatory matrix which gives the basic democratic argument a particular valence. lt is these latter justificatory systems that I am concentrating upon here.

[12] Herder, 'Yet Another Philosophy of History,' translated, edited and introduced by F.M. Barnard (Cambridge: Cambridge University Press 1969), 181-223, esp. 183-5.

[13] See Michael Barton, *Race Relations* (London: Tavistock 1967), 8.

[14] See Barkan, *The Retreat of Scientific Racism*.

[15] Taguieff, 'Les métamorphoses idéologiques du racisme'.

survivance was given serious support by the anti-colonialist movements of liberation after the Second World War; one of the best records for the construction of the new political paradigm is in the documents produced by the UN, (particularly by UNESCO) during this period.

Modern democratic theorists who defend robust rights for national groups operate, for the most part, within this post-war culturalist paradigm and share its basic assumptions. Vernon Van Dyke, Will Kymlicka, Joseph Raz, Avishai Margalit, Moshe Halbertal, and Michel Seymour are examples of modern writers who have defended national self-determination based on culturalist grounds. Culturalists justify collective rights such as the right to self-determination (as well as lesser cultural rights) by reference to the need that collectivities have to promote the integrity of their cultures. The world we live in, they argue, does not match up with the thought-experiments of universalists. People live in cultures which are vital to them and crucial to their full flourishing. Cultures are like environmental habitats. If certain institutions deteriorate (if the folk no longer go out fishing, if the religious rituals are no longer performed, if the language ceases to be spoken) then it will be as if some environmental disaster had occurred and everybody had to breathe with less oxygen, with a continual sense of lack. These goods that a culture provides are deep and diverse, and it is often impossible for participants in a culture to give an account of all the things their cultural institutions do for them. But we do know that cultures play a crucial role in developing basic human capacities, and these include the basic moral and political capacities in which liberals put so much trust. For example, it is only cultural institutions of certain sorts which will allow us to develop the complex capacities and practices that allow a system of rights and freedoms to operate.[16] The plethora of institutions which make up a particular lifeway (that of the aboriginal peoples or of the French-Canadians, for example) are what give people the basic capacities they need to make decisions, elaborate plans, and otherwise take full part in a democratic order.[17] We can imagine cultures being eroded to the point where this sort of socialization no longer would work, where basic guiding norms would break down, and where young people would be cast adrift, thereby falling prey to alcoholism, suicide, and the other forms of anomie which would mark their exile from the polity. Democrats thus need to address the background institutions which undergird democratic practices and insure their ongoing health.

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[16] Within analytical legal and political theory we can distinguish two distinct forms of culturalism. The first is based on a transcendental-type argument about the necessary conditions for the attainment of full personhood and moral autonomy. Will Kymlicka is the best-known proponent of this version of culturalism. This school of thought is in many ways the most analytically sophisticated, carefully justifying cultural promotion by reference to egalitarian considerations which are already widely accepted, and, in the end, making cultural rights derivative of liberal rights and freedoms.

The other version of culturalism centres on a right to culture, a right which is itself fundamental and non-derivative of individual rights. In this position cultures are portrayed as possessing rights akin to the rights of persons. Avishai Margalit and Moshe Halbertal argue tor this position in 'Liberalism and the Right to Culture.' This latter position attempts to solve a central difficulty with the derivative rights position. If cultural institutions are justified only as a means to develop a particular set of capacities then there is no way to protect particular cultures if other ones offer an equally wide range of means-to-capacities. For example, one homogeneous world-culture with a single language but many highly differentiated institutions might well supply access to full socialization and a very supple and pluralistic set of lifeways. Under the derivative view of cultural rights there is thus little reason to protect particular cultures. Under it people should be allowed to assimilate since by doing so they merely exchange one set of capacities for another. In conditins where this is done over generations with relatively little fuss (the case is quite different if colonialism or other cultural imposition is at work) then this form of assmilation should be seen as non-invidious.

The position which suggests that there are non-derivative cultural rights − were there any good arguments given for us to accept such a position − might be a much more satistactory source of reasons why we should fight assimilation.

[17] See Kymlicka, *Liberalism, Community, and Culture,* 165-6.

But these backgrounds, culturalists argue, are inherently plural. Individuals do not need just any culture, they need their *own* culture, and it is to ensure the survival of their particular lifeways that collectivities are in need of collective rights. This is where a central difference between majorities and minorities comes into play. Certain collectivities − for example, mainstream anglophone Christians in the United States − have cultures which are replicated and supported by an immense range of institutions and by a huge body of resources. Although individual members of the mainstream may wish that its character were different there is little question but that something like their culture will survive over time, and that ongoing membership in the collectivity that it represents is ensured. But there are certain minority cultures about which this cannot be said. Members of aboriginal communities, perhaps the francophones of Quebec or the Ultra-Orthodox Jews of Israel − all these groups might have legitimate worries about their long-term survival.[18] And if these cultures deteriorate or disappear, the source of full civic empowerment and full self-respect will be cut away from these populations. This is what justifies setting cultural self-determination claims apart as representing a crucially important sort of interest, unclassable with the normal give and take of interest-group politics. At stake here are the background goods which make the bargaining and compromise of everyday politics possible.

This is a fruitful recasting of the justificatory framework for nationalism, and it is not surprising that many democratic theorists have been moved by it to look with considerably more sympathy at movements they once viewed with some disdain.[19] But a question arises. When the justification for nationalism was racialist, for example, there was a criterion for determining which groups were and were not peoples. This criterion was, on the surface at least, relatively straightforward. Peoples were either religious groups (it was at one time common to talk of the Catholic or Protestant peoples) or genealogical descent groups. The function of delimitation which is so central to nationalism was relatively straightforward within the racialist framework, for it showed which groups should be looked upon as peoples and which should not. And modern culturalists tend to write as if the change they make in the justificatory framework of nationalism has no influence on the groups that we should look at as peoples and nations, the legitimate beneficiaries of cultural rights. But the criterion of 'cultural context' covers many sorts of collectivities which the old frameworks would not touch. Many groups can portray themselves as relying on fragile contexts of choice which could not similarly qualify within the old frameworks. For example farmers, fundamentalist Christians, and lesbians and gays all strike me as being eligible groups within the new paradigm.[20] The criterion of vulnerable background cultures does not allow the same sorts of exclusions that the former frameworks permitted, and this thus opens the survivance vocabulary of nationalism to a much broader range of groups. This is where my example of social movements which cast themselves as nationalisms comes into play. For these are ideal cases for exploring the differences in functionality between the old justificatory vocabularies of nationalism and the culturalist reformulations which seek to recast them in a more palatable post-racialist form. My argument is that it is possible to recast nationalism in such a way, but not without letting in a new cast of characters. It is simply not possible to maintain the exclusion functions of the old vocabulary of nationalism within the new culturalist frameworks. If we accept the culturalist re-writing of nationalist ideology we must greatly expand the number of groups we would see as fitting beneficiaries of national rights. But this is not all. I wish to achieve rather more here than just to argue for the extension of cultural

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[18] For these examples see, respectively, Kymlicka, *Liberalism, Community, and Culture,* Seymour, 'Anti-individualisme,' and Margalit and Halbertal, 'Liberalism and the Right to Culture.'

[19] See Will Kymlicka, 'Liberalism and the Politicization of Ethnicity,' in *Canadian Journal of Law and Jurisprudence* **4:2** (July 1991) 239-55.

[20] I make this point at greater length in Brian Walker, 'Plural Contexts, Contested Territories: A Critique of Kymlicka' in *Canadian Journal of Political Science* **30:2** (June 1997), 211−34.

rights to gays and lesbians. I think that the enormous number of groups that would qualify under the 'fragile contexts of choice' argument should lead us to radically rethink the whole culturalist picture, and it is this, most of all, which I wish to show here.

The next step in my argument is to look at some of the strategies by which defenders of traditional nationalisms might try to use current culturalist theory to evade the claim of gay collective rights. I then point out why I believe these strategies fail. My aim throughout is to show that the culturalist criterion is much more radical than its main advocates recognize. I will look first at the claim that a social movement like the gay rights movement should be classed with interest-group claims rather than with claims to peoplehood. The argument I am rebutting suggests that gay culture does not serve as an important context of choice in the way that, say, French-Canadian or aboriginal cultures do. I will then look at the claim that gays and lesbians cannot make claims to peoplehood because they are not gathered together on a contiguous territory in a way that would make them the fitting subjects of the relevant rights. I suggest that both these strategies of exclusion fail and that they do not stave off the effects of the radical criteria cultural rights theorists have set up.

The Very Idea of a Queer Nation

Many onlookers are likely to react to the adoption of a nationalist symbolism[21] by gays and lesbians with some irony. At first sight gay nationalism may seem like nothing more than a parodlistic mimicry of 'real' nationalisms, the most recent, though undeniably one of the more ingenious, examples of gay 'camp.' After all, what is more serious at the end of the twentieth century than the resurgence of ethnic nationalisms and the strains that they produce for the democratic constitutions which attempt to respond to them? The whistles and multicoloured flags of gay nationalism may strike many as comic relief amidst movements of such dire seriousness. Queer Nation might be seen by some as nationalism's ironic Other, offering a moment of carnivalesque bemusement before we return to the more serious problems involved with weighing the relative merits of real ethnic claims.

But the scholar familiar with the literature of nationalism might find him/herself resisting this temptation to irony. What is most striking when one compares the rise of gay nationalism to the genesis of other national movements is that, far from being a case apart, gay nationalism is a textbook case of a nascent nationalism. The stages which the gay movement has gone through on its way to national consciousness match up, step for step, willi the developmental stages we know from many other nationalist movements. All nationalisms started as 'social movements.' A people set apart from those around them by in-group attitudes and discrimination by others comes to develop a sense of itself as having a community and a history.[22] At some key moment a group of intellectuals and members of the middle class give explicit expression to this sense of imagined community and fan its growth. A self-

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[21] I am referring, for example, to the way in which the gay movement in North America has its own flag, the multicoloured stripes of which fly over numerous parades and rallies which are themselves strongly reminiscent of the mass gatherings in which other nations were forged. I am referring as well to phenomena like the gay Olympics (which for trademark reasons is referred to as the Gay Games), which occurs every two years and which gathers together gay athletes from around the world, and to the increasingly frequent talk of a gay sub-economy, what is sometimes referred to as the economy of 'lavender dollars' and to which, it is argued, gays and lesbians shoul give preferential treatment. But I am thinking, above all, of the way in which a network of gay institutions (community centres, bars, magazines with their readerships, activist coalitions, NGO's and so an) joins together to make up an alternative gay public sphere, one in which gay cuiture has been formulated and spread and which has allowed, over time, the creation of a sense of a distinct gay peoplehood.

[22] I am influenced in this skeleton history of nationalism by the (very different) accounts given by Benedict Anderson in his *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London, New York: Verso 1983) and by Ernest Gellner in his *Nations and Nationalisms* (Ithaca: Cornell University Press 1983).

consciously particularist literature is developed which emphasizes the local culture. Histories are written which project the story of the community back through time (in the case of gay nationalism, back to ancient Greece and Rome), tracing the pre-history of the present moment in which it came to consciousness.[23] What was first seen, particularly by outsiders, as a relatively minor difference of attitude or dialect comes to be seen over time as a difference of cultures, and finally as a distinction lying between peoples. Members of the group then begin to see that the only way they can guarantee their survival as a culture is to gain control over certain key levers of the state so that they can fight off the predations of out-group cultures which want to impose their own standards.[24] This skeleton history of nationalisms could be used to describe that of the Ukrainians or of the Croatians, but it also captures the distinctive phases in the development of gay and lesbian nationalism.

And it is not just the congruence of queer nationalism with the standard histories of such movements which should lead the scholar of nationalism to eschew irony when considering the case of gay nationalism. Irony is a typical reaction to nationalisms in the stage before they consolidate themselves completely and establish enough power to prevent their claims from being overlooked. But scholars of nationalist movements might be moved to resist this temptation because of their heightened awareness of the difficulties of definition attendant on the question of what is a real and what an unreal nationalism. Once we have given up the nationalist's own vision of her actions as the recovery of a pre-existing awareness of peoplehood and see that the sense of being a people is itself something created in history, out of a host of local sttuggles for recognition, it becomes very hard to determine which groups' claim to be nations should be looked upon as such, and which should not. Our tendency to dismiss gay nationalism as a derivative and parodistic form relies on an implicit distinction between true and false nationalisms which is harder to flesh out discursively than it seems at first. We can see this if we compare gay and lesbian claims to those of more traditional national groups.

The idea of a gay nationality will strike many as unconvincing because they see gayness as at most a lifestyle choice, and find talk of gay 'culture' to revolve around an illegitimate comparison to the values and lifeways of true cultural groups such as the Amish or the Swedes. Gay people, such skeptics might admit, do stand in a relation of difference to the cultures which surround them. But this difference does not amount to a cultural one, certainly not a difference of the depth which would allow it to be seen as the foundation for a nationalism. After all, lesbian and gay culture seems to be centred around a few relatively minor traits and limited to a narrow set of choices about sexual preference. lt is misleading and illegitimate to speak of a lifestyle preference as making up a culture. Gays and lesbians, on this view, are a special interest group at most, and it is entirely illegitimate to see them as making up anything like a nation.

This criticism is based, I believe, on two complementary mistakes. It underestimates the complexity and multi-functionality of lesbian and gay culture, while at the same time overestimating the 'thickness' or density of the cultures which other national cultures provide. I will look at each of these issues in turn.

Gay and lesbian culture is a recent phenomenon, and because we can see its entire history with relative ease we can achieve a clear idea of the condition lesbians and gay men were in before and after the creation of gay cultural institutions. We can thereby gain an appreciation for the full range of functions which gay culture plays, and thus easily see that it is

[23] See Anthony D. Smith, 'National Identity and Myths of Ethnic Descent,' in Louis Kriesberg, ed., *Research in Social Movements, Conflict and Change,* **7** (1984) 95−130.
[24] See Lisa Duggan, 'Queering the State,' in Social Text 39 (Summer 1994), 1−14.

considerably more than just a special-interest group. Gay culture serves as a fundamental context of choice for its members.

Even as late as the 1950s one would have been hard-pressed to speak of a gay culture. There were no newspapers or magazines, only two small organizations with a minuscule membership (the Mattachine Society and the Daughters of Bilitis) and almost no public spaces where gays and lesbians could assemble without harassment. Local communities, often using vague concepts such as 'community standards,' encouraged their police forces to break up all forms of nascent organization among gay people. Basic civil rights were not yet seen as extending to homosexuals, and gay people frequently became pariahs in their communities.[25] Except in a few major urban centres (and indeed even there) gay people had little or no opportunity to come together to talk about common problems. Without institutions to meet in, and lacking a language to describe their experiences, gay people could be picked off one by one by the various bodies by which coninunities policed themselves.

The history of the creation of a gay culture in the past three decades can be seen as the gradual use of often evanescent rights to overcome the (frequently fatal) atomism which gay men and lesbians suffered in the 1950s. The initial foundation of an enduring gay public sphere occurred in San Francisco in the late '50s and was directly linked to the court decisions in California that "upheld the rights of homosexuals to congregate in bars and other public establishments."[26] In spite of constant police harassment, these bars became a focus of political organization in the course of the 1960s.[27] Meanwhile, relaxed laws about obscenity in the public sphere allowed the publication of a great number of texts about homosexuals. At first these were, for the most part, highly disapproving, but they nonetheless showed many gay men and lesbians that they were not alone in their experiences. Scholars of nationalism have shown that one of the key features in the phenomenon is the creation of an imaginary community whereby certain people begin to see themselves as making up a unit based on common experiences. The triggers for this sense of community are various. Benedict Anderson writes of how the governing elites of Latin America began to see themselves as making up a different people from their Spanish masters because they continually met each other on the circuits of provincial bureaucratic life.[28] Jeremy Webber writes of how the administration of Canada through provincial governments led to the creation of a distinct sense of community in each province just because each region had such intense dealings with its local authorities.[29] The trigger for the sense of a distinctive gay and lesbian peoplehood came through the way nascent institutions and a greater openness in the mainstream public sphere allowed a clarification of local experiences of stigma and harassment. Bit by bit an

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[25] For a brief overview see 'Witch-Hunt: The United States Govemment versus Homosexuals,' a collection of news stories from 1950s' editions of the *New York Times* and *Post* gathered by Jonathan Katz in his 'Documentary,' *Gay American History: Lesbians and Gay Men in the U.S.A.* (New York: Thomas Y. Crowell 1972).

[26] John d'Emilio, 'Gay Politics, Gay Community,' in *Making Trouble: Essays on Gay History, Politics and the University* (London: Routledge 1992), 74-95.

[27] I am indebted here to an unpublished thesis by Gina Anne Del Vecchio, 'Homosexual; Homophile; Gay; Lesbian; Queer: The Construction of Gay Political Power in San Francisco,' 21-25.

[28] Anderson, *Imagined Communities,* 48−53.

[29] Jeremy Webber, 'Language, Culture and Political Community,' in *Reimagining Canada: Language, Culture, Community, and the Canadian Constitution* (Montreal: McGill-Queen's University Press 1994), 194−7.

imaginary community was created through which gay people could link up their local experiences of violence and harassment with the experiences of other gay men and lesbians across North America and come to see themselves as a people set apart.[30]

The key period in the creation of a gay public sphere was the era of urban radicalism at the end of the 1960s. The generally contestatory atmosphere, the sudden surge of voices formerly locked out of the mainstream public sphere, and the swift creation of a host of overlapping alternative publics gave gay people a set of inspiring models for action. Borrowing techniques and insights from Black Power groups, from the women's movement, and from anti-colonialist struggles in the Third World,[31] gay men and lesbians developed the institutions − collectives and discussion groups, bookstores, magazines and news papers, 'liberation fronts,'and political lobbying groups - which allowed them to exchange common experiences and to determine that what were formerly seen as isolated individual incidents (police harassment, street violence) could also be seen as a broader pattern of structural discrimination. This growing awareness led to a break with the accommodationist policies which had formerly dominated the movement. Early groups like the Mattachine Society had held an explicitly assimilationist agenda. Gay people would be best off if they could hide their difference and fit in with the mainstream. As the full extent of violence against gay people became clear this strategy was abandoned by many. Only specifically gay institutions could work to erode the attitudinal prejudices in society at large and at the same time give gay people a shelter in which they could restore the self-respect and dignity that was thwarted in society at large. "If society is going to turn up the heat in the closet you might as well be out."[32]

One creates culture by creating new institutions, and these new institutions in turn make possible new forms of identity. Gay identity and gay institutions grew up together, mutually

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[30] John D'Emilio, *Sexual Politics, Sexual Communities: The Making of a Homosexual Minority in the United States, 1940−1970* (Chicago: University of Chicago Press 1983), 146−8.

[31] See, for example, the various writings gathered in Karla Jay and Allen Young, eds., *Out of the Closets: Voices of Gay Liberation,* twentieth-anniversary edition (New York: New York University Press 1992), particularly 'Out of the Closets, Into the Streets,' by Allen Young, 6−31. For a synoptic overview of the relations between the gay liberation movement and radicalism more generally see also the Foreword to that volume by John D'Emilio, esp. pp xi−xxix.

[32] Alan Conter, 'Pride and Plague; Stonewall Traces,' radio documentary broadcast on CBC *Ideas,* 28 November 1994. But to say that people leave the closet because the heat has turned up there does not necessarily mean that they will go back in if the heat goes down. We know, from the history of other nationalisms, that nationalist movements have their own momentum. This is why gay culture has to be seen as something more than just a stepping stone to a non-homophobic society. Most of the functions of gay culture, it might be suggested, are essentially aimed at combating the homophobia in society at large. Once this is done away with, gay nationalism will have no further reason to exist. It is thus not like Québécois nationalism, for example, which is basically about guaranteeing the survival of a certain form of cultural difference over time. Gay culture, some might argue, aims at making a certain form of difference acceptable within the mainstream, at which point it will no longer be needed and can disappear.

There is, no doubt, a part of the gay and lesbian population that wishes to be seen as exactly like all other North Americans, and longs for the day when being homosexual will be seen as no more serious or meaningful than being left handed. But there are also many for whom homosexuality or 'queerness' is seen as defining an ethos and a way of life. For these people sexual preference is just one feature of a much broader way of life based on a radical questioning of everyday institutions, gender roles, and so on. For these people queerness is not a transitional way of life for those on their way into the mainstream but a radically different ethos that needs to be preserved. (See Mark Blasius, 'An Ethos of Lesbian and Gay Existence' in *Political Theory* **20:4** [November 1992] 642-71.) And the disappearance of homophobia is in any case a highly unllkely event, particularly if the sort of strong pluralism that culturalists advocate is successfully instantiated in North America. Many traditional cultures have deeply homophobic patterns and at least some culturalist writers advocate giving groups powers which would allow them to preserve these homophobic attitudes (see my discussion of Margalit and Halbertal, below). lt we move beyond a regime of individual rights and give contmunities the right to protect their cultural lifeways, cultural rights for gays may end up being even more important than they are now.

influencing one another.[33] The gay cultural institutions which were created serve a number of crucial functions for those gay people who are able to gain contact with it. It offers, first of all, a space of shelter from the homophobia of the surrounding society.[34] Those who grow up in a social atmosphere which systematically undermines their self-respect need a sphere in which they can restore themselves and imagine a life without this stigma. The institutions of gay culture give gay people a sheltered space in which they can work at countering some of the soul-destroying aspects of the public hatred they so often feel outside.[35] "While you're being persecuted, you hate what's happeriing to you, you hate the people who are making it happen; you're in a world of hate. Why, you wouldn't recognize love if you met it."[36] The invasive atmosphere of social hatred which the gay narrator of Christopher Isherwood's *A Single Man* describes here can be offset by the existence of a network of alternate public spaces more hospitable to gay and lesbian needs.

Gay culture also teaches gay people how to ford a number of difficult obstacles that they face. The literature on 'coming out,' for example, shows gay people how best to deal with the dangerous moment when they inform those around them of the nature of their inclinations.[37] Coming-out narratives show gay people how to call on the latent sources of tolerance in those that they encounter. Same-sex preference also unmoors one from the classic gender roles that our society makes available to us; gay culture supplies a rich body of reflections on, and access to an ongoing discussion about, this profound rupture from habitual practices of role-fulfillment and marriage.[38] Gay culture serves as a context of choice which allows gay men and lesbians to navigate the numerous obstacles which they face in trying to form workable lives for themselves and to preserve their sense of self-respect.

The sense of gay solidarity and community is itself an important participatory good for members of the gay community. Since gay men and lesbians are always in a minority on any given territory on which they find themselves they are very frequently the victims of local majorities who believe that gays do not make up part of the local cultural vision.[39] The only

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[33] Rhetorical strategies of performance and self-defense which were first developed in the gay enclaves an the east and west coast were broadcast by the new gay magazines and newspapers and made available as resources for those individuals attempting to carve a niche for themselves in more peripheral locales. Adopting strategies developed in the cities allowed more secure identity-formation for (the gay aspects in the character of) non-urban gays and this new self-confidence, in turn, encouraged the formation of new institutions in small towns. Local entrepreneurs saw a profit to be made from this new identity cohort and opened up new spaces tor them, spaces which were protected on other levels by the work done by icreasingly confident gay people in advancing their case among non-gays. These processes concatenated to gradually ameliorate the living conditions of many gay people in peripheral areas. Or at least, where local struggles were unsuccessful, the movement as a whole created an alternative network into which people could escape from the pressure of small towns.

[34] Maurice Leznoff and William Westley, 'The homosexual Community,' inWayne Dynes and Stephen Donaldson, eds., Sociology of Homosexuality (New York and London: Garland Publications 1992), 219-25.

[35] Stephen O. Murray, 'Components of Gay Conimunity in San Francisco,' in Gilbert Herdt, ed., *Gay Culture in America: Essays from the Field* (Boston: Beacon Press 1992), 107-46, and Martin P. Levine, 'Gay Ghetto,' in Dynes and Donaldson, eds, *Sociology of Homosexuality,* 196-204.

[36] Christopher Isherwood, *A Single Man,* quoted in Leslie Green, 'Internal Minorities and Their Rights,' in Baker, ed., *Group Rights,* 112.

[37] See Gilbert Herdt, 'Coming Out as a Rite of Passage: A Chicago Study,' in Herdt, ed., *Gay Culture in America,* 29-67; also Barry Dank, 'Coming out in the Gay World,' in Dynes and Donaldson, eds., *Sociology of Homosexuality,* 60-195.

[38] Joseph Harry and Robert Lovely, 'Gay Marriages and Communities of Orientation,' in Dynes and Donaldson, eds., *Sociology of Homosexuality,* 135-200.

[39] In 1994 a record number of American states faced ballot initiatives attempting to restrict gay rights, encouraged by a similar measure passed by Colorado in 1992. (See Stephen Holmes, 'Gay Rights Advocates Brace for Ballot Fights,' *New York Times,* 12 January 1994, A12). Lisa Duggan points out that the combined

hope that the victims of local persecution have is in the solidarity of the community at large, which can attempt through boycotts, the funding of class action suits and so on, to reverse the political decisions of locals.

Another of the participatory goods produced by the existence of a gay culture is that it allows gay people to perform the duty of rescue they owe to new members of their community. The duty of rescue within the gay community takes on a peculiar form due to the oddity of gay ethnicity. The trait of homosexuality arises as a certain statistical percentage of populations which are otherwise heterosexual. Homosexuals are, in this respect at least, essentially scattered. Gay people thus habitually find themselves living surrounded by a majority of non-homosexuals. But this puts young people with same-sex desires at great risk. We know that the suicide rate among homosexual teenagers who do not find positive homosexual role models is extremely high.[40] Gay people and their supporters thus take the duty of rescue toward these people extremely seriously. The centrality of this duty of rescue is one of the principal reasons that gay people advocate so strongly that homosexuality not be condemned on school curriculums and that students be offered positive models of gay life from a very early age. This need of the gay community to reach out and protect its fellow members also explains why gay people cannot leave gay culture as a matter for the private sphere, and why there is such a deep disagreement of principle between them and the right-wing groups which advocate the complete banning of positive representations of gay life from state institutions.

But to reduce any culture to a sum of its functions is to underestimate it. Like most cultures, that of gays and lesbians is valuable just because it exists, and drawing its members together gives participants a sense of complicity, a sense of belonging.[41] With membets of one's own culture there are things that orte doesn't have to explain, a sense one will share a number of important and formative experiences in common even with people from radically different backgrounds just because they are lesbian or gay.

Given the importance of a sense of gay and lesbian solidarity, and of the range of institutions, narratives, and contexts of choice which gays and lesbians have elaborated, we should see gay and lesbian culture as a very strong contender for collective rights. There are certainly few groups whose members are so vulnerable or so constantly the focus of harassment. There are very few gay people who have not at some point in their lives suffered some form of harassment, and most have had some brush with violence.[42] If cultural institutions would help deal with the effects of this violence and perhaps serve as a beachhead from which to fight this deep (and, it seems, deepening) intolerance, then there seems to be a good *prima facie* case for the granting of such rights.

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budgets of the six largest gay organizations total only about $12 million, compared to more than $210 million in the combined budgets of the six largest right-wing religious organizations (Lisa Duggan, 'Queering the State,' 1).

[40] Gary Remafedi, James A. Farrow, and R.W. Deister, 'Risk Factors in Attempted Suicide in Gay and Bisexual Youth,' in *Pediatrics* **87:6** (June 1991) 869−75; and Paul Gibson, 'Gay Male and Lesbian Youth Suicide,' in *Report of the Secretary's Task Force on Youth Suicide 3: Prevention of Youth Suicide* (Rockville, MD: U.S. Dept. of Health and Human Services 1989).

[41] I am influenced here by a passage in Alberto Melucci's *Nomades of the Present: Social Movements and Individual Needs in contemporary Society* (Philadelphia: Temple University Press 1989), which points out the importance of such highly general and evanescent goods in modern social movements.

[42] Richard Mohr sketches the extent of the problem in a paragraph of his book *Gays/Justice: A Study of Ethics, Society and Law* (New York: Columbia University Press 1988): "A recent extensive study by the National Gay and Lesbian Task Force found that over 90 percent of gays and lesbians had been victimized in some form on the basis of their sexual orientation. Greater than one in five gay men and nearly one in ten lesbians had been punched, hit, or kicked; a quarter of all gays had had objects thrown at them; a third had been chased; a third had been sexually harassed and 14 percent had been spit on....", 27-28.

But surely the mere sense of peoplehood and of the importance of one's culture cannot be enough to establish a claim to nationhood. Modern culturalist theorists tend, with good reason, to emphasize the role of more objective characteristics in judging which groups should be looked upon as nations. The lists of criteria that culturalists set out are usually rather conservative − they are based on characterizations of the sorts of groups that we already tend to look at as nations, and they thus show a bias toward groups emphasized by the theological and racialist paradigms − but even under these conservative characterizations of what it is tobe a nation, gays and lesbians would be very strong contenders.

Here, for example, is the way that Avishai Margalit and Joseph Raz set out the core characteristic of the sorts of group they see as proper beneficiaries of collective rights, what they refer to as *encompassing* groups:

> The group has a common character and a common culture that encompasses many, varied and important aspects of life, a culture that defines or marks a variety of forms or styles of life, types of activities, occupations, pursuits, and relationships. With national groups we expect to find national cuisines, distinctive architectural styles, a common language, distinctive literary and artistic traditions, national music, customs, dress, ceremonies, holidays, etc. None of these is necessary. They are but typical examples of the features that characterize peoples ... people growing up among members of the group will acquire the group culture, will be marked by its character ... The types of career open to one, the leisure activities one learned to appreciate and is therefore able to choose from, the customs and habits that define and color relations with friends, patterns of expectations and attitudes between spouses and among other members of the family, features of lifestyles with which one is capable of empathizing and for which one may therefore develop a taste − all these will be marked by the group's culture.[43]

Raz and Margalit list a few additional features of encompassing groups. One enters such groups not by achievement but simply by belonging. This belonging is recognized by other members of the community as well as by outsiders; the standards for membership are relatively clear. Membership in the group is one of the ways in which people are pigeonholed and their behaviour understood.[44]

Gay men and lesbians make up a cultural group clearly perceived by others as such. This perception is often cast in negative terms (as in the populist movement in the United States and Canada to turn back the 'gay agenda'[45]), but the recognition is common and pervasive. The markers of membership are relatively clear and are broadly recognized by both in-group and out-group members. Gay and lesbian culture has its own ceremonies and holidays (Gay Pride, the Gay Games) and a disproportionate number of the century's musicians, playwrights, directors, and other artists have been gay or lesbian. There is a distinctively gay literature, and entire bookstores are devoted to its products. It goes without saying that membership in the gay community has a significant influence on the people onle chooses as spouses, or spousal equivalents, as well as on the roles one takes in the resulting relationship. At least in the eyes of outsiders, gay men and lesbians have certain distinctive styles of dressing and patterns of consumption that differentiate them from the peoples around them. And there are few cultures in North America whose importance in defending its members against the intolerance and violence of others is more obvious.

But there are also several other criteria that Raz and Margalit set out which gay culture does not fulfill. For example, being gay does not tell one much about what career one should choose, nor set out a particular pattern for leisure activities (unless a preference for gay and lesbian public spaces would be seen as a distinctive cuitural pattern). Nor do gay men and

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[43] Margalit and Raz, 'National Self-Determination, 443-4.
[44] Margalit and Raz, 'National Self-Determination, 445-6.
[45] See Holmes, 'Gay Right Advocates Brace for Ballot Fights.'

lesbians have a distinctive architectural tradition. Does a low ranking on these criteria mean that gay culture should not be looked upon as an encompassing group and should thus be passed over as a potential recipient of collective cultural rights?

The problem is that many other groups which we would consider to be the sort to merit self-determination − groups like the Québécois, for example − also rank low on many features on the Raz and Margalit list. Being Québécois does not determine the types of career open to one, nor does it determine patterns of expectations between spouses in the ways that a culture with arranged marriages does (or as gay and lesbian culture does). Modern Quebec does not have a distinctive cuisine as Louisiana Cajuns do, nor does it have an architectural style that sets Quebec buildings off from the mainstream of the International Style and its postmodern derivatives. Lifestyle choices in Quebec vary in some small ways from those of people in the provinces around, but an outsider arriving in Quebec from Los Angeles would find herself doing many of the same things she would do back in LA: skiing on weekends, visiting the video store, watching the same movies, being involved in a similar sort of business and social life. There are differences between the Québécois people and those around them − enough that they are widely seen as the sort of group eligible for a collective right to self-determination − but not so deep that they could reasonably be referred to as an encompassing group. So it seems that there must be some space within the culturalist defense of national groups to class therein cultural communities which are deeply important for their members but which nonetheless fall short of being full encompassing groups.

Indeed if the standard for national status or cultural protection were found to lie in showing that the community was an 'encompassing' one, then there would be few which qualify, at least as far as North American communities are concerned. In an era in which standardized bureaucracies and international firms cross the borders of more and more communities, where each local group finds itself surrounded by institutions which were created in other cultures, there are very few cultural groups which continue to draw their most important narratives of guidance exclusively − or even primarily — from in-group repertoires.[46] National groups serve as contexts of choice, but only in some delimited areas of life. Being Québécois may guide one when it comes to election time, or it may suggest certain political strategies to take up in reference to the federal government of Canada. But like most other cultural frameworks (including that of being gay), it covers only some areas of existence and leaves many others unaddressed, leaving people to be guided in their most important choices by their religious groups, by the media, by the meritocratic standards of the institutions they work in, and by the standards of the various other trans-statal and trans-national institutions to which they belong.

In any case, it is not entirely clear from reading culturalist defenses of collective rights just why it is *encompassing groups* which should be given extra political rights and privileges. The answer that is usually given is that members of encompassing groups rely in a particularly strong way on participation in the institutions of their community. Men raised in an Ultra-Orthodox Jewish community would find their sense of personhood deeply shaken if they were not able to spend much of their time in Torah scholarship, or if they were not able to pass their time among other members of their religious community, thereby linking themselves to its history and traditions and language.[47] Encompassing groups merit extra political privileges because of the crucial role their culture plays in individual personhood.

But it is by no means clear why this should be the case. Why should encompassing groups ask the rest of society to make sacrifices so that these encompassing communities can create a sort of institution and a way of life that will disempower their members and make them

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[46] I argue this point af much greater length in Walker, 'Plural Contexts, Contested Territories.'
[47] See Margalit and Halbertal, 'Liberalism and the Right to Culture.'

uncomfortable with very ordinary things that the rest of their society does?[48] It is one thing to say that such groups should not suffer any undue obstacles such as racism or religious intolerance and that they should be allowed to build up whatever powers they can through use of the marketplace and the democratic power of their combined voices. It is quite another thing to say that such groups deserve additional powers because of the sorts of culture they have.

There is an example closer to the North American case that might make the issues at stake in this question somewhat clearer, for there is, in Canada and the United States, a minority cultural coalition which wishes to become an encompassing group. This movement is North American Protestant fundamentalism. The goal of Protestant fundamentalists is to erect the institutional infrastructure which would allow their members to live entirely Christian lives. Particularly important is the need to protect children from influence by an immensely seductive hut (in their view) highly immoral and autonomy-harming popular culture. True freedom can only come through obedience to God's will, but children will not see this if in their early lives they are bombarded with messages from alien 'liberal humanist' culture. Without a childhood spent in organizations run by, and in a public sphere patrolled by, members of the church, individuals will be cut off from Christian culture, and the most fundamental part of their lives would be radically diminished. A fully Christian life, they would argue, is only possible if all members have access to a full set of institutions in which the Christian option is fully respected and shown as worthy of living. Without access to such participatory goods (goods that only come into play if a threshold-number of citizens take part in thern and keep them alive[49]) the chances for Protestants of this sort to lead full lives would, in their eyes, be radically compromised.

The creation of such cultural movements in civil society is one of the many ways in which a liberal society based on individual rights allows for the flourishing of cultural diversity. But the culturalist advocates of collective rights would make it possible for groups such as Protestant fundamentalists to claim additional rights and powers on the basis of their need to preserve their culture. For example, according to Avishai Margalit and Moshe Halbertal, a group like this could demand of lesbians and gay men that they not display their lifestyle in any ostentatious way on territories controlled by Protestant fundamentalists, since this would make it difficult for these Protestants to maintain the integrity of their cultural project (Margalit and Halbertal see the cultural rights of communities as allowing them to act so as to guarantee a religious 'atmosphere' in the territories central to these groups).[50] According to the criteria that Margalit and Halbertal set out, as long as gay men and lesbians have other spaces in which they can fully express the lives that they want, the cultural rights of the Protestant fundamentalist community would justify their attempt to control the religious 'atmosphere' of their communities.[51] Not all culturalists go as far as Margalit and Halbertal, but any one of the dominant culturalist arguments could be used by Protestant fundamentalist groups to make claims for collective powers.[52] Culturalists do not frequently give reasons

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[48] For example, the Ultra-Orthodox Jews whom Margalit and Halbertal concentrate upon require that visitors to their neighbourhood refrain from driving on Sundays or wearing short skirts.

[49] I am following here an argument made in Denise Rhéaume, 'Individuals, Groups, and Rights to Public Goods,' in *University of Toronto Law Journal* **38** (1988) 1-27.

[50] Margalit and Halbertal, 'Liberalism and the Right to Culture,' 507.

[51] Margalit and Halbertal, 'Liberalism and the Right to Culture.' Chandran Kukathas makes a similar argument in 'Are There Any Cultural Rights?' *Political Theory* **20:1** (February 1992) 105-39.

[52] It might be thought that a Will Kymlicka's account, which justifies collective rights only for vulnerable minorities, could not be used in this way, since Protestant fundamentalists seem to be part of the mainstream English-speaking culture. But the notion of dominant culture that Kymlicka uses is too broad to serve the theoretical purpose he wishes. Just because Protestant fundamentalists share a language and ethnicity with the culture around them does not mean that they are not a minority with good reason to see themselves as strongly vulnerable within the liberal mainstream. Indeed, because Protestant fundamentalists share a language and many

why encompassing groups should receive extra powers, apart from the crucial role that such groups play in the lives of their members (and I have suggested that that is not a convincing reason for extending such rights).

One argument that we do find, especially among European culturalists, is that protecting encompassing groups would allow us to protect a particularly deep form of cultural diversity.[53] They suggest that we might distinguish between two different sorts of cultural diversity which we see around us. There is the deep diversity that distinguishes some cultures from each other and which moves us to see a striking contrast among, for example, traditional Thai society, the potlatch culture of the Kwakiutl, and the lifeways of the Berbers in the Atlas mountains. These represent a *deep* diversity whereas the difference between, for example, homosexuals and heterosexuals in Anterica is nothing but a difference between 'consumer tribes' and the lifestyle choices they represent.[54]

With this contrast in mind we might see culturalists as advocating the maintenance of, or the return to, a form of deep diversity. Within the context of a modern society we might attempt to safeguard this fragile multiplicity of lifeways which embodies radically different ways of looking at the world and its wonders. This is one way of making sense of a preference for encompassing groups which might otherwise seem merely puzzling.

But there are serious problems with this sort of argument. First, there seems to be no way to distinguish between shallow and deep diversity in a non-ideological way, since each group has every interest in portraying its differences as being very profound. From one point of view gay life may be looked on as a mere 'lifestyle choice.' But gay men and lesbians could point out, in response, that their lives represent such a profound questioning of society's conception of gender and power that even aboriginal peoples might seem, by comparison, to align with the mainstream.[55] The notion of cultural deepness is an essentially contested concept. Even if there is some non-ideological core to this concept which might be convincingly set out (and this is by no means obvious) it is still unlikely that the criterion of 'depth of diversity' would be useful for discussing the sorts of differences we find among cultural groups in modern societies. All societies in North America, and in the North Atlantic world in general, are post-traditional ones, in the sense that all are influenced by modern states and markets, all have had their modes of cultural transmission profoundly changed by modern technology, and all exist in an environment where the discourse of rights has an important influence.[56] Can we talk about a deep diversity lying among cultures which all use modern technology, which are all influenced by the market system, where a large proportion of the population performs wage labour, and where everybody feels the influence of rights-discourse? Cultural groups within modern states operate in a context of very similar material conditions, which was not the case

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other cultural referents with the 'liberal humanists' whom they see as threatening, they are in many ways more vulnerable than groups protected by a barrier of linguistic and cultural difference; for example, it is doubly difficult for such Christians to protect their children from what they see as the corrupting influences of the mainstream culture, since television shows, music, and so on are all in a language their children understand.

[53] See Pierre-André Taguieff, *La force du préjugé: essai sur le racisme et ses doubles* (Paris: La Découverte 1987), 326-33.

[54] Mark Wegierski, 'The New Right in Europe,' in *Telos* **98-99** (Winter 1993−Spring 1994) 55-69, esp. 68.

[55] On the essentially contested idea of deep difference see James Clifford, 'Identity in Mashpee,' an account of judicial attempts to deny the difference of aboriginal cultural specificity that in many ways operates like similar attempts to deny gay and lesbian cultural specificity, in James Clifford, *The Predicament of Culture: Twentieth Century Ethnography, Literature and Art* (Cambridge, MA: Harvard University Press 1988), 277-346.

[56] On changes in the environmental conditions of modern cultural reproduction see Ulrich Beck, *Risk Society: Towards a New Modernity,* translated by Mark Ritter (Newbury Park, CA: Sage Publications 1992); Ulf Hannerz, 'Cosmopolitans and Locals in World Culture,' in *Theory, Culture and Society* **7** (1990) 237-51; and Kimmo Jokinen, 'Cultural Uniformity, Differentiation, and Small National Cultures' in *Cultural Studies* **8:2** (1994) 208−19.

for groups such as the Berbers, the late nineteenth-century Kwakiutl, or traditional Thais. The material environment (that of a capitalist world system with its ineluctable constraints) in which cultural groups operate constrains the cultural differences which they can express.

And, in any case, this portrayal of difference seems to miss the way in which the ability to express difference is itself a political resource which groups are fighting for. The profound social and technological transformations of the past half century have produced an environment of generalized cultural risk in which all cultural collectivities are forced to recognize that immense obstacles stand in the way of their attempts to preserve the integrity of their fundamental institutions and values. Not all groups are affected by this general risk in the same ways, but it is not as easy as it might at first appear to say which groups are most disadvantaged and face the greatest risks.[57] One of the common features which we find in many different sorts of cultural groups, from queers to Ultra-Orthodox Jews, is an attempt to create a sense of specificity and apartness which will offer a sense of orientation and guidance within this invasive and disruptive world-system. When individuals feel themselves part of an intermediate community, be it a religious group, a kinship network, an ethnic party, or some new hybrid such as the gay and lesbian rights movement, there are a number of important functions to which people gain access. The intermediate group serves as buffer and protection in a system which can otherwise leave individuals feeling that they have no voice and no place. It can offer protection, orientation, and a manageable focus for one's social concern.[58] Each and every cultural group in society would greatly profit from a larger share of common resources which they might employ to make their sense of specificity and peoplehood more secure, to increase the diversity of their institutions and thereby expand the possibilities of their particular form of life. Within the conditions of advanced modernity the ability to create and express forms of cultural difference is itself one of the sought-after goals of political struggle, one of the scarce resources which is the focus of politics. But culturalists tend to *essentialize* difference, to say that some groups (religious groups and traditional ethnic groups) are *deeply* different and deserve protection, and that other groups are only shallowly different and thus should be left to scrabble for what they can get. Instead of being seen as a resource for which people struggle, difference is seen as a characteristic which groups possess intrinsically. Culturalism sets up an aristocracy of difference which attempts to naturalize and de-politicize the struggle over the resources required for differentiation and cultural development.

Cultures in Diaspora

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[57] One of the facts that is little noted in culturalist works is that the same worries that ethnic minorities voice about cultural decay are just as frequently voiced by members of majority cultures, often with just as much reason. The worries of Anglo-Canadian nationalist George Grant about the onslaught of mechanized mass society are almost exactly the same as those voiced by the 1953 *Tremblay Report,* which was one of the key documents of conservative French-Canadian nationalism (David Kwavnik, ed., *The Tremblay Report: Report of the Royal Commission of Inquiry on Constitutional Problems* [Toronto: McClelland and Stewart 1973]). But while French-Canadian nationalists were able to mobilize ethnic solidarity and post-conquest resentment in order to found a nationalist movement which was, for several decades at least, immensely creative as far as the development of new cultural institutions was concerned, the project of English-Canadian nationalist mobilization was much less successful. Minority status brings groups advantages of solidarity and creativity that are frequently unavailable to majority groups, and can thus serve as compensation tor the smaller numbers and ostensibly more fragile structures of minority communities. And, as I pointed out above about Protestant fundamentalists, ostensibly being part of mainstream culture may well be a *disadvantage* for some groups. Anglophone Christians find it difficult to filter 'immoral' media out of their homes. English Canadians have more difficulty maintaining their distinctiveness from Americans since they share a language with their American neighbours.

[58] I am indebted here to Donald Horowitz, 'The Utility of Ethnic Affinity,' in *Ethnic Groups in Conflict* (Berkeley: University of California Press 1985), 74-83.

Another way in which culturalists might attempt to deny the gay and lesbian claim to peoplehood would be by drawing attention to the scattered and diasporic nature of gay and lesbian communities. Culturalists might eventually be brought to accept that gay and lesbian culture is something more than just leather pants and disco records and be made to see that it plays a vital role in allowing gays to preserve self-respect in a viciously homophobic environment. Yet culturalists might point out that gays and lesbians are not, for all that, a group which could ever govern itself. It is not a nation because it nowhere possesses sufficient concentration on any territory and thus does not have the infrastructural prerequisites necessary to be considered a nation. And the evils that gay men and lesbians face could scarcely be addressed by these means anyway. Even if gay men and lesbians were to take over some part of the island of Manhattan or the city of San Francisco, secede from the surrounding states and set up their own republic, this would not do much good for the culture as a whole. An independent city-state in Manhattan might be valuable place of refuge for gay people persecuted elsewhere, and some such source of refuge seems necessary given the current high rate of violence toward gay men and lesbians. But it would still leave unaddressed the needs of the many gay men and lesbians scattered among other cultural communities. Gays and lesbians are not the sort of nation which fits into the culturalist perspective. In the culturalist view preference should be given to the cultural collectivities which are gathered together on a terrain and can protect their culture by making that terrain reflect the values and aspirations of the group.[59] Gay men and lesbians nowhere fill this function and thus cannot be considered to be fitting claimants to the rights of nations.

There seem to me to be two problems with this. First of all, it underestimates the diversity of forms of nationhood (especially the fact that non-territorial diasporas also make up legitimate nations, even in the most standard accounts of nationalism[60]) and the diversity of forms which collective rights can take. National self-determination may not be a reasonable option for gay men and lesbians, but constitutional veto rights, affirmative gerrymandering, or Senate seats to guarantee political representation could all serve as alternative means to reflect collective rights for gays and lesbians. A lack of territorial concentration does not necessarily mean that a group cannot exercise cultural rights which give it a say in determining its future.

This is closely connected to the second problem I see with the culturalist attempt to limit gay collective rights claims; namely, its preference for territorial collectivities over diasporic groups. I would suggest that the emphasis on ethno-territorial models we find within culturalsm cannot be justified if we are concerned with the protection of cultural contexts of choice for all cultures, without prejudice between them. The culturalist preference for ethno-territorial models of cultural preservation over looser forms (which do not require a specific linkage to a particular territory) is under-justified given culturalist goals. Once I have set out the problematic features of the ethno-territorial model I hope that gay and lesbian claims to collective rights will no longer seem like deficient forms of ethno-territoriality but rather as *exemplars* of the sorts of collective claim that might be put forward in a regime where the equal cultural needs of all would be respected. Broaching this question forces me to raise questions of land and property which are at the centre of many nationalist claims (though not of the nationalist claims of gays and lesbians) but to which culturalist defenders of nationalism rarely give sufficient consideration.

The ethno-territorial model of nationalism portrays a cultural group as relating to the territory it occupies as if that territory were a form of property belonging to the group in question. The terrain is looked upon as property first of all in the sense that the principal cultural group is

[59] See Margalit and Raz, 'National Seif-Determination,' 458.
[60] See, for example, the chapter on diasporas in Hugh Seton-Watson's *Nations and States* (London: Methuen 1977).

seen as having a privileged right to the resources of the territory and to the fruits of the social cooperation of its citizens. For example, when the government of a state or province or country gives primacy to the cultural project of one of its cultural groups, it usually funds this project with tax money and other resources taken from the common pot, with the justification that one particular cultural project has a privileged relation to the territory. For example, in some forms of popular Québécois nationalism there is an idea that the territory 'Quebec' belongs to the Québécois people, this being understood in terms of *francophones de souche.* [61] It is this relation of belonging which justifies the differential promotion of francophone Québécois culture over the equally legitimate needs of anglophone Quebec culture.

Nationalists consider territory as property in another way as well. The national territory takes on the expressive function that property serves, being made to reflect the group personality of the primary cultural group. When an ethno-territorial group gains control of a terrain it uses it as a sort of screen on which central in-group myths are projected, thereby permitting an increased sense of community solidarity. If, as Benedict Anderson suggests, a nation is first of all a way in which people conceive themselves, an imaginary community which they project into the world, then it is by projecting this imaginary ideal onto a landscape that a group sees its best chance to concretize the community and solidify it in time.[62] An ethno-territorial group aims to memorialize itself on its landscape by renaming the land in accordance with the in-group myths; giving new names to boulevards, parks, lakes, and regions, raising landmarks for itseif, allowing the landmarks of other groups to fall into disrepair and so on. The historical sedimentation of names that one finds on most territories, the palimpsest which signals the historic presence of many different peoples, is replaced by a more singular vision which represents the myths and collective vision of one people.[63] The monuments and landmarks which permitted other groups to have an affective link with the landscape are suppressed or allowed to decay.

There are at least two strong reasons why, in North America at least, we should favour the claims of diasporic nations very highly *vis-à-vis* ethno-territorial groups which require a privileged relation with their territories. [64] Both stem in one way or another from the

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[61] As, for example, in Bloc Québécoise MP Philippe Paré's suggestion that Quebec's political future should be determined, not by a vote which includes anglophone and other minority citizens, but exclusively by 'old-stock Quebeckers,' the implication being that the latter alone are the real Quebeckers. 'Bouchard Chastises Two Bloc MPs,' *Globe and Mail* (28 February 1995 A10.

[62] Anderson, *Imagined Communities.*

[63] Every terrain must be named. But there is an alternative to the exclusions fostered by an ethno-territorial regime. A state which attempts to give fair access to the expressive goods of a terrain would, first of all, recognize and respect the fact that territories always already have a dense history of naming, and avoid homogenizing this, wiping out the traces of a history in which numerous groups have occupied and disputed the land over centuries. When new streets are created, when new boulevards are opened up, or when renaming is necessary, concerns of fairness should lead to a recognition that all groups on the terrain should have a say in the process. New names, for example, might be constructed out of the culture that is always created in between groups struggling together on a territory, in the meta-community formed by their struggle for the same resources.

[64] By diasporic nations I am referring to groups like theArmenians, Chinese, Sikhs, Acadians, the Jewish people before the founding of the State of Israel, and to the form of nationality established within modern social movements. Each of these different national groups is organized quite differently and sometimes the differences are important. For example the Acadian diaspora, the Jewish diaspora before the twentieth century, and social movements sud as that of gays and lesbians all represent diasporas without homelands. Likewise, the ethnic Chinese in California and South America are part of a diaspora wlth no real homeland as such; its roots rest in a triumvirate of cities: Hong Kong, Taipei, and Singapore.

Despite their diversity, these nations have enough in common to be referred to under a common term. Diasporic peoples all find themselves in situations where a large part of their populations are forced to share space and political power with other collectivities; a large portion of the population of the nation will be scattered in situations wherein they live as minorities *vis-à-vis* other groups. Diasporic nations are trans-statal nations, and are, tor the most part, organized as networks. Population pockets are joined together by circulation systems

incompatibility of territorial models of nationalism with the goal of equal access to cultural goods. The first problem is that arising from our concerns with justice for all cultural collectivities. Because nations usually share territories with other peoples they cannot pursue privileged use of the common territory without compromising the similar rights to use for other groups. The privileging of the needs of one group may well be done democratically, in that one group may be in a clear majority over another, but this can still be unjust if the equal cultural needs of minorities are not respected. There are, secondly, problems of political instability. The project of groups with ethno-territorial goals lead them into a necessary conflict with other cultural groups because the former wish to use common territory as their own cultural property, and this introduces zero-sum games. The cultural claims of a group which needs property-like control over a territory for its aims can only be satisfied by creating a cultural atmosphere on the landscape which reflects particular in-group needs. But because this cultural image is to be that of just one collectivity and not of all the collectivities who live on the terrain, other cultures are forced into a position of defensiveness.[65] This is why ethno-territorial nationalisms produce counter-nationalisms of a particularly militant variety.[66]

Given these considerations, it makes sense to give a privileged hearing, not to collectivities with ethno-territorial ambitions, but to those groups which can preserve their cultures in the way that disaporas do, namely, in situations where they share power with other groups. Diasporas typically have their own cultural spaces − Chinatown, a Jewish graveyard or synagogue, an Irish pub, gay bars and community centres − but they do not need to project their group narratives over an entire territory. Diasporas cut the connection between culture and land which produces ineluctable potentials for unfairness and conflict within the ethno-territorial model. The greater compatibility with the equal cultural needs of all groups gives diasporas a claim to cultural powers that is at least as strong as those of groups which are concentrated on a territory.

Territorial nations always already possess a range of cultural goods and institutions which makes them power-players in the struggle for resources. But threshold nations, those just coming into being, particularly those which reproduce themselves in diasporic conditions, do not possess such strong institutions, and they thus deal from a position of relative weakness. Yet the cultural goods circulated within these threshold nations are just as crucial to members,

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which bring personnel and cultural resoutces from one node to another on the network. In recent times diasporas have been greatly aided by access to forms of technologies whivh allow goods and people to move about much more quickly than they could in former centuries. New technologies also make possible forms of public space which are not geographically dependent; newspapers, magazines, cable television channels, and a range of telecommunications media allow diasporas to create their own public spaces drawing together people who are widely dispersed in terms of geography. Diasporas create a form of civil society which is no longer specifically rooted in one geographic space. With the profusion of communications technologies, we now live in a world where numerous particularist civil societies can exist simultaneously on the same terrain. This means that modern technologies have raised the possibilities for diasporas to have their own specific cultures which differ from those of their homelands. Thus, for example, the East Indian diaspora has important differences from the culture of India, the Irish in America have different perspectives than the Irish in Ireland, and so on.

[65] There is also the problem of homogenization. Although ethno-territorial nationalisms may seen to be introducing a form of cultural distinctiveness *vis-à-vis* adjacent territories and thus increasing diversity from one perspective, it is often the case that this distinctiveness is gained at the expense of diversity *within* the nation's borders. The government conceives a vision of what the culture it is protecting should be, and projects this over all the actually existing institutions on its terrain. The anthropologist Richard Handler has, with considerable subtlety, traced this process at work in Quebec in his *Nationalism and the Politics of Culture in Quebec* (Madison: University of Wisconsin Press 1988). Even a state that tries for a rigorous cultural neutrality is prey to such problems, but a state which has a particular *visage culturelle* in mind will have a whole set of additional difficulties.
[66] See Daniel Boyarin and Jonathon Boyarin, 'Diaspora: Generation and Ground of Jewish Identity,' in *Critical Inquiry* **19** (Summer 1993) 693-725, esp. 712-14.

and just as fragile, as the parallel goods in traditional nations. By concentrating above all on the groups which have already garnered a broad range of powers ('encompassing groups,' 'territorial nations') culturalists tend to side with the culturally powerful and to ignore the particular needs and interests of emergent groups.

Too many current discussions of collective rights assume a traditionalist definition of nationhood and do not recognize the new modalities of peoplehood that are permitted by changed technological and juridical relations. Modern telecommunications permit cultural communities to arise among non-contiguous peoples and likewise permit identity to be formed around characteristics which have little to do with kinship or ethnicity. In a face-to-face society people formed bonds with those closest to them. In the modern world there are new forms of proximity, and individuals frequently find themselves in closer contact with a telephone friend in another city than with the man living in the apartment next door. Our sense of peoplehood has shifted in response to this. But the modern theories of nationalism and collectivity do not take sufficient account of this fact, operating instead with a model which gives primacy to contiguous territorial collectivities as if these were necessarily the primary repository of cultural heritage.

Conclusion

Diasporas represent one of the many ways in which modern technologies and modes of social organization have changed the processes by which cultures can reproduce themselves, and have thereby changed the range of cultures we find around us. When we become sensitive to the range of cultural creativity and innovation that is produced by cultures which take a diasporic form then we are pushed to question the culturalist concentration on territorial ethnic enclaves. My attempt to unpack the functions of the network of institutions around which gay and lesbian identity is formed could be repeated for many other sorts of non-territorial cultural systems.[67] In the contemporary world-system lifeways and modalities of cultural differentiation no longer inhere primarily in the filiations of ethnic and kinship groups, but are carried by an immense range of dlifferent institutions.

If one's definition of national belonging is racialist in orientation then this socio-cultural transformation does not matter. From a race-based perspective the purpose of self-determination is to preserve a form of genetic or sanguinary filiation, not just culture, and so the set of groups one considers oneself called upon to protect is delimited from the beginning. It almost certainly does not include groups such as gay men or fundamentalist Christians. But if the race-based perspective is abandoned for a culturalist one then the transformation and extension of the way in which cultures are produced (and lived) matters a great deal. For if our goal is to protect *cultural* sets and the broad diversity of lifeways then the recognition that cultural production is not essentially ethno-territorial, but can also be created in a diasporic mode, becomes theoretically crucial. Once the shift to cultural criteria is fully achieved then a host of new claims are legitimated. Culturalists are forced to deal not only with the relatively

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[67] One could, for example, make very similar arguments for the humanistic cultute which is carried by the university system. The institutions which bring people into contact with the centuries-old tradition of humanistic learning make possible forms of identity which are deeply different from those modes of selfhood made possible by the state and market system. Academics make up a caste which stands apart in many ways (though, like most other cultural groups, not in all ways) from the rest of the societies in which they live. The mode of life that the academic system makes possible is not that of an encompassing group, but academic affiliation, like many other forms of corporate affiliation, quickly comes to colour the entire life of the people who hold it. This lifeway has been remarkably responsive to and enlightening about the development of modernity. But the widespread campaign to replace the humanistic focus of the university with a more market-oriented approach poses threats to this lifeway which are similar to those felt by ethnic populations which feel themselves threatened by sociological change.

limited number of cultural groups represented by collectivities such as aboriginal peoples and Québécois, but also with all the other cultural collectivities by means of which people orient themselves in modern society. In the nineteenth century it might have made some limited sense to focus one's concern for cultural protection on ethnic collectivities and religious groups. But it is no longer justifiable to do so in the late twentieth century.

As I stressed above, the recogntion of these difficulties within culturalism should be seen as entailing more than just the expansion of culturalist protections to groups such as gay men and lesbians. I think that it should lead us to question the whole idea that we can react to the fragility of our minority cultures by devolving political powers and extending collective rights to a particular subset of cultural collectivities. All of the criteria by which we might determine which groups deserve such rights and powers − considerations such as cultural fragility, cultural importance, depth of difference, and so on − are essentially contested terms. Every cultural collectivity sees itself as fragile and threatened, as needing more resources to protect the heritage of patterns which it sees as representing its particular deeply individual and important contribution to the world's stock of patterns. There are few collectivities in society which would not benefit from a share of the common pot in order to promote their ways of seeing and living the world, thereby increasing their sense of self-respect and well-being. The fight for the resources that might promote such cultural differences is the very stuff of politics. political and legal theorists can address the conditions of fairness in which the struggle takes place but they cannot set themselves up as cultural gamekeepers deciding which groups should be given the means to help themselves and which should be forced to struggle on their own.

This is not to say that legal and political theorists can afford to abstain from a concern with cultural institutions. The arguments which culturalists make about the connection between rights, liberties, and our potentially fragile background practices links them in with a long line of thinkers, from de Tocqueville to Habermas, who have given ample reasons for such concerns. What I am questioning is whether political and legal theorists should approach this theme in a way that requires them to rank the claims of the various groups which struggle with each other in inter-ethnic politics. Reviving dense and satisfying cultural practices and communities within our new socio-economic order is a problem faced by all collectivities. Each collectivity, of course, has its own specific needs, but there are also institutions which might reasonably be referred to as making up a cultural commons because they respond to needs that all groups have. The fundamental institution of guaranteed rights and liberties, for example, was conceived in an era of confessional strife so that members of diverse religious communities could coexist in relatively peaceful terms. Although these rights and liberties are monitored by measuring their effect on representative individuals, their overall influence has been to foster the development of a diverse agglomeration of communities (as the gay and lesbian example shows). Thus in the countries where these rights and liberties are well protected we see a broad dliversity of communities, with Protestant fundamentalists, Catholics, Jews, Muslims, aboriginal nations, Québécois, Chinese, and WASPs all enjoying access to their own communities.

There are many other institutions which similarly serve the cultural needs of all groups in society. For example, under certain conditions, when a country preserves a differentiation between state, market, and clvil society, a space becomes available in which local communities have a good chance of making over everyday life in a way they consider appropriate.[68] This differentiation serves all groups in society, and, conversely, all groups suffer when the state or the market invades most areas of social life. There are also specific

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[68] This point is well argued by Jean Cohen and Andrew Arato in *Civil Society and Political Theory* (Cambridge, MA: MIT Press 1992), xvi.

institutions such as universities which are used by all cultural groups to think about their development and their place in the world, their relation to other groups, and so on. Another example of an institution of the cultural commons is the institution of the eight-hour work day. When a certain amount of leisure time is available to citizens, a minority will usually devote themselves to the maintenance of locally appropriate infrastructures and the development of new cultural institutions. Free time is a central cultural resource and its dlisappearance or invasion means that an important space for cultural creation closes over. One could list many other such institutions, many of which are currently fragile and threatened, which serve the cultural ambitions of most groups in society.

Social movements which cast themselves as nationalisms force us to face an important set of questions about the ways in which the conditions of peoplehood have changed in the contemporary world. Taking gay and lesbian nationalism seriously encourages us to think about the claims of nascent nationalisms and to the weight which we might attribute to their cultural needs and interests. lt also moves us to question the valorization of territorial nationalisms which we find in current culturalist theory. But most of all the case of gay and lesbian nationalism forces us to question the aristocracy of difference which is created by the culturalist way of ranking self-determination claims. If we take all these questions seriously I think we will be forced to recognize that culturalism does not represent a successful transposition of nationalism into post-racialist terms.