

**Liberalism, Political Theory, and the
Rights of Minority Cultures:
Just How Different are the 'Politics of Difference'?**

Thesis submitted for the degree of Doctor of Philosophy

by

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Abstract

Liberal political theory has come under increased criticism in recent years for its supposed inability to sufficiently 'accommodate' or 'recognise' cultural difference. Liberalism, it is said, is insufficiently attentive to the importance of group attachments, is rooted in a universalism which undermines the boundaries between cultures and is, therefore, unable to adequately resolve those political conflicts which arise out of the cultural, religious and ethnic diversity found in contemporary Western societies.

The thesis examines these claims and argues that liberalism is more resistant to criticism than many non-liberals (and liberals) believe. The thesis argues that liberalism is a necessarily 'comprehensive' doctrine, committed to the principle of individual autonomy and that this places constraints upon what groups can and cannot be allowed to do in the name of cultural values. It therefore challenges those 'political liberals' who seek to isolate individual autonomy as valuable only in the political sphere, and those other liberals who argue that liberalism should not commit itself to autonomy at all. The thesis argues that these liberals fail to displace the importance of autonomy in liberalism, and that they cannot help but appeal to precisely this principle in order to reach the conclusions they do.

The thesis extends this argument to those pluralists, difference-theorists and advocates of a politics of 'recognition', who seek to replace liberalism with a new form of politics altogether. It shows that these doctrines presuppose the ability of each and every individual to reflect upon their ends and to justify them to within particular constraints in the same way as liberalism. It argues therefore, that these antiliberal theorists are required to encourage and defend the autonomy of each and every individual within the polity in much the same way as liberals.

Finally, the thesis questions the significance of 'culture' to liberal political theory and to normative theorising more generally. Most specifically, it questions the link between cultural membership and personal autonomy made by liberals like Will Kymlicka and Joseph Raz. It argues that 'culture' is insufficiently determined in the literature and that this severely weakens the argument for the 'affirmation' or 'protection' of cultural groups. The thesis argues that once we begin to examine the idea of 'culture' (as it is used in the literature) in detail, we soon realise that cultural membership is not a prerequisite of individual autonomy in the way that culturalist liberals believe.

Having argued as much, the thesis claims that the liberal argument for affording 'group rights' to cultures is severely weakened, as are similar arguments advanced by advocates of a politics of difference, recognition, cultural recognition, or pluralism.

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Introduction

The first wave of writings on minority rights was primarily focussed on assessing the *justice* of claims by ethnic groups for the accommodation of their cultural differences . . . [W]hile difference-blind institutions purport to be neutral amongst different ethno-cultural groups, [campaigners for minority rights argue that] they are in fact implicitly tilted towards the needs, interests, and identity of the majority group . . . Minority rights do not constitute unfair privileges or invidious forms of discrimination, but rather compensate for unfair disadvantages, and so are consistent with, and indeed may be required by, justice. In our view this first stage in the debate is coming to a close, with the defenders of minority rights having effectively made their case.

Will Kymlicka & Wayne Norman, 'Introduction'
to *Citizenship in Diverse Societies*.

[I]t is common-ground that human beings should not have different rights and privileges as a consequence of their membership of ascriptive groups. When we ask for the justification of principles and rules to govern our relations with one another, we cannot discount the interests and claims of some people simply in virtue of their identities. This is the premise of fundamental equality.

Brian Barry, 'Something in the Disputation not Unpleasant', in
*Justice, Neutrality, and Impartiality: Re-Reading Brian Barry's
Justice as Impartiality*.

It is often said that, in these post-modern, multi-cultural, often anti-foundationalist, Godless times, little more can be said of the 'core' ideas and presuppositions of our major political doctrines than that they represent the convictions of a particular group, in a particular region, at a particular time. Liberalism, like any other political doctrine, we are told, is inevitably and inescapably rooted in traditions and understandings which have only localised validity and what is 'true for us' may not only be untrue to others but *incomprehensible* to them. This, it is said, is the great paradox at the heart of modern morality and politics; that we struggle to understand the world (and our place within it) by making claims about it which we understand to be universally true and which we believe capture something important and recognisable in all people, regardless of where they live, or what they believe, but that our attempts to do so are inevitably constrained and circumscribed by our own particular (and contestable) ideas about the world. We judge others by our own standards while claiming that these standards are *universal*, and we seek to examine the world through eyes which

we believe to be impartial but which are shaped and enlivened by our own experiences and by the experiences of those who preceded us.¹

For many, the claim that one moral perspective is 'better' than another, or that one 'way of life' is 'more valuable' or 'more just' than another reveals all that is wrong with the post-Enlightenment ideal of creating a universal community of human beings bound together by their equality and rational freedom.² For them, Enlightenment cosmopolitanism (and the liberal interventionist ethics that it spawned) is merely an expression of cultural imperialism. We are not all members of a single community, they argue. We are members of different cultures and communities and nations who understand the world (and the people within it) differently, and to 'impose' human rights and basic norms of justice and fairness on groups who 'do not support them' is an unjust infringement of local understandings which shows an impoverished and naïve grasp of exactly how important cultural and religious values are to people. Traditions cannot be 'better' or 'worse' than others, they say; they can only be 'different'. As such they must be presumed equally valuable.³

Liberal cosmopolitans, in turn, have generally argued that the appeal to 'shared values' implies a relativism that renders people defenceless against the whims and injustices of elites and majorities.⁴

¹ This 'duality of standpoints' has been described most succinctly by Thomas Nagel. See his *The View From Nowhere* (New York: Oxford University Press, 1986) and *Equality and Partiality* (New York: Oxford University Press, 1991). Resolving this paradox has been the central preoccupation of liberal contractualists who have sought to present a justification for procedural neutrality within a rights-based framework. For more details, see John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993); Charles Beitz, *Political Equality* (Princeton, N.J.: Princeton University Press, 1989); Brian Barry, *Justice as Impartiality* (London: Oxford University Press, 1996); and Thomas Scanlon, *What We Owe To Each Other* (Harvard University Press, 1999).

² For example, John Gray, *Enlightenment's Wake: Politics and Culture and the Close of the Modern Age* (New York: Routledge, 1995); Michael Walzer, *Spheres of Justice* (New York: Basic Books, 1983); Iris Marion Young, *Justice and the Politics of Difference* (Princeton, N.J.: Princeton University Press, 1990); Alasdair MacIntyre, *After Virtue* (London: Duckworth, 1985) and *Whose Justice? Which Rationality?* (London: Duckworth, 1988).

³ Charles Taylor, 'The Politics of Recognition', in Amy Gutmann (ed.) *Multiculturalism: Examining the Politics of Recognition* (Princeton, NJ: Princeton University Press, 1994).

⁴ For example, Brian Barry, 'Do Countries Have Moral Obligations? The Case of World Poverty', *Tanner Lectures on Human Values* 8 (University of Utah Press, 1987), 'Spherical Justice and Global Injustice', *Pluralism, Justice, and Equality*, D. Miller & M. Walzer, eds. (Oxford: Oxford University Press, 1995), and 'Statism and Nationalism: A Cosmopolitan Critique', *Is Social Justice Obsolete?* (Cambridge: Polity Press, forthcoming); John Rawls, 'Law of Peoples', *John Rawls: Collected Papers* (Harvard University Press, 1999); Jeremy Waldron, 'Minority Cultures and the Cosmopolitan Alternative', *The Rights of Minority Cultures*, ed. W. Kymlicka (Oxford University Press, 1995);

The appeal to 'common ways of life', they say, ignores the fact that often groups and individuals within the community are denied the capacity to contribute to the formation of their own history on the basis of arbitrary factors afforded a spurious legitimacy by the dictates of those in charge. Consequently, these people (these women, these gays, these blacks) find themselves embedded in a community and a history which prizes not their membership of a 'shared' way of life, but their exclusion and alienation from the very norms and ideals which are supposed to define them. That is, they find themselves part of a history written and constructed by others. For the liberal cosmopolitan, the discrimination and alienation that they feel as a result is not made legitimate by an appeal to localised beliefs or values 'shared' by an ascendant majority.

What, then, do we *do* when faced with oppression and injustice? And how are we to be sure what these terms *mean*? When deep conflicts between peoples and value systems and ways of life are at stake, or when we witness what we believe to be cases of suffering or injustice, we are called upon to make decisions (and take action) in circumstances in which decision and action are fraught with tragic and overwhelming complexity. And the actions and decisions we make *matter* because of the potentially ruinous, perhaps irrevocable, effect that they have upon people's lives.

While this is most obviously the case at an international level, it is also true at the level of diversity within particular social and political communities. Debates about cosmopolitanism, particularism, and the limits of authority are familiar in the theory of international relations, but they also provide the background against which recent disputes about multiculturalism, difference, and toleration in liberal states must be understood. It is a commonplace that increased migration and mobility between nations has rendered contemporary western societies more diverse, more multi-cultural and multi-ethnic, than ever before. Consequently, we are now forced more than ever to confront those ethnic, cultural, and religious differences which co-exist within liberal-democratic states, and to establish how these different groups can flourish beside one another.

To what extent should we 'value' this diversity? How can we encourage common allegiance to basic principles and institutions without undermining the capacity of different peoples and religions and communities to live according to their own, perhaps radically different values and beliefs? Or to put it more broadly: can we fulfil the liberal cosmopolitan ideal of establishing common citizenship which transcends difference (and which applies to all individuals equally), while satisfying the communitarian or nationalist claim that individuals are only intelligible as members of distinct historical communities? Can we, that is, go some way in resolving the paradox of modern political morality that necessarily characterises our normative claims?

One thing, I think, is clear: we will not do so by conforming to the all too common strategy of understanding the debate in terms of radical dichotomies and opposites. This is an important theme that runs throughout this thesis. The tendency among theorists to polarise arguments, and to seek to fit them within pre-existing (and ultimately limiting) categories which stand in opposition to one another can be seen to have characterised if not all, then certainly a predominant proportion of contemporary philosophical debates about justice and politics. We make a mistake though, I think, if we consider these dichotomies to be a necessary and enduring feature of these debates. Sometimes they will be. Sometimes critiques will be so forceful, so new and conflictual (and political stances so extreme), that a real and definite duality will be revealed that simply cannot be overcome by conventional debate and argument. But more often we can witness the dissolution of these dualities via the arguments that emerge and take place within the parameters set by the extremists. These are subtle arguments of synthesis and accommodation, of reconstruction, reinterpretation, and, when in the political sphere, of appeasement and compromise. And they are crucial because in clinging to metaphysical or political dualities (between 'individualism' and 'collectivism', 'cosmopolitanism' and 'nationalism', or 'universalism' and 'particularism') we obscure the intricacies of the arguments themselves, place unnecessary constraints upon the conduct of moral and political discourse, and stifle the search for meaningful answers to complex political and theoretical problems.

One such dichotomy is that established between liberals and communitarians. Liberalism, it is often said, cannot accommodate the 'Romantic' or 'communitarian' critique of the liberal self (and the normative prescriptions which flow from it) because it is committed to a form of politics and agency which foregrounds individual autonomy. And, even more recently, these same claims have been raised from a non-communitarian platform as a means of revealing the inability of liberal states to accommodate or represent the interests or integrity of those diverse communities and social groups that co-exist in contemporary mass societies which do not accept this commitment.⁵ The criticisms advanced are, by now, all too familiar and can be seen to possess a common root; that liberalism abstracts individuals from their ends and values and thus robs them of the capacity to make sense of themselves and the world in which they are implicated; that liberal commitments to autonomy, individuality, and freedom undermine the self-identity of the agent by forcing it to understand itself as separated from the ends it *chooses* for itself; that, in compelling us to 'put aside' or 'bracket' our ideas about the good, liberalism presents an impoverished conception of political discourse capable only of deriving agreements so stripped of content that they become worthless; and that, more fundamentally, the liberal project is intrinsically bound up with the post-Enlightenment folly of constructing a universal set of "standards and methods of rational justification by which alternative courses of action in every sphere of life [can] . . . be judged just or unjust, rational or irrational, enlightened or unenlightened" according to principles which are "independent of all . . . social and cultural particularities."⁶

In many respects, of course, anti-liberalism of this kind represents not merely a rejection of *liberalism*, but a rejection of the entire conception of the modern world upon which it is founded. It embodies the claim that the liberal individual is born into a world which is 'disenchanted' and emptied of *telos* by the legacy of Enlightenment rationalism. In such a world, communitarians argue, the subject is defined by its rational freedom and its separateness; it is conceived as a

⁵ Iris Marion Young, *Justice and the Politics of Difference* (Princeton University Press, 1990); Seyla Benhabib, *Democracy and Difference: Changing the Boundaries of the Political* (Princeton University Press, 1995).

rational end-chooser divorced from its culture, its history, and any sense of tradition (free, that is, from any constraints placed upon it by its social environment or its cultural history). For communitarians and many identity theorists the liberal self is defined by its capacity to choose its own ends and is then robbed of all the constitutive aspects of the self which make such choice possible. The liberating promise at the heart of liberalism (that persons should be allowed to ‘exercise their capacity as self originating sources of valid claims’ within a world governed by a moral order which is born out of, and justified by, the choices made by individuals themselves)⁷ is, they claim, corrupted and undermined by the very metaphysical assumptions that lie at the heart of the liberal ethic. “Only in a world empty of telos, such as seventeenth century science and philosophy affirmed, is it possible to conceive a self apart from, and prior to, its purposes and ends,” wrote one prominent theorist who later became subsumed within the ‘communitarian’ critique, and “only a world ungoverned by a purposive order leaves principles of justice open to human construction . . . [A]s independent selves, we are free to choose our purposes and ends unconstrained . . . by custom or tradition or inherited status.”⁸ And in doing so, it is claimed, we fulfil the Enlightenment ideal of the ‘authentic’ liberal self; reflective, rational, deliberative, free from the fetters of tradition and history, and bound only by a moral and political order of its own design.⁹

The closer we look, however, the less radically opposed liberalism and communitarianism appear. Like most movements which seek to challenge ideas and beliefs which have become all but universally accepted, communitarianism emerged at its most radical. The sheer scale of the problem, it seemed, the sheer *pervasiveness* of the Enlightenment world-view, made such radicalism necessary (or at least, understandable). This emergent radicalism, embodying the will to overturn established hegemonies of thought or custom, can also be seen to some extent in other social and

⁶ Alasdair MacIntyre, *Whose Justice? Which Rationality?* (Duckworth, 1996), p. 6.

⁷ John Rawls, ‘Kantian Constructivism in Moral Theory’, in *Journal of Philosophy* 77, p. 515-572.

⁸ Michael J. Sandel, *Liberalism and the Limits of Justice* (Cambridge: Cambridge University Press, 1982), p. 175.

⁹ See Charles Taylor, *The Ethics of Authenticity* (Cambridge MA: Harvard University Press, 1992); Alasdair MacIntyre, *Whose Justice? Which Rationality?* and *Three Rival Versions of Moral Enquiry* (London: Duckworth, 1990). See also Joel Feinberg, ‘Autonomy’, J. Christman, ed., *The*

philosophical movements like feminism and other branches of identity-theory; and, like feminists, communitarians have shown an increased tendency in subsequent debates to move *away* from the trenchant and radical critique of modernity writ large, and have increasingly sought to show the ways in which the modern world (and liberalism) can be augmented or re-articulated or *re-shaped* in order to accommodate the more radical claims of their theoretical forebears.¹⁰

This is not to say, of course, that radicalism is not common, and neither is it to argue that all theorists believe that liberalism is *capable* of accommodating the criticisms put to it by radical communitarians or feminists or identity-theorists (or, for that matter, by conservatives or socialists). Such generalisations would be clearly false. Iris Marion Young, for one, has sought an emancipatory 'politics of difference' rooted in a complete rejection of impartiality in both its republican and liberal guises for all the reasons we have already mentioned, calling instead for a politicisation of group membership and the establishment of a democratic public which ensures "the effective recognition and representation of the distinct voices and perspectives of its constituent groups that are oppressed or disadvantaged."¹¹ In doing so, of course, Young sets herself against both the liberal and the communitarian positions in an attempt to replace them with a politics rooted in the interactive communication between social groups through a series of 'mediated' social relations. For her, both positions are mistakenly rooted in the desire to "reduce difference to unity,"¹² thereby suppressing the complexity of human experience either by encouraging the adoption of a "universal point of view" abstracted from all that makes human beings unique (in the case of impartialists)¹³, or by seeking the "fusion of subjects with one another" under a unity of over-arching values and beliefs (in the case of communitarians).¹⁴

Inner Citadel (New York: Oxford University Press, 1989).

¹⁰ For example, Susan Moller Okin, *Justice, Gender and the Family* (New York: Basic Books, 1991); Martha Nussbaum, *Sex and Social Justice* (New York: Oxford University Press, 1998).

¹¹ Iris Marion Young, *Justice and the Politics of Difference*, p. 184.

¹² *Ibid.* p. 97.

¹³ *Ibid.* p. 100.

¹⁴ *Ibid.* p. 227.

But again, it is not clear exactly how radical Young's critique of liberalism – and hence, her alternative to it – is. In one sense, Young merely appears to dissolve one dichotomy, only to replace it with another which is equally stifling. This should not strike us as particularly surprising, perhaps, given that her 'politics of difference' represents an attack on liberalism which is relatively new (and hence, we might say, in the throes of the same fledgling radicalism which characterised the emergence of communitarianism). But the folly in it is especially visible – and the radicalism undermined – when we come to realise that many of Young's criticisms of liberalism (and, for that matter, of communitarianism) are misplaced. Just as communitarians would be right in rejecting liberalism if their conception of its core principles and ideals were correct, so Young would be right to criticise liberalism if it indeed embodied the claims that she thinks it does. If it did, then I too would be against it. But it does not, and once we realise this, the radical dichotomy she seems so keen to establish between herself and liberals (and between herself and the communitarians) collapses.¹⁵

One reason this is particularly important for us, of course, is that the tendency to establish false dichotomies and to fabricate controversies is not only common to non-liberals, but is all too common among liberals too. The communitarian critique forced liberals to reassess their commitment to community and the importance of embeddedness. While it did not succeed in establishing a substantive alternative normative theory to liberalism, it *did* force liberals to show more explicitly than they had before the importance of social and political attachments to individual identity and freedom. Unfortunately, a number of liberals have bought into the communitarian critique too completely and decided that principles like autonomy and individuality were now too 'controversial' to be encouraged by liberal institutions because not all groups would support such principles. Consequently, liberals like Chandran Kukathas, William Galston, and Charles Larmore have argued that liberalism should not seek to protect individual autonomy (i.e. one's ability to question or interpret their current ends or the values which prevail in the groups to which they belong) but should instead seek to tolerate and encourage the diversity which exists in

¹⁵ As we will see later.

contemporary liberal societies, even if these communities deny or undermine the individual autonomy of any or all of their members. “[I]f autonomy and individuality are supreme values [in liberalism],” Larmore claims, “they must regulate the way we affirm not only our substantial views of the good life, but our most fundamental moral commitments as well . . . yet these commitments . . . seem difficult to understand as objects of decision at least if we view ourselves as moral beings whose allegiance to morality arises out of something more than expediency.”¹⁶ Hence, he argues, liberalism must be ‘recast’ in a way which does not view our ends and commitments “as ones we choose, or would choose, were we to stand back and reflect upon them. [Our ends] are so integral to our very conception of ourselves as moral beings that to imagine them as objects of choice would be to imagine ourselves as without any guiding sense of morality at all.”¹⁷

But again, this is to establish an unnecessarily strict and unrealistic dichotomy between *liberal* theorising (which conceives persons as having the capacity to question and interpret the world in which they live for themselves), and *non-liberal* agency (which, apparently, conceives persons to be bound up in constitutive communities which they cannot question and from which they cannot escape). Toleration-based liberals like Kukathas, Galston, and Larmore are correct in their claim that personal autonomy (understood in the liberal sense) is premised upon the notion of ‘choice’, and upon the idea that the lives we lead and the values we espouse, should be those that we adopt as the consequence of some form of deliberation and reflection and not merely the result of arbitrary imposition. However, as we will see more clearly later, they are wrong in their claim that this reflection and deliberation must take place from the perspective of some plateau of reason or consciousness which stands radically separate from (and at a distance to) one's particular ends and attachments. The recognition among liberals that our deliberations about right and wrong, and about what we believe and what we do not, are affected and shaped by our more particular ideals and perceptions (our own individual understanding of the world and of our place within it) is not difficult to find, as I will show in chapter six. Neither, indeed, is it difficult to uncover a significant and widespread theme in ‘post-communitarian’ liberalism that one's community and empirical

¹⁶ Charles Larmore, ‘Political Liberalism’, *The Morals of Modernity*, p. 130.

circumstances need not (in and of themselves) impinge *negatively* upon one's deliberations about value (thereby undermining or corrupting them) but can in fact provide the necessary conditions in which these deliberations are rendered possible and intelligible. Where communitarians and liberals (and, we will see, many other theorists from different movements) divide is not in the fact that one values community attachments and the other does not, but in the *way* in which these attachments are valued, and how they can be seen to affect and shape individual self-understandings and, consequently, their deliberations about value, about right and wrong, and about justice.

Only by rejecting the all too common tendency to establish dichotomies between doctrines and ideals, and by avoiding the strategy of thinking in terms of radical oppositions and polarities, is it possible to reveal the true strengths and weaknesses of the arguments in question. It is with this in mind, that I argue in this thesis for the importance of personal autonomy not only in liberalism, but in many of those movements and doctrines which have been offered in its place. Hence, it is with this in mind that we might go at least some way in resolving that central paradox at the heart of our normative and moral claims by suggesting a way in which the personal and the impartial standpoints might be reconciled.

1. The Aim of the Thesis.

My intention in this thesis is three-fold: (1) to show that liberalism must be committed to individual autonomy (and that this principle circumscribes and limits the extent to which different ways of life can be accommodated or tolerated in liberal societies), (2) to show that this commitment is shared by many non-liberals who do not merely reject autonomy, but liberalism more widely, and (3) to argue that those liberals and non-liberals who believe that individual autonomy presupposes and requires one's membership in a particular, individuated, flourishing cultural group are mistaken. Parts one and two will address the first of these aims, and will prepare the way for our discussion of the second in part three, by presenting my argument that liberalism is

¹⁷ Ibid.

necessarily and importantly characterised by its commitment to individual autonomy. To many, this may seem like an exercise in futility. The claim that personal autonomy occupies a central place in liberal theory may seem self-evident as liberalism has always been characterised as rooted in the idea that individuals should be afforded the capacity to contribute to the way in which their life unfolds, rather than watch it determined by arbitrary circumstance, just as they have always been committed to structuring political institutions according to the consent over whom they govern.¹⁸ But as we said, this ‘self-evident truth’ has become increasingly controversial among liberals in recent years.

I will argue that many recent dichotomies and distinctions – both *within* liberalism, and *between* liberalism and its various critics – are false, that liberalism is rooted in the comprehensive value of individual autonomy, and that this commitment necessarily circumscribes and animates the way in which liberal institutions should respond to cultural, ethnic, religious, and social diversity. I will argue that liberalism presupposes the value of individual autonomy at *both* the level of institutions, policy, and practice *and* at the deeper level of political justification, and that these two levels are interwoven and interdependent. I will argue that those liberals who seek to erode or reject entirely this commitment to autonomy – either in an attempt to accommodate communitarian and ‘difference’-based criticisms of liberal politics, or to better accommodate the actual diversity that exists in many contemporary liberal societies – fail to do so and must, in the end, appeal to precisely this commitment if they are to arrive at the conclusions they do. Moreover, I will argue that the appeal to individual autonomy is not as ‘controversial’ as it is claimed to be by critics of liberalism and that many of those who seek to ‘re-cast’ liberalism or replace it with some other form of politics – a ‘politics of difference’, for example, or political pluralism, or

¹⁸ For example, John Stuart Mill, *On Liberty & Other Essays*, ed. John Gray (Oxford University Press, 1991); Joseph Raz, *The Morality of Freedom* (Oxford: Clarendon Press, 1986), and *Ethics in the Public Domain* (Oxford: Clarendon Press, 1994); Will Kymlicka, *Liberalism, Community, and Culture* (Oxford: Clarendon Press, 1989), *Multicultural Citizenship* (Oxford: Clarendon Press, 1995), and ‘From Enlightenment Cosmopolitanism to Liberal Nationalism’, unpublished paper presented at the University of Wales, 1998; Amy Gutmann, ‘Civic Education and Social Diversity’, *Ethics* 105 (1995), p. 557-579.

communitarianism – must also appeal to this principle in order to arrive at the normative conclusions that they do.

This will lead to part three, in which I will examine the claim that individual autonomy requires and presupposes our membership of individuated and flourishing ‘cultures’. I will argue that while autonomy indeed presupposes our membership in an open and liberal political community – and that, hence, autonomy is not inimical to embeddedness or group memberships – it does not require that we are members of distinct ‘cultural’ or ‘ethnic’ groups. I will argue that the popularity of what we might call the ‘liberal-culturalism’ of Will Kymlicka, Joseph Raz, *et al* and the liberal nationalism of theorists like Yael Tamir and David Miller, in the recent literature can be explained by the unwillingness of these theorists to define ‘culture’ or ‘the nation’ in anything like a philosophically compelling or substantive way. I will show that liberal-culturalists and liberal-nationalists are, in the end, merely arguing for a conventional liberal state (founded upon, and circumscribed by, liberal principles) and that their appeal to ‘nation’ or ‘culture’ does little or no work in their arguments. As such, I argue, the claim that liberalism should be structurally committed to defending or encouraging particular national or cultural identities through the allocation of ‘group’ or ‘community-specific’ rights is unfounded.

My intention is thus not to *define* autonomy in any substantive or foundational way. I do not attempt to discuss the various metaphysical controversies which a full and thorough-going conception of autonomy would require. I will not, that is, engage in anything other than a cursory discussion of such issues as the freedom of the will, intentionality, consciousness, or the structure of reason; I will not seek to contribute to debates in the philosophy of mind, or science, of social science, as such complex and far-reaching debates are beyond the scope of this thesis. Rather, I will limit my discussion to examining the implications that recent and pervasive definitions of personal autonomy offered by liberals and non-liberals hold not only for liberal political theory, but for normative political theory more generally. I am not, therefore, attempting to provide a substantive definition of individual autonomy – or a justification of liberal principles more

generally – from the ground up. My aim is more modest. It is to tease out the normative implications of two specific and related claims and hence, to impose some order and clarity upon a confused debate. The first claim that I will examine is, as I have said, that liberalism need not (and should not) be committed to the ideal of personal autonomy. The second is that, in order to be autonomous, we need to be members of distinct and individuated ‘cultures’. I will therefore challenge liberals and non-liberals on their own terms by employing the definition of autonomy that they themselves offer, and which is predominant in the debate about the toleration or accommodation of cultural, religious, and ethnic diversity in liberal societies.

Personal autonomy, on this account, describes the ability of individuals to “choose a conception of the good life, . . . to reconsider that decision, and adopt a new and hopefully better plan of life” in the light of their own particular circumstances.¹⁹ It is the idea that persons should only live according to those rules and structures of authority that they themselves have consented to; that they possess the ability to question, interpret, revise, and potentially reject those ends for which they currently strive, or those attachments or group memberships that they currently possess, or those forms of religious, cultural, and political authority which govern them, such that these attachments and ways of life and forms of authority are in a sense ‘self-imposed’ rather than imposed against their will from outside by some arbitrary and external body.²⁰ It is, therefore, conceived to be more than merely one’s negative liberty, defined in terms of one’s ‘freedom from arbitrary, external restraint’.²¹ An autonomous individual possesses the requisite knowledge and self-confidence - the requisite psychological disposition - to deliberate meaningfully on his or her particular ends (and the forms of authority under which he or she lives), as well as the requisite economic security and education to be able to lead a life that he or she believes to be genuinely worthwhile rather than a life imposed by economic necessity, a lack of education, or an ignorance

¹⁹ Will Kymlicka, *Multicultural Citizenship*, p. 80

²⁰ This is the account of autonomy found in, among others, Will Kymlicka, *Liberalism, Community, and Culture* and *Multicultural Citizenship*; Joseph Raz, *The Morality of Freedom*; Joseph Raz and Avishai Margalit, ‘National Self Determination’; and Yael Tamir, *Liberal Nationalism*.

²¹ As Kukathas, Nozick, Galston, and Larmore believe it to be.

of the opportunities available.²² It is, we might say, the account of freedom embodied in Rawls' two principles of justice, which aim to secure not only each individual's equal freedom under the law (through the application of universal negative rights) but also the economic and social resources (or positive rights) necessary to render this equal freedom accessible and meaningful to them.²³

The account of autonomy to which I appeal, then, is a thinner and less demanding ideal than it is in the hands of some others, but more substantive than the account of freedom offered by those liberals who believe the principle of autonomy is too controversial or substantive to support liberal politics. For some, autonomy represents a process of 'self-realisation' through the active "development [of] all the valuable capacities a person possesses."²⁴ For others, it embodies the distinctive capacity which defines *humanity*.²⁵ And for others still (usually those who wish to undermine or reject it) it necessitates radical abstraction from one's particular pursuits and ideals and values, and the adoption of a 'view from nowhere'.²⁶ For us, however, and for those liberals that I discuss in this thesis, personal autonomy does not (or need not) imply any of these claims. We need not claim that autonomy represents the *definitive* property of humankind in order to claim that it is important *to* humankind; and neither must we assert that it should be used as a means of achieving a *particular* goal or ideal (be it long-term or short-term). Rather, personal autonomy represents the capacity for individual agents to contribute to the way in which their life unfolds by acting and deciding on the basis of their deeper, more substantive ideals and values within constraints which they themselves have endorsed as reasonable. Autonomy, then, on my account, does not represent a first-order conception of the good because it does not "specify what the good actually consists in. Anything could be regarded as good . . . so long as the person who conceived it as good . . . had arrived at this conception in a way that satisfied the requirements of autonomy."²⁷

²² Will Kymlicka, *Multicultural Citizenship*; Joseph Raz, *The Morality of Freedom* and 'Multiculturalism: A Liberal Perspective'; Amy Gutmann, *Democratic Education* (Princeton, NJ: Princeton University Press, 1987); Eamonn Callan, *Creating Citizens: Political Education and Liberal Democracy* (Oxford: Clarendon Press, 1997).

²³ See John Rawls, *A Theory of Justice*, esp. part one.

²⁴ *Ibid.* p. 375.

²⁵ Harry Frankfurt, 'Freedom of the Will and the Concept of a Person', *The Inner Citadel: Essays on Individual Autonomy* (New York: Oxford University Press, 1989).

²⁶ See Thomas Nagel, *The View From Nowhere* (New York: Oxford University Press, 1986).

²⁷ Brian Barry, *Justice as Impartiality*, p. 129.

Rather, it represents a second-order good. It claims merely that as individuals we should, regardless of our particular group memberships or ends, be able to live “in accordance with our beliefs about what gives value to life” even if this means we reject the values embodied in the cultural and religious groups to which we belong.

My aim in this thesis is to challenge those liberals and non-liberals who believe that this goal threatens the existence and integrity of those groups which could not support it, and who therefore claim that the idea of personal autonomy is too demanding or controversial to represent an appropriate response to diversity and should be dropped in favour of a doctrine which is more tolerant of *collective*, non-individualistic ways of life. This will include a critique of Rawls himself, who has famously recanted much of what made *A Theory of Justice* an important statement of liberal egalitarianism, and who has, in doing so, rendered his ‘justice as fairness’ largely incoherent and hollow.

In arguing for the importance of personal autonomy in liberalism and many forms of non-liberal politics, we will also discuss what it might actually *mean* to be a member of a ‘collective way of life’ from a liberal point of view, and what this implies for our normative theorising about politics and justice. Again, however, it must be stressed that while some discussion of these issues is crucial to working out the role and responsibility of political institutions, it is not the aim of this thesis to offer a water-tight or substantive conception of ‘the individual’ or ‘identity’ or ‘autonomy’. Rather, it is to show that liberalism must necessarily be committed to individual autonomy in the sense suggested above, but to reject the claim – made by many of those liberals who offer such an account of autonomy – that this necessarily requires the protection of (or membership in) particular cultures (defined in anything other than the broadest possible terms). I will, of course, build upon the sketchy account of autonomy that I have thus far offered, although I will not do so in a single chapter or paragraph. I will fill in the gaps in this account as the thesis unfolds so that, by the end, we will hopefully be in a position to see what liberalism should be committed to, and what this commitment entails.

2. Themes and Structure: An Outline of What is to Come.

The thesis is split into three parts, each dealing with a particular aspect of the debate over the way in which liberal political theory might resolve those political conflicts arising out of social, cultural, and religious diversity. The multiculturalist debate is characterised by an overwhelming confusion over what the various 'sides' actually argue and what their arguments imply, due in part to the already mentioned tendency among political theorists to approach complex theoretical problems in terms of dichotomies, and also to the unwillingness of many liberal and non-liberal theorists to define the normative concepts that they employ. The very aim of determining a 'liberal response to cultural diversity' presupposes a clear and viable account of what 'liberalism' is and what values it embodies. It also presupposes a clear idea of what diversity exists in contemporary liberal societies, exactly what political conflicts arise from it, and what kind of challenges these conflicts pose for liberal accounts of justice, politics, and public reason. And, of course, it presupposes a substantive and workable definition of 'culture'.

Are the twin ideals of individuality and autonomy too controversial to represent a basis for liberalism? In parts one and two, I examine the claims made by those liberals who believe – to varying extremes – that they are and that therefore, liberals must re-interpret (and perhaps, drop entirely) their commitment to them. I begin in chapter one, by looking at those 'political liberals' like John Rawls, Stephen Macedo, Martha Nussbaum, and Susan Moller Okin, who argue that while liberalism should not reject the principle of personal autonomy entirely, it should nevertheless confine it to the political sphere. To commit liberal institutions to the defence and encouragement of personal autonomy in the 'non-political' lives of citizens would, these political liberals believe, be to impose substantive liberal understandings upon them in a way that undermines their more particular ends and obligations and self-understandings. What we actually require from liberal institutions, they argue, is simply the defence of liberal principles – and the

encouragement of liberal virtues and ideals – in the political sphere without the concurrent claim that persons need to value these ideals or virtues in their lives more generally.

I argue that this central political liberal aim of politicising autonomy fails as a coherent philosophical response to diversity because it makes unrealistic demands of citizens, because it rests upon a flawed and confused conception of autonomy, and because it is entirely incapable of responding to those actually existing forms of diversity which exist in contemporary liberal societies. In chapter one, I tease out the *philosophical* implications of the political liberal account of autonomy and politics in order to show that it is incoherent at a conceptual and normative level. I then go on, in chapter two, to explore the various ways in which political liberalism fails to capture what is at stake in contemporary debates about diversity by attempting to resolve some of the questions raised by the accommodation or recognition of minority religious and cultural practices in Britain and the US. I argue that the only reason that political liberalism has been understood to represent a coherent liberal response to religious and cultural diversity – and the only reason why it is still held to be so by political liberals – is because its advocates consistently refuse to confront those very forms of diversity that their theories must address, and ignore those questions which political liberalism must resolve. John Rawls is the most obvious guilty party in this, of course, but he is no more guilty than those political liberals who have followed him.

If my argument up to this point holds – and if autonomy is indeed a comprehensive doctrine in the sense that it cannot be confined to either the political or the non-political sphere but must instead stretch across ‘both’ spheres - then at the end of part one we find ourselves at a crossroads. If liberals are faced with the choice of embracing individual autonomy as an ideal worth protecting in the political and the non-political realms or rejecting it entirely, then why should they not choose the latter? After all, claiming that autonomy is a comprehensive ideal does not in itself tell us whether we should reject it or accept it. To see why we must accept it, more must be said. The strategy of rejection is, as we have already mentioned, advocated by William Galston, Charles Larmore, and Chandran Kukathas. Given that not all persons might understand themselves as

autonomous individuals in the way required by liberalism, they argue, liberalism must drop its commitment to autonomy in favour of a principle of tolerating the practices and customs of those groups that exist in society even if these groups actively deny any or all of their members the ability to question or interpret their own lives, and seek to impose prevailing and dominating values upon their members.

I claim that this argument fails both as an account of liberalism, and as a justifiable normative strategy for responding to difference. I argue that rejecting the principle of individual autonomy in favour of tolerating groups which deny their members the ability to question or interpret the worth or validity of their prevailing values cannot be understood to be a liberal theory. However, I also argue that, despite what they claim to the contrary, none of those liberal theorists who claim to reject autonomy in fact do so. I argue that Galston, Kukathas, and Larmore must all, in the end, appeal to the principle of autonomy if they are to reach the conclusions they do. It is this claim that lies at the heart of the discussion in part two.

Liberalism, I argue, is committed to autonomy at two distinct (yet interwoven) levels. In chapter three, I argue that liberalism must protect individual autonomy at the level of policy and political practice because it is necessarily committed to providing all persons with the intellectual, financial, and political resources they need in order to question their current ends, to interpret the value of their ideals and commitments, and to escape imposed and arbitrary forms of authority. Galston, Kukathas, and Larmore agree, of course, but claim that this ability (and one's 'right of exit' from groups and communities) is adequately secured in the protection of negative liberties (in the form of formal rights and constitutional guarantees). I argue that one's right of exit requires more than merely the absence of external constraints on action, however, and requires instead the fostering of conditions in which persons are both able to learn about and evaluate different opportunities and possess the self-confidence to pursue new ends and options if they so desire. Groups and communities often exert quite a powerful hold over their members – they often make demands about the way in which their children should be educated, for example, or how persons should be

socialised or punished or understood, or about what their members should be able to do or think. I argue that once we explore these issues closely – and once we have seen some of the demands made of persons by their group memberships (in chapter two) – it becomes clear that the appeal to ‘negative’ liberty is important but not sufficient to secure the ability of each and every individual to interpret and question their ends and values in the way that liberalism requires. I explore these issues of exit and the revisability of ends by picking up the discussion of liberal education and consent that was begun in chapters one and two.

But it is not merely because liberalism is committed to the revisability of individual ends and attachments that it is wedded to individual autonomy. It is because it is also committed to the much more fundamental claim that institutions, principles, and constitutional arrangements are also afforded legitimacy by the fact that they gain the consent of those living under them. It is a crucial theme of liberalism that authority – whether it is political, religious, or cultural – is only truly legitimate if those persons affected by it and living under it find it justifiable. This is embodied at the level of ends and ideals in the claim (made in chapter three) that one’s individual ends and attachments must be revisable and hence, subject to the consent of the individual him or herself. It is embodied at the normative level – at the level of political institutions and the nature and content of the polity itself – in the specific account of ‘public reason’ by which liberal and non-liberal theories model and constrain debates about justice. Liberal political theory presupposes certain constraints upon what can and cannot constitute a justification for a particular act or claim of justice, and it also makes substantive claims about who acts, claims and institutions should be justified to. Hence, the account of public reason to which it appeals has certain principled, structural constraints built into it. It is not an entirely ‘neutral’ framework for working out the bounds and content of justice, because no such process is possible. It presupposes individuality, equality, and autonomy. The question, then, is not whether liberal political theory invokes particular commitments in its account of justification, but rather what these commitments are, what implications they hold for our understanding of liberal political deliberation, and what does and does not count as a justification for a particular claim or practice.

I argue that, at a very fundamental level, liberal public reason presupposes and requires persons to be autonomous individuals and that this is as true for those liberals who reject the principle of personal autonomy as it is for those who embrace it. Picking up the central theme of part one, I argue that the two levels at which liberalism appeals to individual autonomy are intrinsically linked in the sense that in order for persons to be capable of engaging in the kind of *political* deliberations and debates about justice that liberalism requires, persons must be afforded the requisite wider freedoms necessary to understand themselves as being able to engage in these debates; they must be capable of understanding themselves as of sufficient status to be consulted about political matters, and they must recognise that such deliberations are the best and most appropriate means of resolving political questions. In requiring all this, liberalism reveals itself to be more controversial than many would prefer. But this is because liberalism is a doctrine inescapably founded upon the comprehensive principles of individual autonomy and equality which cannot be renounced without rendering liberalism incoherent and unable to provide the conclusions (or the political outcomes) that it seeks.

But if liberalism is necessarily a 'controversial' doctrine because it is rooted in an appeal to individual autonomy, then might that not simply imply that we should reject liberalism altogether in favour of an alternative, less controversial doctrine? After all, it would seem that our argument thus far plays directly into the hands of those who claim that liberalism is simply too demanding to provide a coherent and appropriate response to the political conflicts which arise out of cultural diversity. Should we not, therefore, reject liberalism in favour of a 'politics of difference', or 'recognition', or 'cultural recognition', or 'pluralism'? In chapter five, I argue that we should not, because in order to make sense, these alternative positions must also rest upon a commitment to individual autonomy at both the levels outlined in the previous two chapters. I argue that all these theories are united (with liberalism) by their commitment to the public justifiability of authority via an open and inclusive deliberative process involving individuals conceived as free and equal. In arguing as much, I examine in detail the claims made in favour of a 'politics of difference' by Iris

Marion Young and the 'pluralism' advanced by John Gray and Bhikhu Parekh. I argue that these theories fail to undermine the liberal model (and the principle of autonomy) because they cannot help but appeal to precisely those principles that they seek to reject. Consequently, I argue, a great many non-liberals are themselves committed to protecting individual autonomy at the level of institutions and laws for all the reasons that liberals are.

In the course of the discussion in chapter five I discuss in quite some detail a number of claims that have been made about the nature and content of 'culture' and, as such, this chapter marks a new stage in the argument which is developed in part three. To recall, the primary criticism to which I am responding in this thesis is that liberalism is unable to respond appropriately to cultural diversity because it imposes particular 'liberal' values upon all persons and groups. And I argue that this is true in a certain sense, but that it is also true of those 'non-liberal' theories which seek to resolve these matters more successfully. But this claim depends on more than merely a clearer understanding of liberal theory. It requires also a clearer understanding of what 'culture' is and what it might imply for our normative theorising. Hence, in chapter five, my defence of liberal public reason (and political justification more generally) is framed in terms of a discussion of what might constitute a legitimate claim to justice and what might not, and what liberals and non-liberals have to say on this matter. Does, for example, an appeal to one's particular cultural beliefs represent a 'justification' for acting according to these beliefs? That is, if we can show that a particular practice is 'a part of our culture' then has our search for a 'justification' for this practice come to an end? Or do we need to say more than this? Do we need to show that – as well as being a part of our culture – the practice is justifiable for some other reason?

I argue in chapter five that the appeal to culture cannot in itself represent a justification for an act or practice, and I argue that this is as true for non-liberals as it is for liberals. I argue that, on its own, the appeal to a particular way of life or cultural practice does not represent a justification for that practice or way of life, and that, as such, there may well be compelling reasons for outlawing

it. This claim, I argue, is embodied in the claims liberal and non-liberal theorists make about the way our public reasoning about politics and justice should be conducted.

This takes us into part three, in which I explore the idea of 'culture' more explicitly. There is, in the contemporary literature on multiculturalism, an obvious and studious unwillingness to define what a 'culture' or 'group' is in anything other than the most vague and ambiguous terms, and this has created a vacuum at the heart of the debate which few theorists seem willing even to acknowledge, let alone confront. The common wisdom (especially among 'culturalist' liberals and difference-theorists) seems to be that we can discuss the way in which different cultures or groups should be accommodated or tolerated by institutions without first seeking any real understanding of what a 'culture' is, how we might identify a 'cultural' group as distinct from any other kind of group or association, or how 'cultural identity', as opposed to any other form of identity, affects or shapes our ideas about life, the good, or the world in which we exist. Culturalist normative theory - and hence, our discussions about the way in which institutions should be structured in order that they successfully 'affirm' or 'recognise' the cultural memberships of those who compose society - is, it would seem, able to progress apace without ever really confronting the question of what it is actually talking about or referring to. This would be puzzling among representatives of any academic discipline but is, I believe, especially perplexing among political theorists, for whom the validity and coherence of ideas and concepts are of first importance. So how did this situation arise?

There are, I think, two reasons for the absence of any critical engagement with this question in contemporary political theory. The first is the general and growing antipathy (particularly among liberals) toward the idea that fundamental ontological questions are a proper or necessary concern for political theorists. With the rise of 'political liberalism', for example, and the concurrent rise in 'anti-foundationalism' found in the work of postmodernist thinkers like Rorty, it has become increasingly accepted that normative theory can be conducted in a way that brackets or ignores the more foundational, ontological controversies over which ethicists and metaphysicians continue to

squabble. Normative claims, it is said, can be offered and debated and enacted regardless of the way in which these deeper questions are resolved, and lucky for us. After all, it is said, if we could not debate the nature or responsibilities of political institutions until we had resolved those more fundamental questions which have plagued us for generations, then politics would never get started, and normative theory would be redundant.

The second reason for the absence in the contemporary literature of any real search for the meaning or nature of 'culture' or 'the group' is the misguided notion that these debates have already been had, and that these questions have already been *resolved*. This is most evident in the recent statement by Will Kymlicka and Wayne Norman with which we began this introduction. In what they intend to represent an overview of the present debate concerning minority-rights, Kymlicka and Norman tell us that we no longer need to debate the *nature* or *desirability* of group-specific rights (let alone the deeper question of what a 'minority culture' or 'group' is) because "this first stage of the debate is coming to a close, with the defenders of minority-rights having effectively made their case."²⁸ Now, while Kymlicka of all people would undoubtedly love this to be true, it entirely ignores the fact that, firstly, the case for minority rights versus universal and equal citizenship rights has *not* been won, and that, secondly, the deeper question concerning the nature, content, and ontological character of 'culture' and 'cultural membership' have never been *had* in anything like a satisfactory or philosophically adequate manner.

It would not be unreasonable, you might think, to assume that any theorist who places as much emphasis on the existence and importance of such things as cultural groups or communities as pluralists, difference-theorists, culturalist liberals like Kymlicka and Raz, and liberal-nationalists like David Miller and Yael Tamir is required to come up with some kind of coherent account of what such groups might look like and how they should be understood, but the logic at the heart of these positions often precludes them from doing any such thing. To seek a universal or generalisable definition of culture or community would, according to the difference theorist or the pluralist or

²⁸ W. Kymlicka & W. Norman, 'Introduction', *Citizenship in Diverse Societies* (Oxford University

the cultural relativist, for example, necessarily represent a search for universal or generalisable definitions or standards of judgement which do not and cannot exist. That is, in claiming that persons reason about the world according to standards which are entirely located within - and specific to - the cultural group to which they belong, many pluralists, difference theorists and cultural relativists reject as illusory or mistaken any form of reasoning which might tell us what such groups are or how we might understand what they imply. They just imply, it seems, whatever they imply to those who claim to be constituted by them, and they just 'mean' whatever their members think they mean. Any attempt to go beyond this - any attempt, for example, to question those meanings or the validity of those claims which arise from them, or to define the notion of 'culture' more generally in order that we might discuss its importance in political theory - is impossible and, ultimately, *imperialistic*. To require persons to explain their beliefs, or to justify those claims to justice which arise out of them, or, for that matter, to seek some workable idea of what 'culture' itself might mean to people, would not only represent an exercise in futility, but an exercise in 'cultural imperialism'. Hence, the search for a workable notion of culture which is applicable to all (and which is thus able to inform our theorising about politics) is seen as both *ontologically* impossible (or, at best, unnecessary) and *normatively* exclusionary and dominating. In the absence of generalisable concepts and classifications, then, and in the absence of any form of common dialogue via which we might come to an agreement on such terms, it seems we are invited by pluralists and difference-theorists to take the importance (and existence) of groups and cultures on trust alone.

With this in mind, and having already rejected in chapter five the first argument that is often posited in favour of cultural recognition (i.e. that it is required by the principle of equality), I devote part three to examining the claim - increasingly popular among liberals and non-liberals alike - that political institutions must recognise or accommodate cultural groups in order to enshrine and protect the principle of *individual autonomy*. I argue that while culturalist liberals like Kymlicka and Raz are right in arguing that personal autonomy need not be understood as inimical

to one's embeddedness in social and political roles, they are wrong to think that a necessary precondition for autonomy is membership in a distinct and individuated cultural group. Or at least, I will try to show that culturalist liberalism requires a much more substantive and detailed account of what 'culture' is and what it is not if it is to represent a new and instructive insight into liberal political theory, and that as it currently stands, 'culture' is too vague and ambiguous a term to be helpful in our deliberations about justice, politics, and the responsibilities of the state.

In many ways, then, part three is, like the rest of the thesis, primarily a plea for clarity. I argue that the recent trend in identifying liberalism with the protection of cultures (or, more specifically, as we will see, the defence of *national cultures*) is characterised and perpetuated by an inability of culturalists to provide a substantive and compelling definition of a 'culture' or a 'nation'. This, I argue, is a crucial factor in its popularity and success, but also explains why it cannot represent a compelling or instructive addition to the literature on liberal political theory. It is my contention that liberalism and many forms of non-liberalism are in fact united in their rejection of tyranny, inequality, and domination. Hence, they are united in their belief that all persons, regardless of the particular groups to which they belong, and regardless of what the prevailing elites in these groups may claim to the contrary, should be conceived as equally able to contribute not only to the way in which their own particular life unfolds, but also to the way in which the wider political environment in which they live their lives (and exercise their choices) is constructed and perpetuated. In necessarily committing themselves to both, I believe, these theorists are committing themselves to a substantive conception of individual autonomy: persons are only truly free if they are bound by rules and structures of authority – at the level of one's political and non-political lives – to which they have themselves consented and which are therefore, in a real sense, *self-imposed*.

In part three, I advance an account of embeddedness, agency, and political deliberation which draws upon communitarianism, identity theory, and culturalism but which departs from them all in its insistence that persons cannot be understood as defined by a particular, single attachment or community. I argue that persons are potentially members of many groups and communities – and

occupy many roles – at once, and that this profoundly affects the way in which they understand themselves, the world in which they live, and the various groups to which they belong. Because persons are complex and multiply-embedded, they often understand the allegiances they share with others differently to anyone else; the understanding they have of their cultural group or their nation or any other community will be affected and shaped by their wider memberships, and their own unique experiences, and as such it need not be the same as anyone else's. I argue that persons understand the world and their place within it (and the particular roles that they occupy) through the lens of their wider commitments and attachments and memberships. Persons understand their 'cultural' and 'national' memberships in this way too. I argue that this holds important implications for our understanding of 'cultures' and 'groups'; that they are, in an important sense, 'imagined communities' imagined differently by their various individual members and non-members, and that this undermines the claims made by culturalists, identity theorists and liberal nationalists for the importance of one particular group over any other as defining of personal identity.

The implications of this claim for the way in which we should understand the role of culture in our normative theorising, and for the way in which we should understand the conduct of public reasoning about justice and politics, are explored in chapters six and seven. Once we reject the strategy of selectively elevating certain aspects of people's lives as necessarily the most defining of their identity, and acknowledge the complexity of each individual's self-understandings and motivations, we are led also to reject the idea that our deliberations about what is right and wrong, good or bad, or worthwhile or unwholesome, will always be conducted in a particular 'realm' or context or location. We are, I argue, led to adopt a form of political reasoning which is constrained and circumscribed by liberal principles of equality and individual autonomy, which allows persons to explore their own identities and values and understandings for themselves in a context of others capable of doing the same. And because these deliberations and discussions will take place in different locations and in different contexts depending upon the circumstances at hand, persons must be able to reflect 'autonomously' not only on their 'political' roles but on those other roles that they occupy, which shape their ideas about the world, and which make them who they are.

Liberalism does not require persons to understand themselves as defined by a particular commitment or attachment, and it does not require that persons always reason from a particular standpoint (as a citizen, for example, or a Christian, or a father). Rather, it is committed to providing all persons with the ability to work out which attachments and obligations (and which forms of reasoning) are relevant to the particular circumstances at hand, and how the various aspects of their lives impact upon, and shape, the particular deliberations in which they are engaged at any particular time. It is therefore committed to ensuring the freedom of each *individual* to interpret and question the various forms of authority under which they find themselves, and to reject them if they so desire, even if this is contrary to the prevailing values of the group to which they belong, and even if it is held to be 'controversial' by certain cultural, religious, or ethnic minorities.

PART ONE

Chapter One

Political Liberalism, Autonomy, and the Privatisation of Identity

Liberals have persistently tended to cut the citizen off from the person; and they have placed on their humanistic pedestal a cripple of a man, a man without a moral or political nature; a man with plenty of contractual rights and obligations, perhaps, but a man without moorings in any real community.

Christian Bay, 'From Contract to Community', p. 30.

Is it a purpose of a liberal state to protect minority cultures from being undermined and eroded by prevailing liberal commitments to autonomy and freedom? Or is it the responsibility of the state (and of citizens) to encourage individuals to lead autonomous lives even if they do not *value* autonomy as a means to attaining the good life? And what might it mean to 'value' or 'not value' autonomy?

Liberals who have attempted to define the limits of toleration without appealing to the prior principle of individual autonomy have been quick to dismiss comprehensive liberalism for falling into an obvious trap, that is, the corruption of the individual's ability to lead a meaningful life by the universal imposition of a particular set of controversial moral values upon groups or individuals who do not support them.¹ 'Comprehensive' liberals however, have not been so hostile to the notion of toleration, and have generally seen it as a requisite component of an autonomy-supportive society.² It is my intention in

¹ For further details see John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993); Charles Larmore, *Patterns of Moral Complexity* (Cambridge: Cambridge University Press, 1987); Amy Gutmann 'Communitarian Critics of Liberalism', *Philosophy and Public Affairs*, 14 (1985), p. 308-322; William A. Galston 'Two Concepts of Liberalism', *Ethics*, 105 (1995), p. 516-534; Chandran Kukathas 'Are There Any Cultural Rights?', 20 (1992), p. 105-139; and J.D. Moon, *Constructing Community* (Princeton, N.J.: Princeton University Press, 1993).

² See Joseph Raz, *The Morality of Freedom* (Oxford: Clarendon Press, 1986); 'Autonomy, Toleration, and the Harm Principle', *Justifying Toleration*, ed. S. Mendus (Cambridge, 1988); and *Ethics in the Public Domain* (Oxford: Clarendon Press, 1994), especially 'Liberalism, Scepticism, and Democracy' (p. 97-124). See also Will Kymlicka, *Liberalism, Community, and Culture* (Oxford:

this and the following chapters however, to argue that the conventional debate between ‘comprehensive’ and ‘political’ liberals regarding the toleration of cultural diversity is misconceived. I hope to show that liberalism must necessarily be committed to encouraging personal autonomy *throughout society as a whole*, and that this requires all minority groups to provide their members with the freedom and the resources that they require in order to revise and deliberate upon their current ends and beliefs.

This so-called ‘comprehensive’ approach has come under increasing criticism in the debate surrounding the ethical limits of cultural recognition from liberals and non-liberals alike. Indeed, many liberals have sought increasingly to divorce themselves from the comprehensive good of autonomy and have instead moved toward a more general commitment to the ideal of toleration between groups that conceive their ends in radically different ways. That is to say that, in recent years, the liberal project of ensuring that all individuals are provided with the resources they need to free themselves from tyranny and imposed authority has been subverted by a new belief among a number of prominent liberals that it is the primary role of the state to encourage *toleration* between groups and individuals who hold radically divergent conceptions of the good life. Liberals, it seems, must choose which kind of liberal they are going to be.

This, however, is a mistake. One cannot choose which kind of liberal one is going to be because liberalism is *necessarily* a comprehensive doctrine rooted in the defence of individual autonomy and equality. The choice one faces is not between two different kinds of liberalism – as theorists like Galston and Kukathas argue. It is between liberalism, which is rooted in the support and defence of individual autonomy, and some other doctrine which is not.

Clarendon Press, 1989), and *Multicultural Citizenship* (Oxford: Clarendon Press, 1997).

Our defence of comprehensive liberalism begins in this and the following chapter with an exploration (and rejection) of political liberalism. In this chapter I argue that political liberalism, as a strategy for reconciling equal citizenship with the recognition and protection of cultural diversity, fails because it is unable to secure the freedoms that it sets out to encourage. Furthermore, I lay the groundwork necessary to show that the conventional debate between ‘political’ and ‘comprehensive’ liberals regarding the treatment of minority groups is false. It is my contention in this and the next chapter that the traditional dichotomy established between ‘political’ and ‘comprehensive’ liberals is based entirely upon a misconceived notion about the nature and purpose of liberalism itself. In an attempt to substantiate these claims, I explore the arguments advanced by political liberals, concentrating primarily on Rawls’ *Political Liberalism*, and show that the political liberals’ aim of relegating autonomy to the political realm is untenable and entails consequences that political liberals themselves would not support.

3. The Search for Political Justice.

3.1 *Setting the Scene: Deontology, Teleology, and the Ends of Justice.*

The debate between ‘political’ and ‘comprehensive’ liberals represents a search for the most defensible means of accommodating moral and social pluralism within specifically liberal principles, which is to say that it is also a quest to discover what these ‘specifically liberal principles’ are. Comprehensive liberalism, it is often argued, fails to acknowledge the deep conflicts which divide and characterise contemporary mass societies because it seeks to reconcile disputes (and resolve questions of justice) by appealing to over-arching accounts of value. Political liberalism, on the other hand, rejects the idea that justice can be premised upon claims to moral authority lying in some contestable account of ‘the good’

and instead seeks to arrive at principles of justice which claim their justification in the free and equal assent of all to whom they apply.³

In both its guises, then, liberalism embodies a rejection of the idea that we find in thinkers like Plato and Augustine (and in later elitist thinkers like Schumpeter) that the content of justice can be known by an enlightened elite who are capable of handing this knowledge down to those others who are considered too unintelligent or 'irrational' to discover these moral truths for themselves. The pre-modern belief that moral truth lay 'out there' to be 'discovered', and that the universe was in some way bound together by truths which lay external to us (in God, in Nature, in the great Platonic Forms) which only a gifted few could perceive, represented a justification for minority rule unchecked by democratic procedures which has survived (in a number of guises, and in various parts of the world) until the present day.⁴

Similarly, for civic-republicans the 'good life' was – and still is – something that could be *known* and that we could all be taught to embrace. For Aristotle (as for Livy, Sallust, and Cicero of the Roman *res publica*, for Machiavelli in Renaissance Italy, for Harrington and Milton in Britain, and for more diverse thinkers like Montesquieu, Tocqueville, and Hannah Arendt) the good life was ultimately embodied in active participation in public

³ John Rawls, *Political Liberalism*; Gerald Gaus, *Justificatory Liberalism: An Essay on Epistemology and Political Theory* (New York: Oxford University Press, 1995); Charles Larmore, *Patterns of Moral Complexity*.

⁴ We can see it in the failed totalitarian regimes of the Soviet Union, for example, and the dictatorships of Pol Pot and Mao. For these leaders, as for Stalin and Lenin and many other rulers who flout democratic decision-making and popular sovereignty in favour of coercion, the state legitimacy was not derived from the consent of the people because these people were largely seen as incapable of seeing the true end to which the state should be aimed. In this sense, Stalinism perhaps finds its most obvious precursor in the work of Georg Lukacs, whose theory of totality provided the ontological premise for Stalin's later denial that the Russian people were able to know the true ends of communism. See Georg Lukacs, *History and Class Consciousness: Studies in Marxist Dialectics* (London: Merlin Press, 1971).

life.⁵ But like Platonism, civic-republicanism often embodied the strongly ‘essentialist’ strategy of restricting the domain of the political to those who were considered (naturally) capable of participating meaningfully within it. That is, while republicans consistently championed the notion that individuals should be enabled to contribute to the shared body of values and ideas which constitute the ‘common good’ (as formed by public discourse among the citizenry), they also sought to *exclude* many groups and individuals from this process by denying them the resources (i.e. the status) that this participation required.

For liberals, of course, the idea that political inequalities can be justified by an account of justice rooted in ‘nature’ or ‘God’ or any other first-order ‘truth’ for all persons, is unacceptable, as is the notion that freedom or citizenship rights should be denied to individuals on the basis of ‘morally arbitrary’ characteristics like gender, ethnicity, or religion. For liberals, the ‘good life’ is not ‘out there’ for us to discover, rather it exists (differently) within each of us and we must find our own way to it by deciding for ourselves what we believe to be valuable and what we do not in the light of our own particular experiences, commitments and allegiances. Consequently, liberal justice embodies a response to the plurality of ideals and values and ways of life that will exist within a society that is not held together by a single account of value, or a first-order conception of moral truth.⁶ Liberalism, therefore, is concerned above all else with

⁵ Aristotle, *The Politics* (London: Penguin Press, 1977); Niccolo Machiavelli, *The Discourses* (London: Penguin Press, 1983); Cicero, *The Republic* (Cambridge, MA: Harvard University Press, 1928); James Harrington, *The Commonwealth of Oceana and a System of Politics*, J.G.A. Pocock, ed., (Cambridge: Cambridge University Press, 1992); John Milton, ‘The Ready and Easy Way to Establish a Free Commonwealth’, *Of Reformation In England: The Complete Works of John Milton*, F.A. Patterson, ed. (New York: Columbia University Press, 1931-38); Montesquieu, *The Spirit of the Laws*, eds. A.M. Cohler, B.C. Miller, & H.S. Stone (Cambridge: Cambridge University Press, 1989); Alexis de Tocqueville, *Democracy in America*, F. Bowen, ed. (New York: Vintage Books, 1958); Hannah Arendt, *The Human Condition* (Chicago: University of Chicago Press, 1989). For a discussion of Livy and Sallust see Quentin Skinner, *Foundations of Modern Political Thought* (2 vols., Cambridge: Cambridge University Press, 1978) and *Liberty Before Liberalism* (Cambridge: Cambridge University Press, 1998).

⁶ This, of course, is the idea behind Rawls’ ‘thin theory of the good’. As we will see, he later came to believe that the theory of the good embodied in his justice as fairness was not as thin as he first thought and consequently sought to reformulate it. It is an important aim of this and the following

providing all persons with the capacity to contribute to the derivation of those principles which will regulate and circumscribe the institutions which govern them (and which bound and limit their own conduct with regard to others), and which allow them to decide upon the content of their own lives for themselves.

To this end, liberal principles are commonly conceived to be ‘constructed’ from out of the reasoned deliberation of individuals who are – for the purposes of framing specific deliberations about justice and political conflicts – generally considered to be in some abstract condition of choice and reflection.⁷ This has led some critics (most notably, the communitarians, but also difference-theorists, and certain ‘identity-theorists’) to claim that liberalism (even ‘political’ liberalism) understands individuals to be independent of their ends and commitments in a way that they can never be. But, as we will see more clearly later, liberals are not (and should not be) committed to the idea that all the constraints and conditions which rightly frame one’s reasoning about politics should frame or animate one’s reasoning about anything else. Liberal contractualism does not seek to invoke a substantive conception of the way in which persons might resolve conflicts and dilemmas in all aspects of their lives. Rather it models the way in which persons might or should deliberate about a specific set of questions (namely, political ones).

Nevertheless, a number of liberals have responded to this criticism by rejecting the notion of ‘contract’ in favour of a stylised form of *discourse* or collective deliberation which seeks to root our claims about justice in a specific context of reflection and debate between

chapter that this reformulation is incoherent, and that his initial account of justice as fairness was more successful in providing a response to diversity than his later political liberalism.

⁷ This is not common merely to liberal-egalitarian theories of justice, of course. It is also used in various ways by critics of liberalism. See, for example, David Gauthier, *Morals By Agreement* (Oxford: Clarendon Press, 1986) and Iris Marion Young, *Justice and the Politics of Difference* (Princeton, NJ: Princeton University Press, 1990).

culturally and historically situated agents.⁸ This represents an important development in the process of theorising social justice and will be explored more fully in the chapters that follow. As a pre-cursor to this argument, I will say briefly here that one of the central claims made in this thesis is that the dichotomy established between ‘contractualist’ and ‘discursive’ or ‘deliberative’ forms of liberal reasoning is false because if contractualist theories are guilty of invoking substantive ideals about the self and value, then so are those premised upon some form of discourse.⁹

Communitarians and difference theorists, of course, are united with many postmodernists in their claim that liberalism necessarily presupposes a particular account of the good life and of the person and that, as such, its commitment to some ‘comprehensive’ value like autonomy is not compatible with the liberal aim of constructing a moral community as a response to social and moral diversity. Many liberals appear to have accepted this criticism, arguing that liberalism must be ‘re-cast’ in a way that eschews any commitment to comprehensive goods like autonomy and individuality. The idea common to all these ‘neutralist’ or ‘impartialist’ or political liberals is that if we are to find truly reasonable grounds for arbitrating between different ends, then we must reject comprehensive accounts of the good (and of the self) and establish instead a political conception of justice which stands independent of, and prior to, our more substantive ideas about ourselves and the world. That is, the aim of political liberalism is to derive an account of justice which is ‘thin’ enough to gain the endorsement of all those to whom it is to apply, but ‘thick’

⁸ See, for instance, Bruce Ackerman, *Social Justice in the Liberal State* (New Haven: Yale University Press, 1980); Jurgen Habermas, ‘Reconciliation Through The Public Use of Reason: Remarks on John Rawls’ Political Liberalism’, *The Journal of Philosophy* (1995), p. 109-131; Matthew Festenstein, ‘Toleration and Deliberative Politics’, *Toleration, Identity, and Difference*, S. Mendus & J. Horton eds., (Basingstoke: Macmillan, 1999), p. 146-162. Charles Larmore’s *Patterns of Moral Complexity*; J.D. Moon’s *Constructing Community*; A. Gutmann & D. Thompson, *Democracy and Disagreement* (Cambridge, Mass: Belnap Press, 1996); John Dryzek, *Deliberative Democracy and Beyond* (Oxford: Clarendon Press, 2000); Jon Elster (ed.) *Deliberative Democracy* (Cambridge: Cambridge University Press, 1998).

⁹ See chapters four and five.

enough to provide a set of rules which successfully regulate and circumscribe the enactments of public institutions. It must embody an account of public reason which is agnostic about the nature of the self. To do so is to respect the diversity of ends and values and commitments which characterise society. To do otherwise is to deny that society is characterised by a diversity of ends and is to imply that all goals and beliefs and self-understandings can, if deliberated upon for long enough, converge and be reconciled under one principle or account of value; that the deep divisions which split society and which cause the very conflicts which justice is supposed to resolve must, in the words of Isaiah Berlin, “in the end, be compatible with one another, and perhaps even entail one another.”¹⁰

In many ways, this debate represents a revival (or a continuation) of the kinds of concerns which characterised the debate between teleologists and deontologists in the wake of Rawls’ *A Theory of Justice*. Rawls, we must remember, argued that teleologists claimed a broadly Aristotelian conception of morality and the self as being founded in some intrinsically valuable good, some *telos*, which the state must encourage and promote. This good might be the maximisation of aggregate welfare in society,¹¹ or it might be the encouragement of persons to realise their nature as God’s subjects,¹² or it might be some highly generalised account of human motivation like the pursuit of happiness, or material wealth, or freedom.¹³ Whatever the *content* of the good however, whatever we conceive the ultimate ends of all individuals to be, Rawls claimed that teleological theories can all be seen to share a common basic structure. That is, as Moon puts it, they are all generally founded upon a ‘thick’ conception of the self “including an account of basic human needs

¹⁰ Isaiah Berlin, ‘Two Concepts of Liberty’, Henry Hardy & Roger Hausheer (eds.) *The Proper Study of Mankind: An Anthology of Essays by Isaiah Berlin* (London: Chatto & Windus, 1997), p. 191-243.

¹¹ As Utilitarians might argue.

¹² As Augustine or Aquinas might argue.

and capacities, such as the ability to reason, fundamental motivations, sociality, and emotional make-up, and a description of central human experiences.” Then, “on the basis of this conception, the theorist offers a vision of human flourishing or the human good - an account of the conditions which contribute to a person’s ability to realise the good, and thus it will project an ideal of human excellence.” Armed with this wide-ranging conception of the person (and the needs and capacities which characterise and define it), the theorist is then able to “prescribe the kind of practices and institutions which are required if these conditions are to be realised, given the motivations and capacities that the theory posits.”¹⁴ That is to say, as Brian Barry puts it, the relationship between ‘justice’ and ‘morality’ in teleological theories is a purely derivative one. First “we start with a conception of the good which is to be achieved, as far as possible. We then assess potential rules of justice by their conduciveness to the achievement of that good.”¹⁵ For the utilitarian then, or the Thomist, or any other theorist who claims a teleological method, the most fully justifiable set of principles is that which encourages the individual to realise its own nature and which structures social, political, and economic institutions in such a way as to promote whatever the conception of the good at the heart of the theory claims is the “ultimate and true good of human beings.”¹⁶

‘Teleologists’ may choose not to phrase their arguments in quite such abstract or austere terms, of course, although they might still subscribe to the same consequentialism that we find at the heart of such an account of ethics.¹⁷ They might not, that is, phrase their claims in terms of ‘ultimate goods’, or the pursuit of one’s *telos* (or they might not appeal to some

¹³ As much economic (and especially rational choice) theory supposes.

¹⁴ All quotations are taken from J. Donald Moon, *Constructing Community*, p. 13.

¹⁵ Brian Barry, *Justice as Impartiality* (Oxford: Oxford Clarendon Press, 1996), p. 76.

¹⁶ Alasdair MacIntyre, *Whose Justice? Which Rationality?* (Notre-Dame: University of Notre-Dame Press, 1988), p. 2.

¹⁷ It is not possible to enter into a detailed debate concerning consequentialist ethics here. For more details, see, for example, Joseph Raz, *The Morality of Freedom* (Oxford: Clarendon Press, 1988); and Samuel Scheffler, *Consequentialism and its Critics* (Oxford: Oxford University Press, 1988).

explicitly Aristotelian account of selfhood or virtue), but they might instead subscribe to a broader ethical system rooted in the encouragement of generalised 'states of affairs'.¹⁸ In such a system, of course, the 'common good' need not be derived from some 'ultimate and true good' valid for all humankind, but merely the aggregated preferences of those in a particular community. Once individual preferences have been aggregated (and the common good found), then actions can be judged right or wrong, good or bad, according to the extent to which their consequences (or outcomes) advance or inhibit the achievement of the greater good for all. Important work in social choice theory has shown this idea of aggregating preferences to be more problematic than many utilitarians suppose.¹⁹ But even if such aggregation was a coherent goal, the liberal objection to it (and to consequentialism more generally), of course, is that it seeks to suppress the diversity of individual preferences and motivations and inclinations in order to fit them within a single account of 'the good' common to all, and that it falsely equates the 'rightness' or 'wrongness' of an action with the extent to which its consequences aim at the 'common good'. Liberalism, on the other hand, seeks to establish substantive standards of ethical conduct (or, more specifically, principles of justice) out of the collective deliberation of all to whom these rules are to apply, which is to say that they explicitly endorse a conception of public justification which is genuinely fair and non-exclusionary. Again, this aim has attracted a significant degree of criticism in recent debates surrounding the accommodation of cultural diversity and group 'difference', as we will see in this and later chapters, and indeed it is a central aim of this chapter to show that 'political' liberalism is unable to achieve those goals that it sets for itself precisely because it invokes principles which are inherently 'comprehensive' in scope. Indeed, I will argue in this thesis that, like those 'teleological' theories from which it separates itself, liberalism must also posit an account of the self and its capacities, and a

¹⁸ See Bernard Williams, *Moral Luck: Philosophical Papers 1973 – 1980* (Cambridge: Cambridge University Press, 1981) and *Ethics and the Limits of Philosophy* (London: Fontana Press, 1985).

¹⁹ See, for example, Shaun Hargreaves Heap (ed.) *A Theory of Choice: A Critical Guide* (Cambridge,

particular (sometimes controversial) set of comprehensive values and ideals. Importantly, however, this does not mean that liberalism is as intrusive or as destructive of group memberships as its critics often fear precisely because the goods to which liberalism must commit itself do not stipulate the first-order ends to which persons must orient their lives, rather they simply demarcate a limit to the claim that groups may have over their own members.

Consequently, liberal principles of justice are not “designed to tell us how to live . . . [but rather] how to live *together*, given that we have different ideas about how to live.”²⁰ That is to say, they focus on “what it is right to do rather than what it is good to be, on defining the content of obligation rather than the nature of the good life.”²¹ The problem with the teleological conception, liberals argue, is that it not only entails practical implications which do not correspond to our deeply-held beliefs about right and wrong (in that they inevitably subordinate the welfare of the individual to the achievement of some greater good), but that they presuppose some contestable notion of what ‘welfare’ is. Specific moral principles are conceived to be derived from, and thus subordinate to, the common good and hence they can be abandoned or over-ridden in the name of this higher good. Consequently, there is no reason *in principle* why – according to a teleological or consequentialist conception of morality - minorities should not be marginalised, imprisoned, or forcibly compelled to adopt the beliefs of the majority if in doing so the greater good is achieved.

Political liberals and anti-liberals criticise ‘comprehensive’ liberalism for collapsing into the same teleological method of affording ultimate priority to some contestable first-order

MA: Blackwell, 1992).

²⁰ Brian Barry, *Justice as Impartiality*, p. 77.

²¹ Charles Taylor, *Sources of the Self* (Cambridge: Cambridge University Press, 1992), p. 3.

conception of the good and then structuring society in such a way as to advance that good. These theorists have argued that the dignity and freedom of the individual is only truly respected if the state avoids imposing comprehensive goods upon them. Moral and social pluralism, they argue, is only accommodated if we avoid enshrining problematic and contestable value judgements in the justification process and this inevitably entails the rejection of goods such as autonomy which impose constraints upon our deliberations about justice and which lie *external* to the agreement process itself. Later in this chapter and more specifically in chapters three and four, we will have cause to question not only the attractiveness of such a claim, but its logical consistency. For now, however, it is sufficient to suggest, at this early stage, that the process of discourse and agreement invoked in both political and comprehensive liberalism presupposes that persons possess a significant degree of personal autonomy (in the sense that they can stand apart from their ends and attachments sufficiently to offer compelling reasons as to why their claims should be accommodated) and that they are enabled to engage in this process of agreement as *individuals* who know their own interests more fully and more coherently than any outside authority or elite or representative. Pure procedural justice divorced from any commitment to individual autonomy would in fact spell the end of any hope of agreement or meaningful debate about justice, and hence it would spell the end of politics itself.²²

3.2 *Rawls' Political Liberalism and the Status of Comprehensive Doctrines.*

The question that faces us, then, is: can liberalism secure basic political freedoms for individuals without appealing to some substantive, over-arching account of value or of the self? In the most obvious sense, this question would appear self-contradictory: after all, there must be some account of the good or the self at the heart of liberalism, otherwise there would be no reason to suppose that institutions should protect basic political

²² As we will see more clearly in chapter five.

freedoms at all. But what is this account? And what implications does it hold for the way liberal political theory should respond to diversity? To answer these questions it is necessary to grasp more clearly the role and status of supposedly 'comprehensive' goods (like autonomy and individuality) in liberalism. Comprehensive liberals have generally argued that a community can be judged 'just' or 'unjust' depending upon the extent to which it encourages personal autonomy among its members and they have consequently argued that 'illiberal' communities should be encouraged or compelled to restructure their community practices in such a way as to provide individuals with the resources they need to pursue goals which they have chosen autonomously.²³ As Raz states, for example, for groups who condemn their young "to an impoverished, unrewarding life by denying them the education and the opportunities to thrive outside the community . . . assimilationist policies may well be the only humane course, even if implemented by force of law."²⁴ Political liberals on the other hand, maintain that while autonomy is an important *political* virtue, it need not be enforced or nurtured in the *private* lives of individuals. As we will soon see, this leads them to argue that individuals can understand themselves to be bound up in their cultural, religious, or moral attachments in private while enjoying equal access to basic *political* freedoms as *citizens*.

The way in which political liberals have sought to achieve this - the way in which they have sought to invest this claim with normative weight - has been to re-imagine the conditions and constraints embodied in the original agreement situation in such a way as to ensure that the resultant principles apply exclusively to the political, legal, and economic institutions which compose the 'basic structure' of society.

²³ See J. Raz, *The Morality of Freedom*, especially chaps. 14 & 15; Steven Wall, *Liberalism, Perfectionism and Restraint* (Cambridge: Cambridge University Press, 1998); Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights*; Amy Gutmann, 'Civic Education and Social Diversity', *Ethics* 105 (1995) p. 557-579; Eamonn Callan, *Creating Citizens: Political Education and Liberal Democracy* (Oxford: Clarendon Press, 1997).

This, we might recall, was Rawls' original aim in *A Theory of Justice*, in which he claimed that the subject of justice was "the basic structure of society, or more exactly, the way in which the major social institutions distribute fundamental rights and duties and determine the division of advantages from social co-operation."²⁵ Where *A Theory of Justice* went wrong, he now argues, was that it appealed to comprehensive and over-arching accounts of value (and of the self) in order to justify the rightful distribution of these 'rights and duties'.²⁶ By imposing a single set of values and understandings on a society which would inevitably contain a *plurality* of comprehensive doctrines, Rawls believes that justice as fairness (as presented in his early work) was incapable of securing the level of stability and co-operation necessary for persons to successfully pursue their ends on a free and equal basis with others in the public realm. In seeking to structure the political and economic institutions of the state in such a way that they encouraged personal autonomy, Rawls argues, justice as fairness "became but another sectarian doctrine" in the sense that it unfairly marginalised and excluded those individuals and groups who could not understand their most deeply-felt beliefs and understandings to be the object of autonomous choice and reflection.²⁷ Therefore, given that society will be characterised by a plurality of different ends and beliefs, and given also that the free and equal pursuit of ends in the political realm requires a degree of stability and co-operation, then justice as fairness must above all else provide a viable account of the way in which competing (and often incompatible) comprehensive doctrines can be accommodated within an inclusive democratic society regulated by substantive principles of justice.²⁸

²⁴ Joseph Raz, *The Morality of Freedom*, p. 425.

²⁵ John Rawls, *A Theory of Justice* (Oxford: Oxford University Press, 1971), p. 7.

²⁶ See John Rawls, *Political Liberalism*, especially the Introduction.

²⁷ John Rawls, 'Justice as Fairness: Political Not Metaphysical', *John Rawls: Collected Works* (Cambridge, MA: Harvard University Press, 1999), p. 409.

²⁸ Some have argued that this represents a shift in emphasis in Rawls' work from 'justice' to 'stability' (or 'peace') and that, consequently, he is returning to the Lockean ideal of establishing a substantive conception of toleration in order that diversity does not lead to instability and social

Consequently, in *Political Liberalism* (and in those articles which composed and followed it), Rawls invokes the original position as a means of dramatising the distinction between ‘public’ and ‘non-public’ reason which he believes is necessarily demanded by an exclusively ‘political’ conception of justice.²⁹ This distinction enables Rawls to concede that individuals will be in some way constituted by the beliefs and values that are conferred upon them by their membership of various non-political associations and groups (indeed, he argues that individuals “may regard it as simply unthinkable to view themselves apart from some certain religious, philosophical, and moral convictions, or from certain enduring attachments and loyalties”³⁰) while at the same time denying that these memberships and loyalties should provide the basis for reasoning about principles of justice in the *political* realm. That is, he argues, the fact that individuals value certain cultural practices, or that they engage in rituals and customs which shape the way they understand themselves in the *private* realm is not *in itself* a sufficient reason to argue that these values should be advanced by the *state*, or that they should guide our *public* reasoning about principles of justice.

fragmentation. This is partly true, although like Locke, Rawls appears to be *equating* justice and stability as if one cannot exist without the other. This fits with his earlier views concerning the importance of a ‘well-ordered’ society to liberal justice, but raises important questions about the role and status of personal autonomy in justice as fairness. Again, like Locke, he appears to advance a conception of toleration which is circumscribed by the prior commitment to autonomy but, as we will see, he thins this commitment in such a way as to render it incapable of doing the work he requires of it. See John Locke, *A Letter on Toleration*, S. Mendus & J. Horton, eds., (London: Routledge, 1991) and Susan Mendus, *Toleration and the Limits of Liberalism* (London: Macmillan, 1991). For more on stability see Brian Barry, ‘John Rawls and the Search for Stability’, *Ethics* 105 (1995), p. 874-915.

²⁹ See John Rawls, ‘Social Unity and Primary Goods’, *Utilitarianism & Beyond*, A. Sen & B. Williams, eds. (Cambridge: Cambridge University Press, 1982), p. 159-186; ‘Justice as Fairness: Political Not Metaphysical’, *Philosophy and Public Affairs* 14 (1985), p. 223-252; ‘The Idea of an Overlapping Consensus’, *Oxford Journal of Legal Studies* 7 (1987), p. 1-25; ‘The Priority of the Right and Ideas of the Good’, *Philosophy and Public Affairs* 17 (1988), p. 251-276; ‘The Domain of the Political and Overlapping Consensus’, *New York University Law Review* 64 (1989), p. 233-255; ‘The Idea of Public Reason Re-Visited’, *University of Chicago Law Review* 64 (Summer, 1997), p. 765-807, re-printed in *The Law of Peoples* (Cambridge MA: Harvard University Press, 1999).

³⁰ John Rawls, ‘Justice as Fairness: Political Not Metaphysical’, *Philosophy and Public Affairs* 14

Consequently, parties to the original position are considered to be ‘unaware’ of their particular interests and comprehensive beliefs (and the beliefs of those with whom they are bargaining) because it is the purpose of the original position to “make vivid . . . the restrictions that it seems reasonable to impose on arguments for principles of *justice*”³¹ if the parties are to structure the political and economic institutions of the state in such a way that they are not grounded in some controversial or ‘sectarian’ set of values and aims. That is, it is not the role of the original position to ‘make vivid’ some conception of the *person* which all parties must accept, and neither does it seek to establish some thoroughgoing conception of the way in which all individuals must understand their relationship to their ends. Indeed, as Amy Gutmann concurs, the primary aim of liberal justice is to “find principles appropriate for a society in which people disagree fundamentally over many questions including . . . the nature of personal identity. Liberal justice therefore does not provide us with a comprehensive morality; it regulates our social institutions, not our entire lives.”³² What Rawls (and political liberals more generally) seek to establish then, via the distinction between ‘public’ and ‘non-public’ reason (as embodied in the original position), is a conception of justice which is “free-standing and expounded apart from, or without reference to any . . . wider background” of comprehensive moral values.³³

In this, we can see that Rawls’ construction seeks the same end as that advanced by liberal impartialists like Scanlon, Barry, Beitz, Charvet, and Nagel (i.e. procedural neutrality enshrined at the institutional and constitutional level by binding, self-imposed deontic constraints). Where it differs most obviously, of course, is in the way in which this goal is sought (that is, the way in which the agreement situation or ‘contract’ is structured). The

(1985), p. 223-251.

³¹ Rawls, *A Theory of Justice*, p. 18.

³² Amy Gutmann, ‘Communitarian Critics of Liberalism’, *Philosophy & Public Affairs* 14 (1985), p. 308-322, p. 313.

³³ Rawls, *Political Liberalism*, p. 12.

Scanlonian construction, for example (used by Barry, Beitz, and Nagel, as well as Scanlon himself) clearly admits comprehensive doctrines into the agreement process (and therefore acknowledges that these doctrines have an important bearing on the way in which political institutions should be structured), while providing all individuals with a ‘veto’ that they can use to strike down proposals and claims which they feel are unduly prejudicial or oppressive of their own values and commitments.³⁴ What this represents in practice, of course, is the idea (for which I will argue more fully in the next section and throughout this thesis) that ‘comprehensive’ doctrines should *not* be excluded (or considered excludable) from deliberations about politics as long as there is some mechanism internal to the agreement construction that protects individuals from being unfairly oppressed or marginalised by the interests and preferences of others. There are, of course, significant issues to be discussed with regard to the Scanlonian position (most notably its implicit commitment to autonomy). These are explored in detail in part two of this thesis. For now, however, I want to develop two interwoven criticisms of Rawls’ argument (and of political liberalism more generally) in order to show that it is unable to provide the conclusions that Rawls demands of it.

4. Agency and the State: The Limits of Political Justice.

The central flaws in Rawls’ position then (and the main reasons why it fails to transcend his earlier ‘comprehensive’ position), can be revealed by making two related points; the first concerning Rawls’ definition of the ‘basic structure’ and the second regarding the

³⁴ Thomas Scanlon, *What We Owe To Each Other* (Cambridge, MA: Harvard University Press, 1999); Brian Barry, *Justice as Impartiality: A Treatise on Social Justice, vol. 2* (Oxford: Clarendon Press, 1995) and *Theories of Justice: A Treatise on Social Justice, vol. 1* (London: Harvester-Wheatsheaf, 1987); Charles Beitz, *Political Equality* (Princeton, NJ: Princeton University Press, 1989); Thomas Nagel, *Equality and Partiality* (New York: Oxford University Press, 1991). For a non-Scanlonian account of contractualism, see John Charvet, *The Idea of an Ethical Community* (Ithaca: Cornell University Press, 1995).

account of human agency upon which the distinction between ‘public’ and ‘non-public’ reason is founded.

4.1 *Defining the ‘Basic Structure’.*

Firstly, it is necessary to realise that, despite his insistence that he has created a ‘free-standing’ conception of justice which applies exclusively to the ‘basic structure of society’, Rawls’ political conception embodies a set of goods which strive above all to establish certain conditions in the wider *society*. That is, after being told that political liberalism is different from comprehensive liberalism in that it only applies to the ‘basic structure’ of society (i.e. the “framework of basic institutions and the principles and precepts that apply to it”³⁵), we are then encouraged to conceive of this ‘basic structure’ as comprising not only the principal organs of the state, but also those *social* institutions which “fit together into one system, and . . . assign fundamental rights and duties and shape the division of advantages that arises through co-operation.”³⁶ Therefore, we are told, the “political constitution, the legally recognised forms of property, and the organisation of the economy, and the nature of the family all belong to the basic structure.”³⁷ It is the role of these institutions, Rawls tells us, to “secure just background conditions against which the actions of individuals and associations take place.”³⁸

But how do these claims differ from the ‘comprehensive’ approach adopted by the likes of Mill, Gutmann, and Raz? Obviously, the theories advanced by Raz, Mill, Gutmann, and Rawls will differ significantly in their substantive *content* but what is important here, when seeking to distinguish *political* liberalism from *comprehensive* liberalism, is that these differences do not lie in the areas that Rawls believes them to. Mill, Gutmann, and Raz

³⁵ John Rawls, *Political Liberalism*, p. 11-12.

³⁶ *Ibid.* p. 258.

³⁷ *Ibid.*

recognise the fact that in order to enable individuals to lead meaningful lives within a just political system, the theorist must concentrate upon the ways in which the *state* can encourage and perpetuate certain conditions in the *social* realm which are necessary for this pursuit. Raz, for instance, explicitly states that, when presenting his theory he is “referring primarily to the state and its organs.”³⁹ And similarly, Mill is quite explicit in his claim that *On Liberty* represents above all a sustained attempt to justify a notion of the state which “does not impede, but aids and stimulates, individual exertion and development.”⁴⁰ Even Kymlicka, who tempers his overarching commitment to personal autonomy by taking seriously the (often autonomy-denying) claims born out of culture and tradition and group membership, sees social and political institutions as the primary means of satisfying liberalism’s “most basic commitment . . . to the freedom and equality of individual citizens.”⁴¹

What links Raz, Gutmann, Kymlicka, and Mill then, is the *approach* that they take to justifying liberal principles: all of them express a commitment to some comprehensive account of the good (autonomy), and all of them see what Rawls wants to call the ‘basic structure’ as the means by which the wider *social* conditions necessary for the establishment of this good are established. It is in establishing such constitutional guarantees as Bills of Rights, for example, which uphold and protect the freedom of the individual within a framework grounded in the rule of law, and in the creation of institutional measures which limit what the government can and cannot do with regard to its citizens (and which uphold democratic procedures, such as a separation of powers, bicameralism, the appointment of officials and overseers to the constitution, universal

³⁸ Ibid. p. 266.

³⁹ Joseph Raz, *The Morality of Freedom* (Oxford: Oxford Clarendon Press, 1988), p. 3.

⁴⁰ John Stuart Mill, ‘On Liberty’, *On Liberty and Other Essays*, ed. John Gray (Oxford, 1991), p. 127.

⁴¹ Will Kymlicka, *Liberalism, Community, and Culture* (Oxford: Oxford University Press, 1989), p.

suffrage, and the accessibility of political discourse to all) that the state provides the background conditions in which individual freedoms can be enacted.⁴² As we will soon see, however, these conditions are not sufficient *in and of themselves* to secure individual autonomy. For now, however, it must be said that it is not enough for Rawls to claim that his ‘political conception’ of justice differs from ‘comprehensive’ theories of liberalism in its focus upon the basic structure of society when he so clearly seeks to include within this conception rules which are designed to regulate our actions and interactions in the *wider social realm*. Political liberalism and comprehensive liberalism therefore share a fundamental commitment to establishing certain conditions in *society* in order that certain *particular* aims can be achieved. The fact that, for Mill, Raz, and Gutmann these ends are located in comprehensive accounts of value and that for Rawls (supposedly) they are not makes little difference.

Rawls, of course, would argue that it makes a great difference and would no doubt seek to defend his theory by reiterating his claim that the political conception of justice “is expressed in terms of . . . ideas seen as implicit in the public political culture” of democratic societies, and explicitly avoids entering the “‘background culture’ of civil society” (or what Rawls calls the ‘culture of daily life’).⁴³ The fact that he defines the basic structure of society in such a way that it makes claims about the way in which individuals should understand their relationships with one another is irrelevant, he might argue, because in the end he is only making claims about the way in which they should interact in the public, political realm in the interests of deriving an account of justice. What truly separates comprehensive and political liberalism, he might – and does – say, is the fact that

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⁴² See Phillip Pettit, ‘Republican Freedom and Contestatory Democratization’ in I. Shapiro & C. Hacker-Cordon (eds.) *Democracy’s Value* (Cambridge: Cambridge University Press, 1999), p. 163-190.

⁴³ John Rawls, *Political Liberalism*, p. 13. This represents another change from *A Theory of Justice*

comprehensive liberalism demands that people act and understand themselves in a particular way in the *private* realm of non-political associations and groups, while *political* liberals merely wish to ensure that all individuals are afforded the capacity to act as free and equal citizens in the *political* realm, no-matter what particular beliefs and values they cherish in private (as long as they can be accommodated within the political conception). “Central to the idea of public reason,” he says, “is that it neither criticizes nor attacks any comprehensive doctrine, religious or non-religious, except in so far as that doctrine is incompatible with the essentials of public reason and a democratic polity.”⁴⁴

However (and this brings us to our second point, raised earlier), this final caveat dramatically limits what is permissible in a liberal society, and renders political liberalism far more restrictive of cultural and religious practices than Rawls believes. This is because the ‘public political culture’ cannot be separated from the ‘background culture’ of daily life in the way Rawls contends. Our *non-political* identities and interests will inevitably shape and affect the way we lead our lives (and deliberate about politics) in the *political* realm, and, similarly, our political and economic circumstances will variously affect the way in which we act and understand ourselves in the private realm.⁴⁵ Consequently – as we will see more fully later – one of the ‘essentials of public reason’ is that persons are encouraged to understand themselves as autonomous not only in the political sphere but in the non-political sphere too, and that therefore this will impose significantly greater constraints upon what ‘comprehensive doctrines’ can be admitted within a liberal state and which cannot.

to *Political Liberalism* in that while the former was explicitly ‘universal’ in scope, the latter seeks merely to articulate a conception of justice valid for Western liberal democracies.

⁴⁴ John Rawls, ‘The Idea of Public Reason Re-Visited’, *John Rawls: Collected Works*, p. 574.

⁴⁵ G.A.Cohen uses a similar argument to critique Rawls’ account of fair distribution. See G.A. Cohen, *If You’re An Egalitarian How Come You’re So Rich?* (Cambridge, MA: Harvard University Press,

4.2 *'Political' and 'Ethical' Autonomy: Public Freedom and Private Tyranny.*

In *A Theory of Justice*, Rawls sought to establish certain metaphysical claims about the nature of the self (i.e. that it is autonomous and that, therefore, autonomy is a good both in the public political realm and in the non-political realm of associations).⁴⁶ In his later work however, he posits the idea that, while the individual should be understood as autonomous in the *political* realm in the interests of *justice*, there is no particular reason why individuals should understand themselves as autonomous in the *private* realm; that is, justice as fairness now “affirms *political* autonomy for all but leaves the weight of *ethical* autonomy to be decided by citizens severally in the light of their comprehensive doctrines.”⁴⁷ All that is required by justice, Rawls argues, is that persons be afforded the capacity to “agree to any conception of justice available to them, as prompted by their rational assessment of which alternative is most likely to advance their interests” independent of any ‘antecedently given’ principles of right and justice.⁴⁸ It is this idea, we must remember, that forms the basis of Rawls’ new account of stability and makes liberal justice *possible*.

Ronald Dworkin and Will Kymlicka have argued that this position leads to a ‘schizophrenic’ conception of the self as able to understand itself in two (or more) radically different ways at one and the same time in the interests of justice, and have argued that Rawls fails to address the problem of why individuals who do not place a high value on autonomy in their non-political lives should think it a good idea that they do so in public.⁴⁹ In making this point, Dworkin and Kymlicka open up the debate concerning the relationship between the political and non-political realms, but they fail to mount anything more than a superficial critique of Rawls’ political liberalism. All Rawls need do to rebut

2000), esp. chapter 9.

⁴⁶ See John Rawls, *A Theory of Justice*, part 3.

⁴⁷ John Rawls, *Political Liberalism*, p. 78.

⁴⁸ John Rawls, ‘Kantian Constructivism in Moral Theory’, *John Rawls: Collected Papers* (Cambridge, MA: Harvard University Press, 1999), p. 311.

them is restate the primary objective of his political conception. The reason why individuals would agree to enshrine autonomy in the political realm, Rawls would no doubt argue, is because it is in their best interests; after all, in doing so they create a society in which everyone can pursue their own ends and commitments freely and equally regardless of what these ends and commitments may be (given that they fit within the general framework laid down by fairly derived principles of justice).

John Charvet has made a similar point to Dworkin and Kymlicka but goes further than either of them by highlighting the fact that the Rawlsian public/private distinction requires persons to be capable of understanding their *relationship to their ends* in radically different ways at one and the same time. That is, “the later Rawls believes that one can be *anti-realist* politically and at the same time be a *realist* in non-political ethical beliefs: the realist beliefs one may hold as a private person are irrelevant to one’s political life.” Thus, he goes on, “in effect, one must split off private beliefs and identity from public-political self-conception in a radical way as though one were two persons.”⁵⁰ To some extent, of course, Rawls could even accommodate this claim by arguing that, again, reasonable persons are quite capable of claiming certain first-order moral or ethical statements as *true* while claiming that these ‘truths’ should not be invoked in the justification of public institutions or in the resolution of questions of justice.

What Kymlicka, Dworkin, and Rawls fail to realise however (and what Charvet’s criticism shows more clearly), is that the political/non-political distinction which political liberalism requires (and which persons must internalise in order to be ‘reasonable’) is rendered untenable once we understand the extent to which our *political* actions will be constrained

⁴⁹ Will Kymlicka, *Multicultural Citizenship* (Oxford: Oxford Clarendon Press, 1997), chap. 5, and *Liberalism, Community, and Culture*, chap. 4, p. 47-74.

⁵⁰ John Charvet, *The Idea of an Ethical Community*, p. 5.

and affected by our *non-political* identities, and that members of communities which do not value autonomy will have little or no *choice* about whether or not they will value autonomy in the public realm. Rawls assumes that “people who are unable to leave or change their relationships in private life are nonetheless capable of exercising autonomy in their public lives . . . If people’s autonomy in the public sphere is respected then Rawls assumes that the inability to exercise autonomy in the private sphere is benign.”⁵¹ But the claim that we need not intrude upon (and seek to encourage autonomy in) people’s non-political lives and that we should seek to establish a ‘free-standing’ conception of justice which encourages autonomy as an exclusively political virtue collapses when we realise that our actions in the political realm are necessarily limited, shaped, and bounded by the circumstances in which we find ourselves in the non-political realm.

Consider, for example, a child born into a strictly religious family. She is denied access to newspapers, television, and radio as these are manifestations of technology and are therefore shunned (as are most labour-saving devices, medicines, and modes of transport). She is encouraged to do only that work which does not contradict her religious teachings (which means that she is often excluded from science lessons and classes dealing with morally ambiguous issues such as sex education), and she is expected to live according to a strict set of religious rules and restrictions. Mixing with non-religious children at school is discouraged and she is not allowed to play with other children after school.⁵² Indeed, she may not go to school at all, but may instead be ‘home-schooled’ as is increasingly the trend in the US. Now, in this situation, we might want to say that the girl’s parents have a right (and indeed, a responsibility) to raise their daughter according to their beliefs about what is valuable in life and that in imposing various restrictions upon her actions they truly have

⁵¹ Sawitri Saharso, ‘Female Autonomy and the Cultural Imperative: Two Hearts Beating Together’, in W. Kymlicka & W. Norman (eds) *Citizenship In Diverse Societies* (Oxford: Oxford University Press, 2000), pp. 224- 242, p. 230.

her best interests at heart. We might think it unfortunate that the girl is being denied a great deal of what we (as outsiders) consider to be important and valuable experiences by being raised in this way, however, we might still want to respect the way in which these parents are raising their daughter out of a respect for their religious beliefs or out of respect for the girl's right to be brought up according to the traditions and beliefs of her family and their forefathers, and so on. But can we say that, in doing so, her parents are providing her with the requisite resources to participate 'freely' and 'equally' in the political realm? Or does a state which values freedom and equality in the political realm need to encourage certain practices and ideas in the non-political realm in order that she gains the appropriate knowledge and skills that are necessary to participate on an equal basis with others? Or, to put it another way, can we say that a state which supports the ability of parents to constrain and limit the education that their child receives (as a consequence of their religious beliefs) is in some way *complicit* in that child's under-achievement (where achievement is measured in terms of the extent to which the child is able to compete in the job market and access public institutions on an equal basis with others)?

Now, the role of education in culturally diverse societies will recur throughout this thesis (most specifically in the next chapter and in chapter 3), however for now it is necessary to state that Rawls' argument forces him to invoke precisely those 'comprehensive' ideals of individuality and autonomy that he seeks to avoid. "Children's education," he says, should "include such things as knowledge of their constitutional and civic rights . . . Moreover, [it] should prepare them to be fully co-operating members of society and enable them to be self-supporting; it should also encourage the political virtues so that they want to honor the fair terms of co-operation with the rest of society."⁵³ But, as Eamonn Callan points out, the "contrast Rawls draws [between political liberalism and those liberalisms of Kant and Mill

⁵² The Christian Brethren are one such religious organisation.

which ‘lead to requirements designed to foster autonomy and individuality as ideals to govern much if not all of life’⁵⁴] is bogus because the political virtues that implement the fair terms of co-operation bring autonomy through the back door of political liberalism.”⁵⁵ Clearly, Rawls believes it is a principal role of civic education to encourage the acceptance of the ‘burdens of judgement’ and hence, the adoption of a ‘reasonable’ perspective with regard to their own comprehensive doctrines. Hence,

[f]uture citizens must be taught to think in particular ways about doctrines that properly lie outside the scope of public reason: they must become critically attuned to the wide range of reasonable political disagreement within the society they inhabit and to the troubling gap between reasonable disagreement and the whole truth. This will require serious imaginative engagement with rival views about good and evil, right and wrong, and this in turn means that these views must be confronted in their own terms, without the preemptory dismissal they might receive according to whatever doctrine a child learns in the family.⁵⁶

Interestingly, Rawls appears to acknowledge this point, claiming that “the unavoidable consequences of reasonable requirements for children’s education may have to be accepted, often with regret.”⁵⁷ But, as Callan again points out, whether the effects are intended or not, they still force Rawls to acknowledge the pervasiveness of those values embodied in his ‘political conception of justice’, and the demands that this conception makes of persons not only in the ‘political’ realm, but also in the ‘non-political’ realm of faith and culture. “Learning to accept the burdens of judgement in the sense necessary to political liberalism,”

⁵³ John Rawls, *Political Liberalism*, p. 199.

⁵⁴ *Ibid.*

⁵⁵ Eamonn Callan, *Creating Citizens*, p. 40.

⁵⁶ *Ibid.*

⁵⁷ John Rawls, *Political Liberalism*, p. 200.

he rightly says, "is conceptually inseparable from what we ordinarily understand as the process of learning to be ethically (and not just politically) autonomous."⁵⁸

This will be taken up more fully in the next chapter, however, for now it is sufficient to say that, if this is true, then there appears to be no necessary link between raising a child in the ways and customs of a particular community, and preparing them for free and equal participation in the wider society. Indeed, the two claims that Rawls makes (that individuals should be left to get on with their own lives in private, and that they should be allowed to lead free and equal lives in public), are quite separate and potentially incompatible. Being educated in the various practices and customs of one's 'non-political' community is often quite different from being prepared for 'free' and 'equal' participation in the public realm. The 'determinate relations' in which we engage with others both within and outside our particular communities inevitably affect the kind of decisions we are able to make, what kind of lives we can lead, and how we might deliberate upon the content of our ends and of justice itself in the political realm.⁵⁹ Clearly, the girl born into the religious family will be deprived of certain psychological and intellectual attributes which would allow her to adopt a 'reasonable' and 'impartial' standpoint with regard to her own ends and ideals and hence she will be unable to employ the vocabularies and discourses of public reason in the way political liberalism demands. But, at a more political level, she will also be restricted in her ability to participate on a free and equal basis with those around her in the wider society. A child brought up in such a secluded environment, isolated from many of the rigours of modern life (and discouraged from learning about different lifestyles, beliefs, and customs) will not be in a position to access common social and political institutions on an equal basis with others who have been adequately prepared

⁵⁸ Eamonn Callan, *Creating Citizens*, p. 40. For a similar argument, see Amy Gutmann, 'Civic Education and Social Diversity', *Ethics* 105 (1995) p. 557-579.

⁵⁹ Iris Marion Young, *Inclusion and Democracy* (Oxford: Clarendon Press, 2000), p. 89.

to do so, and neither will she be able to compete equally in the job market, or interact fruitfully with those around her (who may well be members of different communities, possess different beliefs, and pursue radically different ways of life to her own). Given that the pursuit of ends is inevitably a collaborative endeavour, that is, and given that successfully pursuing a meaningful way of life (and, more deeply, deliberating with others on the content of justice) will often rely upon negotiating with others (and being willing to accommodate differences in the interests of gaining the benefits of co-operation and mutuality), it is difficult on liberal grounds to see how individuals who have never learned the requisite skills to interact fruitfully with others can be understood to be equally able to lead as fruitful a life as those who have had the benefit of a broad and eclectic education.⁶⁰

5. Recurring Problems, Ambiguous Debates: Political Liberalism After Rawls.

5.1 *Stephen Macedo vs. Comprehensive Liberalism.*

This separation of public and private, of political and non-political, recurs also in the work of other political liberals, with no greater coherence or success. Stephen Macedo, for example, rejects 'comprehensive' liberalism for precisely the same reason that Rawls does, namely, that its commitment to the values of autonomy and individuality (as valuable in both the public and the private realms) render it merely another sectarian doctrine among others, rather than a doctrine capable of accommodating and regulating these sectarian disputes within a thin procedural (yet moral) framework. In this, he says, he agrees with Iris Marion Young's claims concerning the inability of comprehensive liberalism to accommodate radical diversity (and the complexity of human identity) within an overarching set of moral principles applicable to all; indeed, he claims, Young's 'politics of

⁶⁰ This point will be explained more fully in chapter three.

difference' should "be taken as a useful warning against the aspiration of . . . some liberals to a politics that would directly promote ideals (such as autonomy) in all spheres of life."⁶¹

Unfortunately, however, Macedo (like so many other political liberals, as we will see) seems confused not only about what political liberals should be committed to, but also about what comprehensive liberals should be committed to. For example, he says (in a manner which pre-empts the discussion in chapter three), it is "tempting to say that the only real difference between political and comprehensive liberalism is that proponents of the latter are candid in admitting that liberal institutions foster an ideal of life as a whole."⁶² But, he says, "[c]andor . . . is not the crux of the matter: political liberalism stands for a restraint that would be unnatural for one committed to the public authority of the vision of the good life as a whole informed by autonomy and individuality."⁶³ However, he later contradicts himself by claiming (in the same article) that "[l]iberal political virtues and attitudes will spill over into other spheres of life. Even a suitably circumscribed political liberalism is not really all that circumscribed: it will in various ways promote a way of life as a whole."⁶⁴ Given that both of these statements cannot be true, it would appear that Macedo's political liberalism simply collapses into comprehensive liberalism in its promotion of certain values (in both the public and the private realms) over others.

The reason why Macedo feels incapable of accepting the comprehensive implications of his position is, I believe, almost entirely due to his misconception of what comprehensive liberals seek to encourage. For Macedo, comprehensive liberals are motivated above all else to define what he calls the 'whole truth' for all persons. For example, while he

⁶¹ Stephen Macedo, 'Liberal Civic Education and Religious Fundamentalism: The Case of God v. John Rawls?' *Ethics* 105 (1995), p. 468-496, p. 470. Young's argument will be discussed more fully later.

⁶² *Ibid.* p. 476.

⁶³ *Ibid.*

acknowledges that his political liberalism “cannot avoid ruling out some accounts of what . . . [is of] ultimate value,” he claims that its strength lies in the fact that it “does not rest on a particular comprehensive account of the truth or the good as a whole.”⁶⁵ But neither does comprehensive liberalism (or, at least, it need not do so any more rigorously than Macedo’s political liberalism). All it says is that if we believe that all persons should be able to make up their own minds about the way in which they wish to live their lives (in response to their own genuinely-held ideas about value), then this requires the establishment of certain conditions in *private* realm as well as in public. It does not seek to hold autonomy as ‘the truth’ or ‘the whole good’ any more than Macedo’s political liberalism does. Such claims would only make sense if comprehensive liberals understood to describe the content of our ends (that it somehow represented a ‘way of life’ in and of itself) rather than a structural second-order commitment which describes our *relationship* to our more substantive, deeply-held ends and projects. We will develop this point throughout this thesis, however for now it is necessary only to say that comprehensive liberalism does not rest on the assumption that autonomy is ‘true’ in any first-order sense, or that living an ‘autonomous’ life demands that we cannot understand our preferences and ideals to be shaped and circumscribed by our deeply-held attachments and commitments, or that autonomy is itself an ‘end’ to which each individual must strive, because neither autonomy nor individuality are as demanding or as thickly-conceived as political liberals like Macedo believe them to be. Autonomy need not be ‘true’, but political liberals must be consistent: if it is a role of political institutions to protect and encourage individuality and autonomy in the public realm then it is necessarily a role of these institutions to protect and encourage those conditions in the private realm which make their public realisation possible.

⁶⁴ Ibid. p. 477.

5.2 *Martha Nussbaum and the Assumption of Autonomy.*

Interestingly, we encounter exactly the same equivocation and inconsistency in the recent work of Martha Nussbaum who, in discussing an essay by Susan Moller Okin, claims to subscribe to a form of political liberalism. “Given their views that autonomous lives are better than hierarchically ordered lives,” she says, comprehensive liberals “are bound to play favourites among the religions, using the state and its persuasive apparatus to wean people away from religions that do not foster personal autonomy.”⁶⁶ The *political* liberal, on the other hand, merely “asks citizens to endorse a *political* conception of autonomy: that is, the idea that each citizen is an equal chooser of ends, and that none should be debarred by the luck of race, or sex or class from the exercise of political judgement.” Indeed, she goes on, political liberalism actually

does better along the dimension of respect for citizens [than comprehensive liberalism]; for - ironically, since autonomy is what it is all about - comprehensive liberalism does not show very much respect for the choices citizens make to live non-autonomously, as members of hierarchical religions or corporate bodies.

Political liberalism . . . agrees with comprehensive liberalism that a non-autonomous life should not be thrust upon someone by the luck of birth.

Nonetheless, it respects these lives *given a background of liberty and equality*, as lives that reasonable fellow citizens may pursue. In this way it shows respect for their search for the good.⁶⁷

⁶⁵ Ibid. p. 492.

⁶⁶ Martha Nussbaum, ‘A Plea for Complexity’ in Joshua Cohen, Matthew Howard & Martha Nussbaum (eds.) *Is Multiculturalism Bad For Women?: Susan Moller Okin with Respondents*, p. 109. Emphasis added. Curiously, Nussbaum offers no examples of religions which ‘foster autonomy’ over obedience to particular values and norms.

⁶⁷ Ibid. p. 110.

But if we are to accept this as a definition of political liberalism, then it would seem that political liberals are as compelled to ‘play favourites’ among religions as are comprehensive liberals. Political liberals, and Nussbaum specifically, appear unable to endorse or recognise any religion which does not embrace the political liberal account of public reason, or their notion of ‘reasonableness’ (or ‘public reasonableness’ as Macedo and Galston call it), and which does not allow persons to develop their preferences and to genuinely ‘search for the good’ in their own way on a free and equal basis with others. Once again, then, it is difficult to discern exactly where political liberalism ends and comprehensive liberalism begins for Nussbaum, in that it is difficult to envisage exactly what a ‘non-autonomous’ life would look like on her terms. After all, she claims to respect the ability of the individual to live a ‘non-autonomous’ life as long as he has genuinely *decided* to do so within a society which provides him with a meaningful right of exit from the community in which he finds himself and which also guarantees basic political freedoms and equalities for all.⁶⁸ But it is not clear why such a life should be conceived as ‘non-autonomous’ at all. Comprehensive liberals and political liberals should be *united* in their desire to support lives like this, just as they should be united in rejecting the idea that persons should be forced to live lives that they have not chosen for themselves (i.e. those in which ends and ways of life are imposed upon persons by arbitrary authorities as a result of dominating processes of socialisation or indoctrination, or by the repressive use of coercive force). They should be united in their rejection of those (unreasonable) religions and communities which reject the method of public justification and dialogue which liberalism embodies and demands, and they should also be united in their rejection of those entrenched norms and values which serve to undermine the “fully human use of [the individual’s] faculties.”⁶⁹ This is because political liberalism and comprehensive liberalism are both necessarily premised upon a

⁶⁸ The notion of ‘exit’ will be discussed more fully in chapters two and three, as will the uneasy relationship between Nussbaum’s political liberalism and her feminism.

⁶⁹ Martha Nussbaum, *Sex and Social Justice* (New York: Oxford University Press, 1998).

“comprehensive concern for flourishing,” expressed in terms of individuality and freedom, which necessarily extends beyond the ‘political’ sphere and into those wider spheres of life and experience which provide the content of our individuality and our ability to deliberate about the ends of justice.⁷⁰

As we will argue in more detail later, if persons *do* genuinely *choose* to subordinate themselves to religious doctrines or forms of authority which constrain their freedom to act as they might otherwise have done, or if they choose to subordinate the fulfilment of their own interests to the fulfilment of those held by certain others who the individual cares about, or if they choose to live a life that we as outsiders might consider impoverished or of little value, then there is nothing in comprehensive liberalism that says the state must persuade them otherwise. If persons are genuinely willing to forego certain equalities and freedoms (and to bear particular burdens and costs) in pursuit of certain first-order goods then comprehensive liberalism, like political liberalism, should let them (as long as the state ensures that they are able to change their minds, and to reject these burdens if they so desire). Again, Nussbaum seems to assume that personal autonomy is a necessarily thick ethical ideal or a way of life in itself. But because it is not (because it does not represent an account of the ‘whole good’ for humankind, or the ‘truth’ to which we must all adhere or a specific goal to which individuals should be forced to pursue) persons can live lives that we as outsiders consider impoverished or of little value, as long as they also possess the resources necessary to change their minds and to re-assess their commitments should they wish to.

⁷⁰ Ibid.

5.3 *Susan Moller Okin and Comprehensive Liberalism.*

This is the response that Susan Moller Okin gives in defence of her own position which she takes to be somewhere 'in-between' political and comprehensive liberalism. She acknowledges that "many parents belonging to religions or cultures that do not respect autonomy would (and do) very strongly resist children being exposed to any religious or cultural views but their own," but like Nussbaum, Macedo, and Rawls, she does not "think that liberal states should allow that to happen . . . It seems not at all unreasonable within the context of a liberal state that values its citizens to make informed decisions about whether to lead autonomous or non-autonomous lives as adults," she says, "to require both that children's education - including their religious education - be non-sexist, and that all children be thoroughly exposed to and taught about other religions as well as secular beliefs held by people around the world. Indeed, without this, it would be difficult to claim that their adhering to their parents religion was voluntary at all."⁷¹

This is undoubtedly true, but again it would also be difficult to see how a life truly *chosen* on the basis of such an education and lived against a background of basic liberal freedoms and equalities could be described as 'non-autonomous' in a way in which comprehensive liberals would find objectionable. Indeed, it could be argued that such lives could not be described as non-autonomous at all.

5.4 *Charles Larmore: Patterns of Moral Confusion.*

It is in the work of Charles Larmore, however, that we find the most extreme attempt by a self-confessed 'political liberal' to separate the public and private realms for the purposes of deriving a political conception of justice. Larmore's argument will be discussed in more

⁷¹ Susan Moller Okin, *Is Multiculturalism Bad For Women?*, p. 130.

detail in chapter three, however it deserves some mention here precisely because it invokes many of the arguments made by others discussed in this chapter, but to a greater extreme.

Larmore argues that liberalism must be committed to a principle of *neutrality* but that this principle should only govern “the *public* relations between persons and the state, and not the *private* relations between persons and other institutions.”⁷² Indeed, he argues, committing ourselves to individualism and neutrality in the political realm does “not imply that a broader individualism concerning the very sources of value must pervade the whole of social life.”⁷³ However, Larmore (like Macedo, Nussbaum, and Rawls) leans too heavily on the public/private distinction and thus fails to grasp the extent to which our public agency will be constrained by the ways in which we think and act in private. For example, in *Patterns of Moral Complexity*, Larmore argues that “the priority of the right over the good . . . serves only as a political principle, governing the relation between people as *citizens*. In the political realm neutrality must be supreme, and our substantial ideas of the good life, if controversial, must give way before it. But,” he goes on, “it need not extend further, and will not do so, where people have constitutive attachments to some substantial vision.”⁷⁴ That is, such ideas as ‘individuality’ or ‘neutrality’, while being ‘supreme’ in the political realm, need not figure *at all* in “intermediate associations such as church, family, or ethnic group.”⁷⁵ And Larmore develops this theme some years later when he claims that “[p]rivate associations cannot violate the rights of citizens. Yet they *can* continue to conduct their internal, extra-political affairs according to ‘illiberal’ principles - principles

⁷² Charles Larmore, *Patterns of Moral Complexity*, p. 45.

⁷³ Charles Larmore, ‘Political Liberalism’, *The Morals of Modernity* (Cambridge: Cambridge University Press, 1996), p. 140.

⁷⁴ Charles Larmore, *Patterns of Moral Complexity*, p. 75.

⁷⁵ *Ibid.*

that deny their members equal rights and require them to defer to traditionally constituted authority.⁷⁶

This echoes Chandran Kukathas' assertion that one should be free to live in a community which denies the value of autonomy as long as it provides one with a 'meaningful right of exit'.⁷⁷ It also echoes Rawls' claim that "political principles of justice – including principles of distributive justice – [should not] apply directly to the internal life of the family" and, we must assume, other 'non-political' associations and entities.⁷⁸ But given what we have already said about the inevitable link between our public and our private experience it is difficult to see exactly how the state is able to protect freedom and equality in the public realm (or the ability of every individual to engage in public reasoning about the content of justice) while endorsing the potential oppression and humiliation of its people in private. It is not enough for a state to seek to secure certain freedoms and rights in the public realm via the implementation of laws (or to enshrine liberties in written constitutions or bills of rights or legal statutes) when it is quite clear that our ability to *access* these laws will be affected and constrained by our private understandings of ourselves and of the circumstances in which we are implicated. That is to say, it is all very well having a *law* which aims at the establishment of sexual equality of opportunity in the job market, for instance, or a legal 'right' which states that equality in the work-place should not be undermined by discrimination or unfair treatment, but this law or right becomes all but meaningless (and incapable of securing any kind of equal freedom at all) if it does not seek also to provide the basic background conditions which make this equality possible. As Isaiah Berlin put it, it "is important to discriminate between liberty and the conditions of its exercise. If a man is too poor or too ignorant or too feeble to make use of his legal

⁷⁶ Charles Larmore, *Political Liberalism*, p. 140.

⁷⁷ See chapter three for a full discussion of Kukathas' argument.

⁷⁸ John Rawls, *The Law of Peoples and the Idea of Public Reason Re-Visited* (Cambridge, MA:

rights, the liberty that these rights confer upon him is nothing to him.”⁷⁹ A woman who is denied the right to an education equal to that of men, for example, or who is confined to the domestic sphere, or whose interests are consistently considered to be subordinate to those of the male members of her family is simply not able to act ‘freely’ and ‘equally’ in the public realm, or compete on an equal basis with others in the job market, or to engage fully and meaningfully in deliberation about her ends and principles of justice, unless she turns her back on her cultural beliefs or renounces her role in the web of private, ‘non-political’ assumptions and understandings which shape her understanding of herself (as subordinate and unequal) and the world around her. As Feinberg states, “persons have the *right* of self-government if and only if they have the *capacity* for self-government.”⁸⁰ Marginalisation and discrimination are not eradicated by the implementation of negative legislation governing the public realm because often it will be the inequalities and norms prevailing in people’s various ‘non-political’ associations (their family, their church, and so on) which will cause and perpetuate this marginalisation. Liberalism must provide all persons with the capacity to interpret for themselves the worth and importance of all the various aspects of their lives.

Interestingly, Rawls appears to acknowledge this when, in complete contradiction to the claim we quoted earlier, he says that if a particular familial arrangement can be seen to deny any or all its members the ability to make up their own minds about the way in which they live their lives on an equal basis with others, then “the principles of justice . . . can plainly be invoked to reform the family.”⁸¹ Quite how the internal structure of the family (and, for that matter, of other associations) can be *both* a fitting subject of justice, *and* an unfitting subject for justice (both a part of the ‘basic structure’ and not a part of the

Harvard University Press, 1999), p. 159.

⁷⁹ Isaiah Berlin, *Four Essays on Liberty* (Oxford: Oxford University Press, 1969), p. lvi - xlix.

⁸⁰ Joel Feinberg, ‘Autonomy’, *The Inner Citadel* (New York: Oxford University Press, 1989), p. 28.

basic structure) at the same time is, like so many other contradictions to be found in Rawls' later work, left entirely unexplained.

6. Conclusion.

Thus far, then, we have suggested that if political liberals are committed to encouraging individual autonomy and equality in the 'political' sphere, then they must also commit themselves to encouraging those conditions in 'private' which make political autonomy possible. One's ability to engage in the kind of public reason that political liberals demand is affected, facilitated and undermined by the particular understandings and ideals that one has in private. The way in which we are socialised, the beliefs we are taught, the associations and memberships that make us who we are and afford us our individuality will all shape the way in which we think and act and deliberate about politics. They will shape our opinions about how politics should be conducted and what kind of arguments count in political justification. And they will shape also the way in which we understand the role and responsibilities of political institutions.

Nussbaum, Macedo, Rawls and (as we will see more clearly later) Larmore all appear to believe that persons will just be able to engage in public reason (and be capable of accepting the virtues embodied in 'public reasonableness') regardless of what kind of life they otherwise lead, and regardless of the understandings and ideas that they are taught to have about themselves and the world. This, however, is false. And it is a falsehood that Rawls in particular is uncomfortable with, as evidenced in his ambiguous discussion of the family and other private associations. Furthermore, his discomfort (and his inconsistency) shows itself again in his discussion of liberal education, as we will see more clearly in chapter

⁸¹ John Rawls, *The Law of Peoples and the Idea of Public Reason Re-Visited*, p. 160.

three. Rawls is right to be uncomfortable, as should the other political liberals thus far discussed. The more we explore the ways in which different groups distribute power among their members, and the more we understand the hold that religious, cultural, ethnic, and social identities often have upon the way in which persons conceive themselves (and hence, the way they think about their ends, the customs in which they engage, and the way in which politics is – and should be – conducted) then the more untenable it becomes that they can be thought to engage in anything like the kind of reasoning that political liberals demand.

Indeed, the popularity of political liberalism as a normative response to cultural and religious diversity can best be explained, I believe, by the unwillingness of political liberals to delve too deeply in the actual practices and customs of those groups that they hope to ‘tolerate’. The more we find out about the beliefs and ideals of many cultural and religious groups found in contemporary western societies, the more difficult it becomes to accept the political liberal claim that political and non-political autonomy are separable. This is revealed all too clearly in chapter two, in which we explore the concrete practices and customs embodied in, and defended by, a number of religious and cultural groups.

Chapter Two

Gender, Controversial Practices, and the Rules of Association

[T]he family is a social institution that defies the political/non-political dichotomy that Rawls has increasingly emphasized in recent years. For families do clearly fall within the basic structure, as defined, yet they are for the most part comparatively private relationships, where things both good and bad are frequently hidden from public view.

Susan Moller Okin, 'Political Liberalism, Justice, and Gender', p. 27.

Political liberalism, as it is now understood, emerged quite recently as a strategy aimed at finding a coherent and reasonable normative settlement to political conflicts arising out of social and moral diversity. It is, in this sense, anchored in a real concern to confront and resolve those political conflicts which exist in the world and – most specifically – in contemporary western societies which harbour a diversity of different groups and communities and ways of life. Its strategy of 'privatising' difference while 'politicising' autonomy and equality reflects a growing unease among liberals that comprehensive liberalism is unable to accommodate the divergent claims made by cultural and religious minorities for recognition or toleration, and so must be reinterpreted in a way which is more accommodating of a diverse public.

But there is a curious paradox at the heart of political liberalism which few political theorists have acknowledged. It is a paradox which goes some way in explaining the internal inconsistencies that we outlined in the first chapter and concerns the manner in which political liberals advance their arguments. While political liberals apparently seek to address those concrete political problems and conflicts which arise in existing societies, they consistently refuse to discuss the actual practices and customs that they seek to tolerate. Rawls is particularly guilty of this. Neither his *Political Liberalism* nor his *Law of Peoples* includes anything but the most cursory of glances at existing cultural or religious practices, which is odd given the issues to which they are addressed and the ends to which they strive. Macedo and Larmore are not much better, however, and prefer to pitch their arguments at a level of abstraction far removed from the problems and

conflicts that they hope to resolve. Given this, it is perhaps unsurprising that the solutions they present are unable to address what is most at stake in these arguments.

Political liberalism, as we saw in the previous chapter, is rooted in the notion that any account of justice must - if it is to be publicly justifiable to all - be sufficiently 'non-controversial' or 'thin' to gain the endorsement of a great many people who think and understand the world very differently.¹ The political liberal strategy, therefore, is to endorse principles to which all persons could agree as long as they were all reasoning in the right way, and were subject to the appropriate 'reasonable' constraints.² The problem that we have been seeking to illustrate thus far, however, is that these 'reasonable' and 'appropriate constraints' presuppose an account of public reasoning which is only possible among persons who have been encouraged to conceive themselves and politics in a particular (and potentially 'controversial') way.

The response among political liberals to such claims is that even political liberalism can only tolerate claims and ways of life which are 'reasonable' in the sense that they are consistent with liberal principles of political equality and autonomy.³ Those whose arguments fall outside the bounds of reasonableness thus defined are, by definition, 'unreasonable' and legitimately subject to coercion in order that they might argue (and hence, understand themselves) in a way consistent with liberal principles. But if this is the case, then it becomes an incredibly important question as to what constitutes 'reasonableness' and what does not. This will be explored in more detail throughout this thesis, and especially in chapter five. But for now, it must be said that the appeal to reasonableness actually excludes far more customs and traditions than the political liberals think it does, and that, therefore, political liberalism is far less tolerant of cultural diversity than political liberals believe.

¹ Gerald Gaus, *Justificatory Liberalism: An Essay on Epistemology and Political Theory* (New York: Oxford University Press, 1995).

² The notion of 'reasonableness' and justification will be explored in more detail in chapters four and five.

³ See, for example, John Rawls, *Political Liberalism*; J. Donald Moon, *Constructing Community*; Stephen Macedo, *Diversity and Distrust: Civic Education in a Multicultural Democracy* (Cambridge, MA: Harvard University Press, 2000) and *Liberal Virtues: Citizenship, Virtue and Community in*

In this chapter, I illustrate this point by engaging in precisely the kind of analysis that the majority of political liberals avoid. In discussing a number of cultural and religious practices, I hope to reveal more clearly the inter-relationship between the public and the private realm (and hence, the inconsistency of political liberalism as a coherent normative doctrine). In sections 7 and 8, I discuss some of the problems with political liberalism through the lens of the feminist critique of the public/private split. Feminists were among the first to criticise liberalism for its tendency to abstract from the concrete experiences of those to whom it was supposedly addressed. They were among the first to highlight the inability of liberal principles - and, more explicitly, the liberal distinction between public and private - to free women from the dominating and oppressive conditions which prevailed in their 'private' lives. Hence, I examine and extend the feminist critique of political liberalism to show that it captures a number of important issues regarding the accommodation and inclusion of cultural, ethnic, and religious minorities. This extends the argument already set out in chapter one, and provides the context in which we can discuss particular religious and cultural practices in more detail. In section 9, I outline the beginnings of a liberal theory of association and, consequently, I begin to flesh out the liberal theory of toleration which is developed throughout this thesis. Having done so, I return in section 10 to the problems faced by political liberals in order to reconstruct a more coherent and plausible account of the public/private split than they offer.

7. Public, Private, and the Exclusion of Gender.

7.1 *Feminism and the Importance of the Private.*

The theme underlying my argument thus far - that "power does not respect a non-public sphere of autonomy for each individual but rather it can pervade all the domains of modern society"⁴ -

Liberal Constitutionalism (Oxford: Clarendon Press, 1990).

⁴ Shane O'Neill, *Impartiality in Context: Grounding Justice in a Pluralist World* (New York: State University of New York Press, 1997), p. 39.

has been expressed most convincingly by contemporary feminist critics of liberalism.⁵ If we want to understand and address sexual inequality in contemporary societies, they argue, we must appreciate the extent to which patriarchal power pervades not only the public realm of social and political institutions, but also the private realm of faith, culture, and the family. Indeed, feminism's "slogan 'the personal is political' signalled [more than anything else] that no aspect of everyday life would be exempt from reflection and potential criticism - language, jokes, styles of advertising, dating practices, dress, norms of child-rearing, and countless other supposedly mundane and trivial elements of behaviour and comportment."⁶ In attempting to isolate the *political* realm as the appropriate subject of justice, that is, political liberals ignore the important (and often subtle) power relationships that exist between women and their husbands, their children, their parents, their church elders, and so on. Often, it is these very relationships (and the values that they embody and perpetuate) that constrain the *public* lives of women and which encourage them to understand themselves as unequal and subordinate to men. In such circumstances, they also argue, women are often not only robbed of the capacity to decide for themselves how to act and how to understand themselves, but also of the capacity to *act* upon these decisions and understandings due to the powerful psychological, economic, and intellectual constraints woven into the fabric of their religious and cultural (and therefore their family) lives. Political liberals who ignore this fact, or who commit themselves to merely encouraging 'negative' freedom, make the "characteristic liberal mistake [of focusing on] the forms of tyranny performed by and through government as the only - certainly the principal - kind of tyranny that should worry political theorists."⁷

⁵ For more details, see Carole Pateman, 'Feminist Critiques of the Public/Private Dichotomy', in Anne Phillips (ed.), *Feminism and Equality* (Blackwell, 1987); Jean Bethé Elshtain, *Public Man, Private Woman: Women in Social and Political Thought* (Princeton University Press, 1981); Susan Moller Okin, *Justice, Gender and the Family* (New York: Basic Books, 1989). For a general and in-depth discussion of the feminist critique of liberalism, see Will Kymlicka, *Contemporary Political Philosophy: An Introduction* (Oxford: Clarendon Press, 1997), chapters 3 & 7. For a persuasive account of the ways in which multicultural 'group-rights' undermine the rights of women see Okin's excellent 'Feminism and Multiculturalism: Some Tensions', *Ethics* 108 (1998), p. 661-684.

⁶ Iris Marion Young, *Justice and the Politics of Difference* (Princeton: Princeton University Press, 1990), p. 87.

⁷ Ian Shapiro, *Democratic Justice* (New Haven: Yale University Press, 1999), p. 31.

This would indeed be a grave mistake. Feminists are correct in their claim that it is often the very structure of 'non-political' institutions (and the affect they have upon the way in which persons reason in the political realm) which is at issue, and are right to point out that constraints in our private lives shape and thwart our lives in public. We can see this clearly in religious practices like, for example, the veiling of women. The whole point of such a practice is to exclude women from the public sphere as much as possible.⁸ Islamic law defines the proper role of the woman to be that of wife and mother, and her proper locus of responsibility to be the family and the home.⁹ If she must venture out into the public (and, presumably, into the lustful and proprietorial world of men) then she must cover herself so as to make as little impression on that world as possible.¹⁰

It is not difficult to see that such a view cannot easily co-exist with a liberal politics premised upon freedom and equality and the ability of all (regardless of gender) to engage in public discourse and reasoning about justice as free and equal beings. Islamic law states that politics is a realm properly suited to men, and not the place for women. Already, then, it would seem that liberal principles of equality and individual autonomy require the constraint of certain religious practices and claims in the interests of securing the conditions appropriate for liberal public reason (as it is defined by political liberals). But veiling is only the tip of the iceberg. The more we learn about the status of women in Islamic law, the more implausible it becomes to argue that individual autonomy and equality can be respected and protected in public while being ignored or thwarted or denied in private. For example, it is not merely the practice of veiling that makes Islamic law oppressive, unequal, and sexist, and nor is it merely its definition of divorce or its commitment to polygamy (both of which we will discuss in more detail later). Rather, it is the way in which it defines the roles of men and women more widely.

For example, Islamic law states that the husband in any marriage

⁸ See Henry J. Steiner & Philip Alston (eds.) *International Human Rights Law in Perspective: Law, Politics, Morals: Text and Materials* (Oxford: Clarendon Press, 1996).

⁹ Ibid. See also Sebastian Poulter, *Ethnicity, Law, and Human Rights: The English Experience* (Oxford: Clarendon Press, 1998).

¹⁰ See B. R. Nanada (ed.) *Indian Women: From Purdah to Modernity* (London: Sangam, 1990).

may select the matrimonial home . . . [and] may control [a wife's] movements except to the extent of permitting her reasonable access to her close relatives. He may prevent her from taking up a job . . . [and he] may take her on journeys unless such journeys would be unnecessarily dangerous or harmful to her health. If the wife disobeys the husband's reasonable instructions she becomes *nashuz* in most schools [of Islamic jurisprudence] and therefore disentitled to maintenance . . . [S]uch disobedience entitles the husband first to reprimand her and if this fails to refuse to sleep with her and eventually to beat her, with reasonable force. The wife's right to maintenance is in one sense consideration for her submission to her husband's authority.¹¹

Hence, if women do not obey their husband's instructions, they can be punished first by psychological and then by physical abuse. If neither course of action is successful in securing her compliance, she may be unilaterally repudiated and then denied any right to maintenance. Quite who decides whether or not a woman was beaten with 'reasonable' force as opposed to 'unreasonable' force, or whether or not the 'instructions' that she disobeyed were 'reasonable' or 'unreasonable' is unclear. What is clear, however, is that it is not the women in question, or indeed any other women, given their status in Islamic law. All those who sit in judgement of these women will be men given, as we have already maintained, that women have no role, and no legitimate place, in public life.

It would surely be an understatement of immense proportions to claim that such practices undermine the ability of women to engage in public reason on a free and equal basis with others, or to enjoy those rights and equalities that the liberal state is supposed to provide and defend. The systematic destruction and explicit denial of equality embodied in such practices, coupled with the overt desire to rob women of the capacity to make decisions about their own lives and

¹¹ Keith Hodgkinson, *Muslim Family Law: A Sourcebook* (London: Croonhelm Press, 1984), p. 146. There is, as Hodgkinson points out, "no liability to maintain a wife guilty of *nashuz* [disobedience]. A wife is *nashiza* if without a valid excuse she disobeys [her husband's] reasonable orders, refuses to cohabit in the house he has chosen, . . . takes employment outside the house without his consent, or is

to engage in anything like a 'liberal dialogue' about the content of justice, or the resolution of political conflicts, necessarily and inevitably requires the liberal state to 'intrude' upon the private realm in the interests of securing those conditions and freedoms in public that political liberalism demands. The idea that women who have been systematically denied the ability to question or interpret the ideals and roles that have been handed down to them can simply decide to engage in public debates about justice in the way demanded by political liberals is simply untenable, given the psychological, intellectual and physical constraints embodied in the communities of which they are a part.

As one political liberal, Martha Nussbaum, points out, "when we reflect that a large number of the world's women inhabit traditions that value women primarily for the care they give to others rather than as ends, we have all the more reason to insist that liberal individualism is good for women."¹² But if Nussbaum and the other political liberals indeed value autonomy and the good of public reason in the way they claim, then they must be prepared to encourage those conditions in the private realm which make these public debates and deliberations accessible and intelligible to all, regardless of whether or not the values which prevail in the group rule otherwise.

7.2 *The Private: Non-political or Apolitical?*

The problem, then, is not that liberalism conceives the private realm to be "radically apolitical or asocial . . . [or] some antisocial condition of isolation and detachment" which lies beyond the reach of justice and politics.¹³ Rather, it is that political liberals misconceive the extent to which their account of *justice* (and public reason) depends upon the instantiation of certain (autonomy-supportive) measures and conditions in one's life as a whole. Too often, liberals are accused of establishing a private realm which is not only entirely out of bounds of the state, but entirely *apolitical*. But as Rawls argues in a recent essay, political liberalism

imprisoned so as to be inaccessible to him." (Ibid. p. 147.)

¹² Martha C. Nussbaum, *Sex & Social Justice*, p. 63.

¹³ Nancy Rosenblum, *Another Liberalism: Romanticism and the Reconstruction of Liberal Thought*

does not regard the political and the non-political domains as two separate disconnected spaces, each governed solely by its own distinct principles . . . The principles defining the equal basic liberties and opportunities of citizens always hold in and through all so-called domains . . . If the so-called private sphere is alleged to be a space exempt from justice, then there is no such thing.¹⁴

Hence, if the feminist critique of political liberalism is, as Rosenblum believes, that it posits a 'private' realm which lies beyond the reach of justice then this is simply a mistake. But feminists could – and, as we saw in chapter one, *should* – quite easily concede as much while still holding that the political liberal distinction between public and private undermines the 'basic rights and liberties' of women, and especially women who belong to cultural, ethnic, and religious minorities.¹⁵ Nussbaum states that the problem "with views of the family held by . . . Rawls and others is not that they are too individualist, but that they are not individualist enough."¹⁶ But this only shows the incompatibility of Nussbaum's feminism with her political liberalism. Political liberalism does not posit a private realm which is exempt from justice, but it *does* posit a conception of *justice* which would – if internally consistent – grant 'non-political' groups considerable power to treat women (and others) unequally, and to deny persons the ability to engage in precisely the kind of 'public reasoning' about justice and personal ends that Rawls and the other political liberals demand. Consequently, if Nussbaum and the other political liberals are genuinely concerned to protect the political autonomy and equality of women and other oppressed groups, then they must acknowledge the inherently *comprehensive* nature of autonomy and equality.

(Cambridge, MA: Harvard University Press, 1987), p. 61.

¹⁴ John Rawls, 'The Idea of Public Reason Re-Visited', in *The Law of Peoples and the Idea of Public Reason Re-Visited* (Cambridge, MA: Harvard University Press, 1999), p. 160 – 161.

¹⁵ Indeed, this is the position for which I argue in this thesis.

¹⁶ Martha C. Nussbaum, *Sex and Social Justice*, p. 65.

8. The Permeability of the Political.

Our discussion thus far shows political liberalism to be internally inconsistent in the sense that it advances an argument for the increased toleration of practices which contradict liberal principles of individual autonomy and equality while at the same time presupposing a conception of politics and justification which requires the protection of these values in both public and private. But it is also untenable for a second - and related - reason. It insists that cultural and religious doctrines should be excluded from the political sphere and from public reason. In excluding one's 'comprehensive doctrines' from the non-political realm, that is, political liberals hope to establish a system of political institutions governed by genuinely transcultural (and hence, universally applicable) rules and principles which are publicly justifiable to all members of the polity, regardless of their wider first-order notions about the good life. But just as one's ability to act and deliberate as an autonomous individual in public requires the instantiation of autonomy-supportive conditions in private, so one's ability to live a particular cultural or religious way of life will require the establishment of certain measures and conditions in public. Once the state has ensured as far as possible that the particular commitments and ideals to which a person adheres are 'voluntary' (in the sense that they have the capacity to reflect upon them and to reject them if they so desire), then the same state must ensure that these genuinely endorsed commitments and ways of life are acknowledged in laws and public policies in a way that is consistent with the requirements of public reason.

Consider, for example, the much-cited example of male Sikhs, who are required by their religious beliefs to wear turbans. Now, it is quite obvious that in claiming the right to wear their turbans, male Sikhs are seeking to secure the *public* recognition of an act which has significant consequences regarding their capacity to observe their religious teachings in *private*. That is, it is not good enough here to say that the observance of religion is a purely *private* matter because in order to fulfil their religious duties in private they are required to act and understand themselves in a certain way in *public*. And this, we might argue, is also the case for Orthodox Jews who claim

the right to wear their *yarmulke*, and Muslims who claim the right to wear the *chador*; they do so because they cannot observe their religious doctrines in 'private' unless they also do so in 'public'. Family matters and religious practices for such persons, "cannot be viewed as private matters of no concern to the legal system or public institutions when they relate to, for example, the treatment of women and children, the education of pupils at school, absences from work for purposes of worship, reactions to blasphemy, or the disposal of dead bodies."¹⁷

But this will have inevitably problematic consequences for political liberals who argue that religious and moral beliefs should have no role in determining the way in which political and legal institutions are structured (and how laws themselves are implemented). Any state which is concerned above all with the establishment of 'free' and 'equal' access to public institutions (such as the economy and the job market), but which also seeks to accommodate the diverse religious and cultural beliefs in its midst, will often be confronted with circumstances in which it is called upon to support the claims of certain groups and individuals who are marginalised and excluded from access to these institutions on the basis of their religious beliefs. We might want to recall here the case of the Orthodox Jews who were prevented from military service because the uniform policy barred them from wearing their *yarmulke*,¹⁸ for example, or the Sikhs in Britain who were banned from working on building sites or public transport due to the fact that the wearing of turbans contradicted the uniform policy.¹⁹ We might recall those Sikhs who were refused employment because they insisted on retaining their beards,²⁰ or those who were unable to ride motorcycles due to their inability to wear crash-helmets.²¹ Or we might want to cite the claims made by certain religious groups who have sought exemption from laws governing the

¹⁷ Sebastian Poulter, *Ethnicity, Law, and Human Rights: The English Experience*, p. 28. This last point about the disposal of dead bodies refers to the Hindu practice of submerging corpses in rivers as opposed to burying them. See Bhikhu Parekh, 'The Logic of Intercultural Evaluation', in Susan Mendus & John Horton (eds.) *Toleration, Identity, and Difference* (Basingstoke: Macmillan, 1999).

¹⁸ See Jacob T. Levy, 'Classifying Cultural Rights', in W. Kymlicka & I. Shapiro (eds.) *NOMOS 39: Ethnicity and Group Rights* (New York: New York University Press, 1997), p.22-66.

¹⁹ See Sebastian Poulter, *Ethnicity, Law, and Human Rights: The English Experience*, especially chapter 8. For details concerning the case of the Sikh child refused admission to school on the grounds of violating the uniform policy, see Sebastian Poulter, *English Law and Ethnic Minority Customs* (London: Butterworth Press, 1986), p, 187-188.

²⁰ Sebastian Poulter, *English Law and Ethnic Minority Customs*, p. 259-261.

²¹ Brian Barry, *Culture and Equality: An Egalitarian Critique of Multiculturalism* (Cambridge: Polity

length of time that their children must attend compulsory education (such as English gypsies, the Old Order Amish in the US, and various Christian sects in Canada, including the Mennonites, the Hutterites, and the Doukhobours).²² Or indeed, we might want to consider those cases in which members of religious communities have sought greater freedom to reconcile the requirements made of them by their religious beliefs with those made of them by their jobs (for example, by seeking abstentions from work at certain times in order to pray, or the recognition of religious holidays and festivals).²³ In such cases, fair and coherent resolutions depend upon the ability of persons to articulate and describe their particular memberships and the importance and content of their beliefs in reasoned dialogue with others, and to show the ways in which political principles and institutions should take these beliefs and commitments into account.

Consider, for example, two recent occasions on which this strategy of privatisation was employed by the French government in response to two different cases of ‘cultural diversity’. The first is the notorious case involving two Muslim girls who were banned from wearing their religious head-scarves to school.²⁴ The second concerns the same government’s attitude toward polygamy. As Susan Moller Okin has noted, at precisely the same time that the government was seeking to outlaw religious dress-codes from certain areas of public life, it was permitting “immigrant men to bring multiple wives into the country to the point where an estimated 200,000 families in Paris [alone] are now polygamous.”²⁵ Is there any inconsistency here? I think not. Okin is surely right in saying that any “suspicion that official concern over head-scarves was motivated by an impulse

Press, 2000).

²² For details on the Amish and Canadian religious sects, see Chandran Kukathas, ‘Are There Any Cultural Rights?’, *Political Theory* 20 (1992), p. 105-139, and the reply from Kymlicka in the same issue (p. 140-146). See also Kymlicka’s *Multicultural Citizenship*. For information on English Gypsies, see S. Poulter, ‘Ethnic Minority Customs, English Law, and Human Rights’, *International and Comparative Law Quarterly* 36 (1987), p. 589-615.

²³ See Sebastian Poulter, *English Law and Ethnic Minority Customs*, chapter nine.

²⁴ See Maxim Silverman, *Deconstructing the Nation: Immigration, Racism, and Citizenship in Modern France* (London, 1992); S. Poulter, ‘Muslim Headscarves in School: Contrasting Legal Approaches in England and France’, *Oxford Journal of Legal Studies* 43 (1997); and J. Bell, ‘Religious Observance in Secular Schools: A French Solution’, *Education and the Law* 121 (1990). For a collection of essays dealing with the more explicitly philosophical and normative implications in this case, see J. Horton (ed.), *Liberalism, Multiculturalism, and Toleration* (London: Macmillan, 1993).

²⁵ Susan Moller Okin, ‘Is Multiculturalism Bad For Women?’ in Joshua Cohen, Matthew Howard & Martha Nussbaum (eds.) *Is Multiculturalism Bad For Women?: Susan Moller Okin with Respondents* (Princeton University Press, 1999), p. 9.

toward gender equality is belied by the easy adoption of a permissive policy on polygamy” given the burdens that this practice imposes upon women.²⁶ But for the French government, the problem with wearing head-scarves was never one of gender inequality. It was about the fact that wearing head-scarves in school would cause the ‘public’ sphere to become infected by ideals and practices which had no place outside the ‘private’ sphere. Polygamy was a different matter, of course, because it was much more easily confined within the private realm. The ‘invisibility’ of polygamy made it much more tolerable from the point of view of the government and, we must assume, from the point of view of political liberals.

Regardless of whether or not the two decisions were consistent, however, it is clear that together they illustrate what is wrong with the strategy of privatisation. The fact that polygamy is more ‘invisible’ merely makes it more, not less, insidious. It is precisely because the private lives of women (and men) are so important to them, and precisely because their actions and deliberations in the public realm will inevitably be shaped, thwarted or supported by their private deliberations about value and by their own particular understanding of the world, that the private lives of women must be subject to substantive principles which encourage fairness, equality, and openness. And similarly, it is precisely because the private lives of those who belong to cultural and religious groups are so important to them that the state should accommodate their public expression as far as possible within a polity bounded by the universal principles of individual autonomy and equality.

Given the diversity of beliefs and values in culturally and ethnically diverse states, and given also the importance of these beliefs in providing the basis for action and deliberation in the public realm, it is inevitable that laws will need to be implemented (and institutions structured) in ways that take into account the religious and moral beliefs of those groups and individuals who compose society. After all, “when members of ethnic communities enter into the public domain to pursue civic, economic, or legal roles, they do not automatically shed their identities in terms

²⁶ Ibid.

of religion, culture, language and dress-codes.”²⁷ This is not necessarily to argue in favour of quotas which stipulate the ‘presence’ of marginalised minorities and groups in representative and decision-making bodies, and neither is it necessarily to argue that all religious practices can or should be accommodated in liberal-democratic societies. But it is to argue that ‘free’ and ‘equal’ participation in the political realm cannot be ensured by relegating religious and moral beliefs to the ‘private’ sphere just as it cannot be ensured by merely establishing constitutional guarantees or negative freedoms in the form of ‘rights’. In order for persons to be truly free to access their institutions, to be able to pursue their own lives according to values that they believe to be worthwhile, and to genuinely engage in substantive and meaningful debates about the nature, importance, and content of justice, they must be afforded the resources they need in order to *access* the freedom revealed by formal rights. Without active encouragement of autonomy-supportive conditions in society as a whole, rights do not secure the kind of freedom that liberals require.

9. Controversial Practices and the Rules of Association.

9.1 *Association and Exit.*

When taken together with the points made in chapter one, we can begin to get a clearer grasp of the ways in which private, implicit norms arising from religious or cultural values affect and shape the life one may lead – and the discussions in which one may partake – in public, and vice versa. But there are many other cases in which the state is legitimately required to make decisions about the permissibility or impermissibility of cultural beliefs which are not directly questions about the ability of persons to engage in ‘public reason’. For example, questions concerning the moral and legal recognition of polygamous or arranged marriages, as well as rules and customs regarding relations of affinity and consanguinity, divorce, same-sex relationships, and the age at which persons may be legally permitted to marry, or to engage in sexual relations, are all clearly

²⁷ Sebastian Poulter, *Ethnicity, Law, and Human Rights: The English Experience*, p. 28.

areas in which the state (and hence, justice) is legitimately concerned.²⁸ But different groups understand such issues differently. Jewish law, for example, sets the age at which persons may be married far lower than is currently considered acceptable in Britain and the US, and Muslim law stipulates no minimum age at all.²⁹ Indeed, Islamic law also expressly authorises polygamy, arranged marriages, and the giving of dowries.

Furthermore, Islamic law allows husbands (but not wives) to obtain a divorce through the unilateral declaration of *talaq* (which, in classical law, is not subject to any external check at all). As Sebastian Poulter points out, “no reason or justification for the divorce need be given [in either Sunni or Shi’ite law], nor does the wife even have to be notified of the *talaq* for it to be effective.”³⁰ Furthermore, once a husband has repudiated his wife through the declaration of the *talaq* there “is nothing she can do to keep her marriage in being . . . even though she may be in no way at fault.”³¹ No such right of divorce is available to women, who must seek either their husband’s consent to dissolve the marriage (which, of course, can be withheld at any time for any reason), or leave the Muslim faith (and all the ties of community and family and belief embodied in it) and become an apostate. The consequence of the latter is the same as the consequence of the *talaq*, namely, forfeiture of any right to maintenance, alimony, or child support.³²

Similarly, orthodox Jewish law in Britain “continues to incorporate the feature that a husband may refuse to consent to a divorce and cannot be over-ruled by a rabbinical court, whereas a man can be granted a divorce without his wife’s consent.”³³ As Brian Barry points out, it is not difficult to appreciate that such rules give men a significant advantage in gaining a favourable

²⁸ Bhikhu Parekh, ‘The Logic of Intercultural Evaluation’, in S. Mendus & J. Horton (eds.) *Identity, Difference, and Toleration*.

²⁹ Jewish law sets the limit at 13 for boys and 12 for girls. According to Islamic law, children cannot be given up for marriage before ‘puberty’ although they can be contracted into marriage before that time. See Sebastian Poulter, *English Law and Ethnic Minority Customs*, chapter 2.

³⁰ *Ibid.* p. 99.

³¹ *Ibid.* p. 101.

³² *Ibid.* See also Keith Hodgkinson, *Muslim Family Law: A Sourcebook*; and Henry J. Steiner & Philip Alston (eds.) *International Human Rights Law in Perspective: Law, Politics, Morals: Text and Materials*.

³³ Brian Barry, *Culture and Equality: An Egalitarian Critique of Multiculturalism* (Cambridge: Polity Press, 2001), p. 157.

settlement.³⁴ For example, Judith Rotem tells “the miserable story of an ultra-Orthodox, destitute mother of three whose family had paid [her husband] to give [his consent to divorce], leaving no money to cater for the needs of the divorcee and her children [while] her husband . . . had re-married and was lavishing attention and financial comfort on his new family, ignoring the old.”³⁵

How should liberals respond to such examples of ‘cultural diversity’?³⁶ Clearly, liberals must begin by asking who it is that is defending these cultural practices, and who are going to be affected by them. For liberals, as we will see more clearly in chapters four and five, it is not enough to say that ‘Muslims’ or ‘Jews’ or ‘certain cultures’ are defending their practices, rather we must ask exactly *which* ‘Muslims’ or ‘Jews’, and which *particular* members, are invoking such defences. As we have said, liberalism does not require that all religious practices which appear to restrict one’s freedom must be outlawed. Rather, it requires that no such custom or practice should be imposed upon persons against their will, which is to say that it requires that all persons be capable of interpreting the worth of their various ends and attachments for themselves, and that each individual has the ability to change their minds about the ‘truth’ or importance of their current beliefs and to pursue new and different goals as a consequence. As we said in the last chapter, if certain people *choose* to submit to what we as outsiders consider outrageous inequalities and unpleasant practices, then the state has no business in denying them the ‘opportunity’ to do so. The liberal commitment to free association does not, after all, merely defend one’s right to join ecological movements or human rights groups, it also defends one’s right to identify oneself as a member of a particular religious group, or to join such ‘autonomy-restricting’ and hierarchical organisations as the armed forces or tightly-managed business corporations. It would be a curious form of liberalism that did not allow firms to give more power to senior managers than to office runners, for example, or which required that the army re-structure itself so that no individual held more power than any other. Similarly, it would also be a curious form of

³⁴ Ibid.

³⁵ Oonagh Reitman, ‘Cultural Accommodation in Family Law: Jewish Divorce in England’, unpublished paper, quoted in Brian Barry, *Culture and Equality*, p. 157.

³⁶ After all, no response at all would represent a *laissez-faire* attitude toward the toleration of cultural and religious diversity which would itself require justification.

liberalism that devolved to private firms the power to keep their employees working for them against their will, or which allowed the army to deny their members the ability to leave if they so desire. Hence, liberal-egalitarianism does not require each and every group or community to organise itself according to the strictly egalitarian principles that are appropriate for the state. Rather it requires merely that each and every group or association enables its members to make up their own mind about whether they wish to be a member of that group or not. Consequently, what liberal states have done – and what they should do – is allow individuals to submit to those forms of authority to which they consent, while providing them with the legal and political protections necessary for them to leave if they so desire.³⁷ Liberalism therefore requires all groups to provide their members with the ability to question their ends and the freedom to act on these reflections, even if persons use their freedom to submit to forms of authority that we as outsiders consider of little or no worth.³⁸

Hence, it is entirely acceptable from a liberal point of view for an individual to choose to live the life of, for example, a put-upon office junior or to suffer what we as outsiders might consider outrageous humiliations in the pursuit of a particular goal, but it is *only* acceptable if the state ensures that he has the legal entitlement to stop living this life and pursue a different one at any time. The liberal state must therefore ensure not only that all persons have the legal right to leave a group or organisation to which they belong but, as we will see more clearly in the next chapter, that a person's decision to leave does not condemn him to a life of destitution or leave them without any ability to do anything else.

This principle holds also for cultural, ethnic, and religious groups, but for such groups the conditions for 'exit' are more complex, and will often require groups to be liberalised to a greater extent than many theorists and commentators suggest.³⁹ Just as liberal states should not devolve power onto private associations and companies in order to force compliance or continued loyalty

³⁷ See Brian Barry, *Culture and Equality: An Egalitarian Critique of Multiculturalism*.

³⁸ See Will Kymlicka, *Liberalism, Community, and Culture and Contemporary Political Philosophy: An Introduction*.

among their members, so they should not give power to cultural or religious groups to force persons to accede to – and take part in – customs and traditions that they might otherwise reject. The difference, of course, is that the right of exit from associations like companies and clubs and so on generally means little more (or requires little more) than the protection of certain ‘negative’ freedoms through legal restrictions on what organisations can and cannot do, while ‘exiting’ one’s cultural or religious group often involves the ‘rejection’ of a belief or set of ideals or principles with which one identifies on a very deep level, and which one has adopted as a constitutive aspect of one’s life. Consequently, the conditions for exit require more than merely the instantiation of certain legal or political freedoms and entails the need to foster those conditions which allow persons to reflect meaningfully upon their ends.

This is a complex issue and will be explored fully in the next chapter. For now, it is sufficient to acknowledge that, in all these cases, the principle is the same. While liberals may disagree about the preconditions of consent and what consent actually entails, they converge on the idea that the only legitimate form of authority is that which the individual ‘imposes’ upon him or herself. That is, just as the only legitimate form of political authority is that which has gained the consent of the governed, for liberals, so the only legitimate form of religious or cultural authority is that to which the individual ‘consents’ through his or her continued membership of the group. Hence, any measures which would deny the individual’s capacity to interpret their own ends and to reflect upon the worth of the values and ideal which prevail in their community is, from a liberal point of view, illegitimate, and any group or elite which claims legitimacy while denying persons the ability to leave (in the sense that they are able to reject them if they so desire, and believe something else). While liberals might disagree about what is required by the state in order that this capacity for decision (and hence, exit) is made accessible and meaningful to people, they converge on the notion that the legitimacy of authority (whether at the level of community practices, or the state) is conferred by one’s consent to these practices and that, therefore, these practices are publicly justifiable to those persons who are to be affected by them. Liberalism

³⁹ See next chapter.

cannot, therefore, recognise or tolerate practices which rob women or anyone else of the ability to question the ends and ideals handed to them by their religious or cultural communities. Hence, liberalism cannot tolerate *talaq* divorce in the way that it is traditionally formulated because it effectively removes women from the justificatory process in a way that is inimical to the fundamental liberal principles of equality and freedom. And neither can it recognise polygamy or, as we will see in the next chapter, the exclusion of women (or anyone else) from school classes which are necessary to provide them with the intellectual and psychological capacities – and the knowledge – to reflect meaningfully on their ends and to question their own values and ideals.

9.2 *Marriage, Divorce, and the Principle of Universalisation.*

One way of responding to this claim, of course, would be to *universalise* the right to invoke the *talaq*. But this would only extend the inequalities embodied in such a practice to all. After all, as we have already pointed out, the *talaq* does not simply embody the right of a husband to unilaterally repudiate his wife for no reason and without her consent, it also embodies the claim that, in doing so, the husband need pay no alimony or child maintenance. Consequently, making *talaq* open to all would actually condemn an even greater number of men and women (inside and outside the Muslim community) who could not afford to leave the marital home to oppressive, unhappy, and perhaps violent marriages. Equality is not best served by making non-Muslims as well as Muslims, or men as well as women, equally subject to oppression by their partners.

The point is an important one, however, because the principle of universalisation has been invoked by a number of theorists as a response to *polygamy*. Claims that polygamy (or, more accurately, polygyny) contravene the liberal principle of gender equality can be countered, it is said, by extending to *women* the right to take multiple spouses. Bhikhu Parekh, for example, argues that “polygamy, meaning a man having multiple wives, is sexist and unacceptable for that reason alone . . . But,” he asks, “what about polygamy which allows both sexes the same freedom? [This] violates no liberal principle, for it is based on uncoerced choices of adults, causes

no apparent harm, encourages experiments in living, and relates to the realm of privacy with which the liberal state should not interfere.”⁴⁰

Parekh repeats this point in two other articles. “[T]he constitution,” he says, “may require that men and women should be treated equally. That does not in itself entail monogamy, for the equality of the sexes only implies that men and women should enjoy equal freedom to choose their marriage partners, not that they should marry only one person.”⁴¹ If “men are allowed polygyny, then women should be allowed polyandry . . . [T]he ban on [polygamy] needs a stronger and better-argued justification than a mere appeal to the principle of the equality of the sexes.”⁴² The same point is made by Joseph Carens and Melissa Williams who argue that the gender inequalities embodied in polygamy “would appear to be remedied by a legal regime that permitted women as well as men to have multiple spouses, even if, among Muslims, only men availed themselves of this opportunity.”⁴³

But this surely misses the point. What Parekh, Williams, and Carens fail to realise is that it is not the fact that it is only open to men that makes polygamy objectionable from a liberal point of view, but that the practice *itself* embodies unacceptable inequalities and subordinations. As Brian Barry has put it, “the objectionable asymmetry of power . . . is the inequality . . . *within* a polygamous marriage (whether polygynous or polyandrous) . . . [P]eople in western liberal societies are free to form any personal relationships they like, subject to a prohibition on incest. The question is what forms of relationship should be defined as constituting marriage for legal purposes, and the argument against polygamy is that systematically unequal forms should not be

⁴⁰ Bhikhu Parekh, ‘A Varied Moral World’, *Boston Review* 22/5 (1997), pp 25-28. See also, *Re-Thinking Multiculturalism: Cultural Diversity and Political Theory* (Basingstoke: Macmillan, 2000).

⁴¹ Bhikhu Parekh, ‘The Logic of Intercultural Evaluation’, in J. Horton & S. Mendus (eds.) *Identity, Difference, and Toleration*, pp. 163–197, p. 169.

⁴² Bhikhu Parekh, ‘Cultural Diversity and Liberal Democracy’, in D. Beetham (ed.) *Defining and Measuring Democracy* (London: Sage, 1994), pp. 199-221, p. 217.

⁴³ Joseph H. Carens & Melissa S. Williams, ‘Muslim Minorities in Liberal Democracies: The Politics of Misrecognition’, in R. Bhargava ed., *Secularism and Its Critics* (Delhi: Oxford University Press, 1998), pp. 137-173, p. 155-156.

recognised.”⁴⁴ Liberalism is not, of course, wedded to any particular conception of marriage, or to marriage at all, but it *is* wedded to equality and individual autonomy. It may well be the case that *monogamy* embodies pervasive and fundamental gender inequalities – as a number of feminist writers have claimed - and if so, then this would be a good liberal argument against the state recognition of monogamous marriages too.⁴⁵

When considering how the liberal state should respond to polygamy or the *talaq* (and whether or not the principle of universalisation represents an adequate liberal response to the inequalities embodied in them), then, it is important to remember the role that these practices play in the context of a person’s life as a whole. Polygamy, for example, is merely one aspect of a much wider, structural inequality between men and women in Islamic law. When taken alone, it may well seem that the inequalities embodied in polygamy are indeed resolved by extending the right to take multiple partners to women. But this argument soon collapses when we examine this practice in the context of those other norms and customs which regulate and define the ‘non-political’ lives of Muslim women. After all, we must remember, Islamic law allows husbands to control a wife’s movements, deny her a divorce for no reason, and to force her acquiescence in virtually all aspects of her life through threats of psychological or physical abuse.

It is difficult to see how the strategy of *universalising* the right to beat or ill-treat one’s spouse(s) would make doing so any more acceptable from a liberal point of view. What makes polygamy unacceptable from a liberal point of view is that it forces certain persons (overwhelmingly, women) to engage in relations that they have no meaningful ability to leave, given their *wider* status within the group.⁴⁶ Enshrining in law the right of women to take multiple spouses would

⁴⁴ Brian Barry, *Culture & Equality: An Egalitarian Critique of Multiculturalism*, p. 369, n. 96.

⁴⁵ There are, of course, many good liberal and feminist arguments in favour of legally recognising monogamous relationships. Not least among these, and most pertinent to the discussion at hand, is the security that legally enforced restitution gives to partners (and especially women) who decide to leave their partners. This is evidenced in such measures as the strengthening of divorce laws, the requirement that estranged fathers contribute to the raising of their children, and the instantiation of alimony. These again are required by the liberal principle of exit.

⁴⁶ Susan Moller Okin, ‘Is Multiculturalism Bad For Women?’ Joshua Cohen, Matthew Howard & Martha Nussbaum (eds.) *Is Multiculturalism Bad For Women?: Susan Moller Okin with*

not resolve the inequality that exists within marriages that were entered into by women who, given their status in the particular religious group of which they are a member, have little or no choice in the matter.

This is seen most clearly, of course, if we look more closely at *who* the right to engage in these acts is being extended to. There are, of course, two senses in which the practice of polygamy could be 'universalised'. One would be to establish a law that made it possible for all men and women – regardless of their particular beliefs – to enter into polygynous or polyandrous marriages. The other would be to argue that the right to take multiple marriage partners should be extended only to *Muslim women*. Neither is plausible. Extending to everyone (i.e. Muslims and non-Muslims) the right to take multiple partners fails to address the fundamental point that only certain members of certain communities will be *coerced* into engaging in these marriages, or that only certain members of certain communities will be required (by their religion, their friends, their families) to engage in relations – and submit to subordinations and inequalities – that they have no ability to question or reject, given their wider status within that religion or culture or ethnic group. Muslim women do not refrain from taking multiple partners because the state says they cannot. Rather, they do not do so because it is not a religious requirement that they do so. The clear implication of the universalisation strategy advanced by Parekh, Carens, and Williams is that Muslim women are being held back from taking multiple husbands by the liberal state and a change in the law would render them able to act on their desire to marry more than one partner. But this is not the case. If the right to take multiple partners were extended by the state to women, *Muslim* women would still be unable to do so without fundamentally contradicting an important aspect of their religion (namely, that only men are able to take multiple partners). That is, exercising their newly-acquired right to marry more than one man would require Muslim women to exit their community (and hence, to give up their religious beliefs and become apostates).

And the same holds true for other cultural practices too. What if we were to argue, for instance, that the ‘right’ to wear a *chador* or veil in public should be extended to everyone in society, including male Muslims? Or that the ‘right’ to wear turbans should be extended to non-Sikhs and Sikh women? Or, to bring the discussion full circle, that the power of *talaq* should be extended to everyone, including female Muslims? Again, such a response would entirely miss what is at issue. The point is not that all persons should have the right to engage in any of these acts, but that all persons should be protected from being forced to engage in them against their will simply because their religious or cultural norms tell them they should. Attempting to resolve the inequality embodied in the covering of Muslim women by extending to men the right to wear a similar veil, for example, misunderstands the role that such a practice occupies in Islamic law, and misunderstands too the freedoms revealed by liberal principles. The point, again, is that in liberal societies Muslim and non-Muslim men and women *already* possess the right to wear a *chador* if they so desire: they are free to wear whatever they want. But only *Muslim women* would be subject to pressure to wear a *chador* by their mosque, their families, and their husbands. Only *Muslim women* would be considered shameful or sinful if they refused to cover themselves. Similarly, anyone in a liberal society has the right to wear a turban if they wish, but only male Sikhs are *required* to wear them. And extending to *Muslim women* the legal right to invoke the *talaq* would not resolve any of the inequalities embodied in such a practice, because exercising such a right would mean renouncing a core tenet of Islam. To universalise the power of *talaq* to Muslim women would contravene a fundamental principle of Islamic law and would thus make no sense as a strategy of resolving inequalities within the group. Short of rewriting Islamic law from the bottom up, and seeking to persuade Muslims across the world that this new liberalised form of Islam is in fact the better or ‘truer’ form despite millennia of scholarship and teaching to the contrary, *talaq* would still be a weapon wielded by men only. Similarly, extending the right to non-Muslim men and women would do nothing to resolve the inequality between Muslim men and their wives.

What all this points to, albeit tentatively at this stage, is a specifically liberal account of authority rooted in the notion of consent. For the liberal, the only legitimate form of authority is that which is, in a very real sense, self-imposed. And this is as true of cultural and religious authority as it is of political authority. Just as the only legitimate political arrangements are those which are publicly justifiable to all (under liberal conditions of freedom and equality), so the forms of power and authority embodied in religious and cultural groups are only legitimate if they are similarly justifiable to each of their members. This means that it is a responsibility of the liberal state to provide all persons with the genuine capacity to reflect upon, and hence, to endorse or reject, those forms of authority under which they find themselves.

10. Private Space, Public Freedom.

10.1 *Reclaiming the Public/Private Dichotomy.*

What, then, does the foregoing discussion tell us about liberalism, and about the way in which liberal political theory should respond to cultural, ethnic, and religious diversity? Importantly, it tells us that we should reject the *political liberal* distinction between public and private, but that we need not reject any such public/private distinction. It would be a mistake to point out the inadequacies of the political liberal strategy of 'isolating the political' and then to conclude, on the basis of this alone, that there is no distinction to be made between an individual's public and private experience.⁴⁷ Such statements, as we will see later, are often taken by communitarians, republicans, and difference-theorists as proof that liberalism is internally flawed and that therefore the aim of establishing a liberal conception of justice (which places limits upon state action by appealing to some nebulous and ambiguously-defined 'private' realm) is, as Poulter puts it, necessarily "doomed to failure."⁴⁸ How then, can liberals support a distinction between public and private, given what we have already said about the overlap that exists between them (in terms of the claims for recognition made by minority cultures, of the necessarily comprehensive nature of personal autonomy, and also the ability of individuals to deliberate about the content of justice

⁴⁷ Shane O'Neill, *Impartiality in Context*.

itself through public discourse and agreement)? The remainder of this chapter is devoted to pulling together the threads of the argument thus far by tying our discussion of the public/private split to the wider discussion about consent and association. It is therefore my intention to lay the normative groundwork necessary for the more wide-ranging argument that follows.

10.2 *The Many Inconsistencies of Political Liberalism.*

Political liberals strive above all to establish a 'free-standing' conception of justice which limits its scope to the *political* institutions which compose the state and which does not claim its justification in any particular controversial set of ideas about the good life for all. However, we have also seen that this project is undermined in three ways. The first is that, in order to safeguard and encourage basic freedoms in the public realm, the liberal state is inevitably required to encourage (or impose) certain measures and conditions in the non-political (or 'private') realm of faith, culture, and the family.⁴⁹ The second is that, in order to live a particular way of life freely, the political sphere must necessarily embody the conditions which allow this way of life to be pursued in public.⁵⁰ And thirdly, as we saw in chapter one, and as we will see more clearly in chapters four and five, liberalism (even political liberalism) inevitably represents a 'controversial' doctrine in its insistence that all persons, regardless of what group or community they belong to, adopt a particular, 'reasonable' standpoint with regard to their own ways of life for the purposes of deriving substantive principles of justice. To adopt such a standpoint is, liberals argue, to act 'reasonably'. To fail to do so is to act 'unreasonably' and hence, in a way that might legitimately be corrected through coercion. However, the ability to deliberate in such a way presupposes an ability on the part of every individual to understand themselves, and their ends and ideals, and their relation to the world, in a particular way. But the ability and the willingness to understand oneself in this way, and to engage in liberal public reason does not arise naturally or inevitably, rather it must be fostered and encouraged by liberal institutions. People are not born believing

⁴⁸ Sebastian Poulter, *English Law and Ethnic Minority Customs*.

⁴⁹ See chapter one.

⁵⁰ See section 4.

that liberal dialogue is the best way of resolving political conflicts and working out the nature and requirements of justice; rather, liberal dialogue must be *shown* to be the right way of deriving principles of justice, and more appropriate than merely appealing to our own particular comprehensive beliefs in order to derive our own understanding of justice. Consequently, political liberals must realise that (given the comprehensive nature of our beliefs and ideals, and of the values of freedom and autonomy, and of the virtues embodied in political liberalism), the universal acceptance of reasonableness and of the validity of the impartial standpoint must be encouraged in all persons regardless of their own particular values. This will necessarily entail encouraging persons to regard their own ends and beliefs from a particular perspective, and encouraging them also that *this is the right perspective to take when thinking about justice*.

Now, this third point poses a significant problem for *political* liberals but it is not a problem that all liberals need worry about. One reason for this is that, as we claimed earlier, it is inevitably (and necessarily) a role of the liberal state to set limits upon what persons can and cannot do in their private lives. As we have already seen, it would be a mistake to argue that political liberals seek to ensure the unfettered pursuit of private ends regardless of what these ends might be, as even political liberals maintain that the private realm must be subject to some form of regulation via public principles and legislation which aim at the eradication of harm, etc. Indeed, a state which appeared to conceive the private lives of individuals to be so sacrosanct that it permitted complete freedom to act in any way that that individual wished would fail to protect the well-being of others and so would cease to be liberal.⁵¹ However, in conceiving the public/private split in the way they do, political liberals ignore that the relationship between 'political' and 'non-political', or 'public' and 'private' experience, will often be a subtle and ambiguous one.⁵² For instance, the conditions that prevail in the political realm will inevitably encroach upon our private lives not merely through explicit legislation or state sanctions (in the form of laws against certain kinds of behaviour, for example), but in more implicit and subtle ways too. Our ability to

⁵¹ John Rawls, *The Law of Peoples and the Idea of Public Reason Re-Visited*, p. 161

⁵² Veit Bader, 'Religious Pluralism: Secularism or Priority for Democracy?', *Political Theory* 27/5 (1999), p. 597 - 633.

access public resources (like jobs, money, and so on) will have unavoidable consequences for the way in which we live our lives in private, and for the extent to which we understand ourselves as capable of pursuing those ends and projects which are most important to us. We might want to consider here, for example, the extent to which a lack of employment (and the scarcity of income that will arise as a result) will often deny us the ability of joining (or renewing our membership of) organisations and groups that we consider very important to us. Or we might want to consider the ways in which our ability (or inability) to compete for jobs or offices on an equal basis with others in the public realm will variously affect the way in which we view ourselves and our abilities in private. Some will be able to brush aside failure in the public realm without suffering any significant angst or resentment; others, on the other hand, may feel the affects of these failures spill over into their private lives to the extent that they affect the very deepest sources of their self-identity, especially if these failures are common and/or symptomatic of wider discrimination in society. Often, that is, personal well-being (and one's sense of self-worth) will be supported or undermined by the recognition one receives in the *public* realm, and thus the capacity of the individual to access public institutions is, for many, an important factor in the way they understand themselves and their abilities across both realms. Furthermore, the occupation of public roles and offices inevitably confers an important sense of *membership* or 'belonging' in the wider society which not only carries with it the explicit capacity to access the conventional public decision-making processes and structures which create and perpetuate the conditions which prevail in both the 'public' and 'private' realms, but also the implicit ability of individuals to feel that they occupy some definite role in society and that they have some form of bond or connection both with those around them and with the institutional and constitutional structures which bound and regulate their actions.⁵³

From not being able to afford to travel to our place of worship, to losing our status in the community as a result of some public disgrace; from not being able to pursue our private interests and fulfilments, to not being able to send our children to the school we might choose,

⁵³ This is obviously an important issue and one which will be developed throughout the rest of this

or to university; our capacity to lead fruitful and rewarding lives in the pursuit of ends and beliefs which are important to us (that is, to fulfil our most deeply felt aspirations and goals), will be constrained and limited and circumscribed, to some extent, by our capacity to freely access public resources and institutions and engage in public discourses with others on a free and equal basis. Indeed, it is precisely this fact that makes the derivation of just political principles so important; it is precisely because the political realm will be so influential in the success or failure of both our private and public aspirations that we must expend so much time and energy making sure that we get the character of our social and political institutions *right*. Rawls knew this when he drew up his list of 'primary goods' (despite his later works being unsuitable to deliver them). Mill knew it too, as did other thinkers as diverse as Locke, Condorcet, and T.H. Green.⁵⁴ Indeed, before the advent of contemporary 'political' liberalism, the public/private split was never seen as a way of splitting apart the ethical and political experience of the individual in order to isolate them in distinct realms. Rather it was seen as a principled strategy aimed at establishing the justifiable limits of state power over the individual which sought to place all persons under the jurisdiction of a coherent system of principles that took as their end certain universal claims about the value of freedom and equality.

Political liberalism cannot secure these aims and, indeed, it seems unwilling to commit itself to them at all, arguing instead that freedom and equality are values that can be isolated within the realm of politics (and which make themselves accessible to all merely by virtue of their existence) in this realm. In conceiving the split between public and private in the way it does, that is, political liberalism would appear to assert not only that we are able to pursue our private ends and beliefs in abstraction from all that characterises the political realm, but also that our private beliefs are, in the end, not answerable to – or affected by – the political realm.

thesis.

⁵⁴ See John Locke, *Two Treatises on Government* (Cambridge: Cambridge University Press, 1960); The Marquis de Condorcet, *Sketch for a Historical Picture of the Progress of the Human Mind* (1795), trans. June Barraclough (London, 1955), p. 179-183; and R. L. Nettleship (ed.) *The Works of Thomas Hill Green* (London, 1889).

Political liberals, of course, would reject all of this. They would no doubt argue that their commitment to *public* freedom embodies their belief that individuals require certain basic conditions of liberty if they are to be capable of pursuing their private ends fully and fruitfully. That is, they might say, political liberalism expresses the idea that *private* beliefs can only be pursued if the state encourages in *society* the basic freedoms which allow them to do so. Indeed, our discussion in section 4.1 might well be seen to lend a certain amount of support to this view. However, if this is the case, then political liberals must make up their minds exactly what their position *is* on the nature and role of the public/private split. They must either argue that their conception of the political realm extends into controversial areas such as the internal organisation of religious and cultural groups, or they must choose to stick to the idea that the political realm is somehow separable from this realm of 'private' understandings and values. That is, they are inevitably faced with a choice between establishing a 'free-standing' conception of justice (which somehow seeks to divorce itself from the complex and potentially volatile realm of culture and faith), and conceding that that the internal structure of groups and associations and communities is as much a subject for justice as anything else and that, consequently, our private experience will inevitably and necessarily animate and circumscribe our public deliberations about the content of justice. Quite clearly, when put this way, political liberals generally choose the former (because it expresses the basic political liberal claim that the state should not claim its justification in any particular conception of the good, and that the content of justice should be derived via a process of public reason which excludes one's more substantive and personal ideas about the world and one's relation to it). Once we realise however, that one's 'comprehensive' doctrines necessarily affect and animate not only one's private lives, but also the lives and pursuits that one is capable of leading in public, then the political liberal notion that persons are capable of engaging in discourse and deliberation in the public realm which stands independent of, and at a distance to, these private comprehensive beliefs collapses.

10.3 *Consent and the Social Contract.*

It would appear then, that political liberalism embodies a very real tension at its heart concerning the capacity of the state to make claims about the relative 'justice' or 'injustice' of particular cultural or religious practices *even though* it must do so in order to establish the conditions appropriate for the conduct of public reason. Political liberals argue that inequalities between husbands and wives, or between parents and children, therefore, are not a fitting subject for political action unless they can be shown to place unfair constraints upon a persons political autonomy. But if what we have said thus far is true (that one's political autonomy is directly and importantly linked to their autonomy in other areas of their lives), then this means that political liberalism is no more tolerant of religious or cultural practices than comprehensive liberalism.

While this tension is both obvious and problematic for *political* liberalism, it is, however, not a tension which need concern liberalism *per se*. This is because it is entirely consistent with liberal principles to retain the public/private split without claiming that the government cannot overstep this divide in the interests of protecting important individual freedoms, or that one's comprehensive beliefs and ideals must be excluded from debates about the content of justice. Some critics argue that such claims spell the end of the distinction itself, but this is false. As we have already mentioned, the development of the liberal distinction between public and private grew out of a rejection of the idea that the state could actively strive to make one's life *better* (in the sense that it should not aim at the improvement of the individual through the enforcement or imposition of certain first-order values or beliefs). Such self-improvement, it was argued, could only come as a result of decisions and deliberations made by the individual him or herself.⁵⁵ It was not the place of the state to coerce individuals into adopting certain ways of life through force. Rather it was the job of the state to provide all persons, regardless of their particular beliefs and values, with the resources they needed in order to make meaningful decisions about what kind of lives they wanted to lead, what values they endorsed, and, importantly, what forms of authority they were willing to submit to.

⁵⁵ See, for example, Ronald Dworkin, 'Foundations of Liberal Equality', *Tanner Lectures on Human*

Historically, this commitment to the principle of choice and to the idea that persons can actively contribute to the way in which their lives unfold by making decisions based upon their inherited values and beliefs and commitments can most obviously be found in Locke, Kant, and Mill, but can just as easily be seen in the work of such theorists as Condorcet, Constant, Tocqueville, Jefferson, and Paine.⁵⁶ For them, as for many contemporary liberals, the public/private split represented what was to be the founding principle (and the logical consequence) of the social contract tradition: that “we cannot remain absolutely free, and [that we] must give up some of our liberty to preserve the rest.”⁵⁷ And so, as Berlin points out, the central question for these (and other) ‘liberal’ theorists concerned the *amount* of personal freedom that persons should sacrifice in the interests of securing social and political institutions which protected above all else those freedoms and liberties that the individual retained, and supreme amongst these freedoms (or the principle that underpinned and animated them all) was the idea that all individuals should be provided with the ‘space’ we need in order to “pursue our own good in our own way,”⁵⁸ free from the intrusions and manipulations of the state, other people, and other groups. Consequently, the bounds of the public, political realm are determined by working out exactly what the state needs to do (and how far it has to reach) in order to protect certain basic and fundamental freedoms within the private realm. All individuals, these theorists argued, need the space to reflect upon their aims and abilities and goals and therefore the state has a duty to protect this private space from those external factors which encroach upon it (and which therefore, thwart or constrain our capacity for self-reflection). And so the state has a duty to protect us from harm, and from instability, and from unwarranted intrusion or oppression not only because harm and tyranny are evils in themselves, but also because they undermine our

Values (Salt Lake City: University of Utah Press, 1988).

⁵⁶ See, for example, The Marquis de Condorcet, *Sketch for a Historical Picture of the Progress of the Human Mind*, trans. June Barraclough (London, 1955); Benjamin Constant, *Political Writings*, trans. Biancamaria Fontana (Cambridge: Cambridge University Press, 1988); Alexis de Tocqueville, *Democracy in America*; Thomas Jefferson, *Political Writings*, trans. J. Appleby & T. Ball (Cambridge: Cambridge University Press, 1999); Bruce Kuklick (ed.) *The Political Writings of Thomas Paine* (Cambridge: Cambridge University Press, 1989).

⁵⁷ Isaiah Berlin, ‘Two Concepts of Liberty’, *The Proper Study of Mankind* (Pimlico, 1998), p. 191-243, p. 198.

capacity to decide for ourselves the way we wish to live our lives, what we believe, what we reject, and how we understand ourselves and our place in the world.

Where Berlin and a number of other liberals went wrong, however, is in their claim that 'negative' freedom was enough.⁵⁹ While the state has no business in trying to impose certain substantive ways of life upon us, that is, it *does* have a duty to provide everyone with the requisite resources to deliberate meaningfully upon the value of their inherited beliefs and of the cultural practices which regulate and define their most deeply-held self-understandings. And it does have the responsibility to encourage those conditions which enable all persons to consent to those forms of authority that they believe are worthwhile and justifiable, and to withdraw their consent (and hence, their support) for those forms of authority that they do not believe are legitimate, whether they be the state or cultural or religious hierarchies. For this reason, we should not seek to reject the public/private distinction entirely. Yet neither should we embrace the conception of this distinction put forward by political liberals because there is nothing *illiberal* or *coercive* about claiming that, in certain circumstances, the state has a responsibility to encourage certain conditions in the 'private' lives of individuals if in doing so important and basic freedoms are protected, and the conditions that one needs to give or withdraw consent (from the state, or the any other association or group to which they belong) are encouraged.

Correctly understood, then, the distinction between the political and the non-political captures the fundamental liberal concern to establish the source and the limits of authority. Social contract theorists applied their theories almost exclusively to the realm of political authority. But we can and should conceive the contract more widely, as applying to other forms of authority as well.

Once we do so, the substance of the foregoing discussion is revealed more clearly. Embodied in the contract was the central notion that consent could be given (and hence, freedom ensured) by simply providing persons with the freedom from 'external impediments' to action (i.e. negative

⁵⁸ John Stuart Mill, chap. 1, *On Liberty* (Oxford, 1991), p.17.

freedoms).⁶⁰ But, if what we have said this far is true, the ability for one to give one's consent to a particular political arrangement is undermined and affected by the implicit, subjective norms and circumstances in which one is enmeshed. Our education, beliefs, self-confidence, and our self-understanding will all affect our ability to understand (and to afford genuine consent to) the authorities that govern us. And this is only too clear when we extend this model to cultural and religious communities, as we have begun to see, and as we will see more clearly in the chapters that follow.

11. Conclusion.

During the course of this and the previous chapter I have made a number of claims, some of which have been substantiated and some which have yet to be elaborated sufficiently. I have applied the political liberal response to diversity to a number of concrete examples of cultural diversity and have found it untenable. I have tried to show, somewhat tentatively at this stage, that liberals are necessarily committed to the idea that individuals should be free to lead their lives in pursuit of ends that they believe to be valuable, and that this idea necessarily requires the state to ensure conditions of freedom and equality in both their public and their private lives. As much contemporary feminist theory has shown, tyranny, coercion, and imposed authority often find their most potent, pervasive and subtle expression in the norms and networks which characterise the private lives of individuals (which have often been reified and perpetuated throughout the course of history). This is true, as our initial examination of various real practices has revealed, and as our later discussions will confirm. Consequently, any doctrine which seeks above all to provide persons with the resources they need to free themselves from imposed structures of authority must acknowledge that an important (indeed, integral) part of this process must be the encouragement of certain conditions in the private lives of individuals in order that persons are not thwarted in their attempts to access public institutions by the particular cultural and moral beliefs embodied in the religious or cultural communities to which they belong. And

⁵⁹ As we will see in the next chapter and those that follow.

similarly, the social, political, and legal institutions that regulate and govern the lives of an inevitably diverse populace should claim their justification in the fact that they truly express the interests of those to whom they are responsible, and the most significant way in which they might do so is to provide all persons with the freedom and the resources they need to pursue their lives in accordance with values and ideals that they believe to be worthwhile (within parameters which are themselves fairly derived and acceptable to all those to whom they are to apply).⁶¹ Liberals are, or should be, concerned to eradicate conditions of domination and inequality manifested in the relationship between individuals and the state. They should also be concerned to eradicate domination and inequality in the relationships individuals share with each other through the various groups and associations to which they belong. This requires liberal institutions to ensure that norms and structures of authority embodied in the ‘non-political’ lives of individuals are as subject to interpretation, questioning, and revision as forms of political authority. This means that liberal institutions have a duty to ensure that all persons are able to interpret, revise, and potentially reject the forms of authority under which they find themselves, even if the groups to which one belongs would prefer otherwise. Just as political institutions and practices are unjust if they do not attract the consent of those governed by them, so religious and cultural norms are unjust if they are imposed upon persons who do not have the ability to question – and hence, exit – them. One’s ability to question and interpret the role and responsibility of political institutions (and justice more widely) depends on their ability to adopt an ‘autonomous’, reflective perspective with regard to their particular ends, attachments, and commitments.⁶²

What this reveals is the idea that our ‘comprehensive’ doctrines are not merely comprehensive in name but in the effect that they have on every aspect of our lives *including* the way in which we ‘reason’ about the nature of justice. To seek to isolate comprehensive doctrines in a distinct ‘political’ or ‘non-political’ realm is inevitably to deny that these doctrines are actually

⁶⁰ Thomas Hobbes, *Leviathan* (London: Penguin Press, 1981).

⁶¹ See chapter five.

⁶² As we will see more clearly in part two of this thesis.

'comprehensive' at all and is to suggest that we are capable of understanding ourselves and our ideals and ways of life and values in a particular way which is universally acceptable and achievable by all, regardless of what these beliefs and ways of life are. It is precisely because our membership of certain communities and groups and faiths is important to us, and precisely because our public and private lives will be shaped and affected by beliefs and understandings that we have of the world, that political liberalism fails to provide an adequate response to the most pressing and significant questions concerning the role of cultural and religious beliefs in our deliberations about justice and the rightful structure of political institutions. The interface between the public and the private, between the political and the non-political, is necessarily blurred and indistinct. It is open to debate and to challenges from different groups and individuals and these challenges will inevitably be animated by the cultural, moral, and religious beliefs of those involved. What is important to liberals is that all persons who are to be affected by the consequences of these debates are afforded the resources they need to contribute to them. It is only through such inclusive debate and agreement that principles of justice (which respect the dignity and individuality of each member of society) can be found. To seek to relegate the moral and cultural experiences of the individual to the 'non-political' realm is to deny the pervasiveness of our moral beliefs in our actions and in the way we deliberate in public, and is also to ignore the important ways in which our particular cultural and religious practices impact upon, shape, and circumscribe our lives more widely.

Consequently, the reason why political liberals are wrong to argue that a political conception of justice can secure the conditions that everyone needs in order to pursue their own ends freely and equally without interfering in the 'non-political' lives of individuals is because the "account of autonomy they employ is stronger than they take it to be."⁶³ Personal autonomy cannot be encouraged in public unless it is also encouraged and endorsed in private. And this, we might well argue, goes also for the various 'political virtues' which Rawls cherishes and which

⁶³ Alan Apperley, 'Liberalism, Autonomy, and Stability', *British Journal of Political Science* 30/2 (2000), p. 291-311, p. 292.

“strengthen the forms of thought and feeling that sustain fair social co-operation.”⁶⁴ Free and equal participation in the political realm depends upon ensuring that individuals respect and encourage freedom and equality, and it depends also upon the individual possessing the necessary resources to lead a life in pursuit of ends that it has deliberated upon and has come to endorse as worthwhile (which is to say that it must be in a position to know the alternative life choices that are on offer, and it must possess the ability to choose these options as a result of decisions made against the background of their inherited values and beliefs). If political liberals are to be committed to autonomy in the political realm, if they are going to commit themselves to the idea that individuals should be given the opportunity to pursue their own ends freely and equally within a social and political system which they themselves have endorsed and made legitimate, then they must acknowledge the extent to which this depends upon establishing autonomy-supportive measures within the non-political associations of individuals. The alternative is not, as Rawls, Macedo, Nussbaum, and other political liberals would have us believe, the political liberal commitment to autonomy in some circumstances and not others, but the rejection of autonomy altogether.

⁶⁴ Rawls, *Political Liberalism*, p. 195.

PART TWO

Chapter Three

Comprehensive Liberalism, Group Membership, and Inescapable Values

The liberal separation between public and private spheres, and endorsement of pluralism within them, encourages both access to groups in which one has a 'voice' and the possibility of 'exit' from them as equally important parts of freedom of association.

Nancy L. Rosenblum, *Another Liberalism: Romanticism and the Reconstruction of Liberal Thought*, 1987.

In part one, we saw that the political liberal strategy of 'privatising' cultural and religious beliefs (or 'comprehensive doctrines') while 'politicising' autonomy and individuality fails as a coherent philosophical response to cultural, religious, and ethical diversity *both* because it fails to acknowledge the inherently 'comprehensive' nature of those liberal values that it seeks to enshrine in the political sphere, *and* because it fails to respond coherently to those claims which affect members of cultural and religious minorities in liberal democratic states. It is precisely because our comprehensive doctrines are *comprehensive* (in the sense that they shape and circumscribe the way in which we deliberate about the validity and significance of our own ends, and also about the content of justice itself) that they cannot be relegated to either the 'political' or the 'non-political' realm in the way political liberals contend.

Consequently, we claimed, liberals face a choice: either they can commit themselves to the comprehensive values of autonomy and individuality and strive to encourage autonomy-supportive conditions in both the public and the private realms, or they can reject the ideal of autonomy altogether.

What, then, of those liberals who claim the latter? What of those theorists who reject individual autonomy entirely, preferring instead to ground liberalism in a commitment to tolerating different cultural or religious or ethnic groups even if the internal organisation of these groups are *illiberal*? Given what was said in the previous chapter, it is possible to predict the way in which we must

approach this important question if the resulting argument is to remain consistent with liberal principles as I define them. Yet, it might be argued, it still remains to be seen exactly why we should value *autonomy* (as conceived to be incorporating both positive and negative liberty) and not some combination of 'negative' freedoms which seek to provide persons with exactly the kind of private 'space' that they might require in order that they might make spontaneous and meaningful choices without the 'help' of the state (as libertarians and classical liberals from a Hayekian perspective might argue).¹ And why should not liberals take as their primary goal the *accommodation* of radically divergent ways of life within principles which aim at 'neutrality' or 'impartiality' among different conceptions of the good (regardless of whether or not these conceptions of the good arise from the 'autonomous' choices of individuals)?

The reason why liberals cannot reject the notion of individual autonomy in favour of a more generalised commitment to 'toleration' or the establishment of 'negative' freedoms is that individual autonomy is a pre-requisite *both* of liberal justification, *and* the ability to 'exit' one's community. We have already claimed as much in part one, but it is now necessary to substantiate these claims more fully in this and the following chapters in response to those prominent liberal and non-liberal theorists who argue otherwise. I argue that the idea that liberalism can or should be concerned above all with the accommodation of diversity instead of encouraging autonomy is untenable and that the liberal state must, in the end, be committed to tolerating only those groups and communities which encourage the ideal of personal autonomy (and thus the establishment of autonomy-supportive measures in both the 'public' and the 'private' realms).

The argument unfolds in two stages. This chapter is devoted to extending and fleshing-out the notion of 'exit'. It explores those issues which concern one's ability to reflect upon, and revise, those ends and attachments which constitute and shape one's life. This builds on the conception of autonomy presented in the introduction to this thesis and expanded in part one. By filling in some of the gaps in this account now, we will by the end of this chapter, be in a position to

¹ Friedrich August Hayek, *The Constitution of Liberty* (London: Routledge, 1960).

discuss the deeper and more philosophically complex issue of liberal reasoning and justification. In that chapter, I tie together what has already been said in order to show that individual autonomy operates at both levels, and hence represents a far more fundamental and necessary commitment to liberalism than many liberals believe.

Consequently, I develop those criticisms that I have already raised against Rawls, Macedo, Nussbaum, and Larmore in order to show more convincingly that the conventional debate between ‘political’ and ‘comprehensive’ liberals, or between ‘toleration-based’ liberals and ‘autonomy-based’ liberals regarding the ethical limits of cultural toleration or recognition, is false, because only so-called ‘comprehensive’ liberalism (rooted in the principle of personal autonomy) is capable of securing those basic freedoms that all liberals (should) support. Hence, in section 12 I discuss the account of liberalism advanced by William Galston, with the aim of showing that, despite his claims to the contrary, his argument necessarily invokes the principle of personal autonomy. I then go on (in the section 13) to discuss the notion of ‘exit’ with specific regard to the work of Chandran Kukathas, who is perhaps the most ardent critic of autonomy-based liberalism, and show that he, like Galston, fails to provide a justification of liberalism which is not, ultimately, rooted in the principle of autonomy. In sections 14 and 15, I develop and extend a number of the points made at the end of the first chapter by addressing a number of related problems concerning the idea of ‘consent’ and liberal education (in relation to cultural membership), before bringing together the threads of the discussion in the final section.

12. William Galston and Cultural Diversity.

12.1 *Two Concepts of Liberalism?*

William Galston shares the political liberal’s rejection of substantive, comprehensive values. Too often, he argues, liberals have sought to make universal claims regarding the nature of humankind, or of rationality, or of the way in which individuals relate to their ends.² Some have claimed that

² Charles Larmore, *Patterns of Moral Complexity*. See also ‘Political Liberalism’ and ‘Pluralism and

humanity is characterised by an intrinsic and radical individuality,³ others have sought to establish the ideal of autonomy,⁴ others still have questioned the nature of freedom at the heart of liberal politics,⁵ others the nature and scope of equality,⁶ or of rights,⁷ and, these theorists argue, the outcome of these debates have too often pointed to the justification of some substantive conception of value which is supposedly intrinsic to humanity and which must therefore be pursued and expressed in the social and political world in which persons find themselves. This substantive value, Galston argues, is too often conceived to be personal autonomy.

Consequently, we find in Galston the claim that we also find in Kukathas and Larmore, namely, that liberals face a choice over exactly what *kind* of liberal they want to be. They can *either* choose to advance the notion of individual autonomy (even if this means encouraging persons to understand themselves in a particular way), *or* they can instead seek to encourage and protect the diversity of ends that exist in society, even if these ends are not the product of autonomous choices. The overwhelming tendency among liberals, he argues, is to choose the route of autonomy.

Reasonable Disagreement' in *The Morals of Modernity* (Cambridge: Cambridge University Press, 1995), p. 121-151, and 152 - 174, respectively.

³ Robert Nozick, *Anarchy, State, and Utopia* (Oxford: Blackwell, 1974); F.A. Hayek, *The Constitution of Liberty*. See also John Gray, *Hayek on Liberty* (Oxford: Oxford University Press, 1986), and B. Crowley, *The Self, the Individual, and the Community: Liberalism in the Political Thought of F.A. Hayek and Sidney and Beatrice Webb* (Oxford: Oxford University Press, 1987).

⁴ Will Kymlicka, *Liberalism, Community, and Culture*; and *Multicultural Citizenship*. See also W. Kymlicka, 'Liberal Individualism and Liberal Neutrality' in *Ethics* 99 (1989), p. 883-905, 'The Rights of Minority Cultures: A Reply to Kukathas' in *Political Theory* 20 (1992), p. 140-146, and 'From Enlightenment Cosmopolitanism to Liberal Nationalism', unpublished paper delivered to the 'Liberalism at the Millennium' conference in political thought, Gregynog, University of Wales, 1998; Stephen Macedo, *Liberal Virtues*; Amy Gutmann, 'Civic Education and Social Diversity', *Ethics* 105 (1995), p. 557-579; Joseph Raz, *The Morality of Freedom and Ethics in the Public Domain*; and John Rawls, *A Theory of Justice*.

⁵ Most famously Isaiah Berlin, 'Two Concepts of Liberty', *Four Essays on Liberty* (London: Oxford University Press, 1969). See also Charles Taylor, *Philosophy and the Human Sciences* (Cambridge: Cambridge University Press, 1985).

⁶ Ronald Dworkin, 'Liberalism', *A Matter of Principle* (London: Harvard University Press, 1985), 'What is Equality? Part One: Equality of Welfare; Part Two: Equality of Resources', *Philosophy & Public Affairs* 10/3-4, p. 185-246 and 283-345, 'What is Equality? Part Three: The Place of Liberty', *Iowa Law Review* 73 (1987), p. 1-54, 'What is Equality? Part Four: Political Equality', *University of San Francisco Law Review* 22 (1988), p. 1-30, 'In Defence of Equality', *Social Philosophy and Policy* 1 (1983), p. 24-40.

⁷ Alan Gewirth, *Reason and Morality* (Chicago: University of Chicago Press, 1978); Jeremy Waldron (ed.) *Theories of Rights* (Oxford University Press, 1984).

This, he argues, is a mistake. Like the later Rawls and the other political liberals, Galston argues that the principal goal of liberalism should not be the cultivation of some specific conception of the good, or the encouragement some particular understanding of our ends and values, but rather the resolution of those inevitable conflicts that arise out of what Rawls called the ‘fact of plurality’ (or, more recently, the ‘fact of reasonable pluralism’).⁸ “Properly understood,” he argues, “liberalism is about the protection of diversity, not the valorization of choice.”⁹ Liberalism, therefore, should not seek to orient itself around the goals of the ‘Enlightenment’ project (that is, the emancipation of individuals from imposed authority), but around the goals embodied in the ‘Reformation’ project, which sought above all else to enshrine the principle of *toleration* between radically conflictual beliefs. We should not, Galston argues, invoke the good of autonomy (in the way that Kant, Mill, Locke and those “Americans writing in an Emersonian vein” did¹⁰), because “to place an ideal of autonomous choice . . . at the core of liberalism is in fact to narrow the range of possibilities available within liberal societies.”¹¹ That is to say, any theory which takes diversity seriously (and which truly seeks to create a moral community in which everyone is able to pursue radically different ends without being forced to understand these ends (or themselves) in any particular way) must necessarily reject any principle which enforces certain understandings (and certain values) upon the whole of society. “The autonomy principle,” Galston argues, “represents a kind of uniformity that exerts pressure on ways of life that do not embrace autonomy.”¹² Liberals must realise that “autonomy is one possible mode of existence - one among many others; its practice must be respected and safeguarded; but the devotees of autonomy must recognize the need for respectful coexistence with individuals and groups who do not give autonomy pride of place.”¹³

⁸ John Rawls, *Political Liberalism*; See also Charles Larmore, ‘Reasonable Disagreement’ in *The Morals of Modernity*. This shift is significant, as we will see in the next chapter.

⁹ William Galston, ‘Two Concepts of Liberalism’, *Ethics* 105 (1995), p. 516-534, p. 523.

¹⁰ W. Galston, ‘Two Concepts of Liberalism’, p. 521.

¹¹ *Ibid.* p. 523.

¹² *Ibid.*

¹³ *Ibid.* p. 525.

Unfortunately however, Galston, like Nussbaum and Macedo (and, as we will see, Larmore), fails to show exactly how liberalism can avoid appealing to this principle. For example, Galston states that it should be the primary goal of liberalism to derive “public principles, institutions, and practices that afford maximum feasible space for the enactment of individual and group differences” but he also seeks to set ethical limits on this diversity. The two qualifications he makes to his initial commitment to diversity are that, firstly, it should be “constrained . . . by the requirements of liberal social unity,”¹⁴ and secondly, that all individuals should be afforded the capacity to *leave* the community or group in which they find themselves if they find that it no longer accords with their beliefs about value (that is, if they lose their faith, or come to disagree with any or all of the practices that are embodied in that group). I discuss this first constraint in the remainder of this section before exploring the implications of the second in section 13.

12.2 Social Unity and the Content of Liberalism.

In developing the first qualification, Galston claims that the liberal state (or what he prefers to call the ‘Diversity State’) manifests, in the interests of establishing social unity, an “unyielding defence - and (where necessary) enforcement - of principles, institutions, and practices that constitute the core requirements of shared citizenship” and a ‘strong system of toleration’ encouraged by a “vigorous system of civic education that teaches tolerance . . . and helps equip individuals with the virtues and competences they will need to perform as members of a liberal economy, society, and polity.”¹⁵ He makes the very valid point – suggested in part one of this thesis - that cultural, ethnic, and religious groups in a single society cannot exist in isolation from one another; he argues that individuals will be implicated in cultural groups, but he rightly points out that these cultural groups will necessarily be embedded in a wider social framework which “both protects and circumscribes the enactments of diversity.”¹⁶ He is right to point out that it is not realistic to talk about cultures and groups as isolated from each other and from society as a whole, because members of different groups will inevitably live amongst each other, and groups themselves will

¹⁴ Ibid. p. 524.

¹⁵ Ibid. p. 528.

¹⁶ Ibid. p. 529.

necessarily be encompassed and linked by over-arching rules and principles which regulate conduct between and within them. Thus, Galston concurs with the general argument made in the previous chapter: that liberal social unity requires the cultivation of certain attitudes and virtues in *all* individuals, regardless of their cultural, religious, or moral beliefs because *all* individuals will require equal and fair access to the social, economic, and political structures and institutions which compose the wider society. Consequently, he argues, cultural groups should not take responsibility for their own education; education is a means of cultivating not only those values and virtues which are needed if society is to remain unified and stable, but also the academic and vocational skills necessary if individuals are going to be in a position to compete realistically in the job market and contribute meaningfully in a unified society. It is therefore in the public interest (and in the interest of each and every individual), he argues, that everyone is brought up respecting certain values, possessing certain skills, and conceiving themselves as citizens of the same moral and political community.

Galston's account of a 'liberal' education will be explored in the next section. For now, however, it must be said that if we take seriously his claims concerning the importance of a universal commitment to toleration, of a programme of civic education, and of common citizenship, then we are not necessarily led to a conception of liberalism that embraces diversity at all (at least in the way that Galston would support). Far from providing groups with an increased capacity to exist according to their own values and beliefs (and far from avoiding judgements about the way in which communities organise themselves), Galston's theory explicitly *rules out* a great many internal practices (and, more importantly, far more than he himself believes).

All communities, for instance, are compelled to accept the good of (civic) education for all the reasons we discussed in the previous chapter (and, as we will see, for certain others). Consequently, claims by cultural or religious groups that advocate the removal of children from education (or which argue that their children should be allowed to leave school earlier than others) must be ruled out because in denying individuals equal access to education, these groups

are robbing society of the resources it needs to remain unified and stable. The same must be said for those 'unreasonable' groups which claim that the idea of citizenship (that is, loyalty to the liberal polity) conflicts with the more significant loyalties they feel toward their own cultural or religious ways of life (for example, the Amish, or the Hutterites). Religious and cultural practices which, by their very nature, conflict with the idea of equal citizenship (for example, the cultivation of intolerance or hatred toward certain individuals or groups within society) or which deny that all individuals have an equal right to access the common goods and institutions of the wider society (as in many of the cases we discussed in part one), are similarly ruled out. And also considered inadmissible are claims which contradict the various basic 'purposes' which the state is entrusted to pursue (like the 'protection of human life', and 'the protection and promotion of normal development of basic capabilities').¹⁷

Galston's commitment to respecting 'deep diversity' is therefore compromised by his subsequent commitment to social unity. It might appear then, that he is faced with a choice between 'taking diversity seriously' and encouraging common citizenship. If he opts for the latter, we might argue, he must give up the pretence that he is interested in embracing deep diversity and must seek instead to encourage those necessary commonalities which all citizens will need if they are to contribute to a unified and stable society, even though this will often entail a certain amount of intrusion into the internal organisations of cultural groups. If however, he opts to respect deep diversity, it would seem that he is compelled to drop his commitment to social unity and common citizenship and fall back on his second qualification of diversity (that every community must enshrine the individual's right to exit). However, as we will see in the next section, Galston is faced with no such decision because it is precisely his commitment to common citizenship that makes his second qualification possible.

¹⁷ See William Galston, *Liberal Purposes: Goods, Virtue, and Diversity in the Liberal State* (New York:

13. Pluralism, Cultural Libertarianism, and the 'Right to Exit'.

13.1 *Kukathas and The Claims of Community.*

We have already begun to realise (in this and the previous chapter) the extent to which the encouragement of even the most basic of liberal freedoms requires the fostering of autonomy-supportive conditions in both the public and the private lives of individuals, and that liberal toleration is limited and circumscribed by a prior commitment to giving all persons the ability to consent to those values, practices and customs in which they engage. This will become even more obvious when we explore the notion of exit and consent more fully. Galston (like many liberals) sees the 'right of exit' as the fundamental prerequisite of all legitimate groups and associations, and – like us – sees it as the most important standard by which the legitimacy of these groups can be judged. As Larmore puts it, “[p]rivate associations cannot violate the rights of citizens . . . [y]et they can continue to conduct their internal, extrapolitical affairs according to ‘illiberal’ principles – principles that deny their members equal rights and require them to defer to traditionally constituted authority . . . [T]he principle of equal respect requires that people as citizens not be kept a part of any private association against their will. That is, they may leave such organizations without any compromise of their legal and political standing. But this right to exit does not imply endorsement of the general idea that people should regard even their most basic commitments as open to revision.”¹⁸

In this section I propose to challenge this claim, and similar claims made by Galston, by examining the views of a third liberal whose argument turns on this notion of the 'right to exit' and represents perhaps the most adamant and extreme attempt to ground liberalism in toleration.

Chandran Kukathas understands cultural groups as 'associations' of individuals who are members of that community because they *choose* to be. Individuals, possessing the fundamental right of association (and realising that membership in communities is 'essential' to individual well-being)

freely associate with others and in doing so they affirm and endorse the internal practices of the communities they join.

Kukathas therefore understands the individual to be largely free to determine for herself the kind of community she will live in. He argues that individuals will very often understand themselves to be closely tied to their cultural community but that, despite this, they must always be aware that they are capable of *leaving* this community if they come to decide that the customs and practices that it embodies conflict with their interests.¹⁹ What every community must enshrine and support, then, is the equal right of every one of their members to exit (or *disassociate* from) the community in which they live and associate with another which better satisfies their interests. By enshrining this 'inalienable right' of all members to 'leave - to renounce membership of - the community' groups can claim a legitimate justification for their internal practices and customs, namely, the fact that, by their continued membership of them, they *consent* to them. Consequently, Kukathas argues, the interests of the individual are balanced with those of the group; "by regarding the group as having as its basis the acquiescence of individuals with its cultural norms," he states, his theory "rejects the idea that the group as such has any right to self-preservation or protection. Nonetheless, by seeing the right of association as fundamental, it gives considerable power to the group, denying others the right to intervene in its practices - whether in the name of liberalism or any other moral ideal."²⁰

In Kukathas then, we find perhaps the most radical expression of the now all too familiar claim that liberalism should be concerned above all else with the protection of *diversity* rather than individual autonomy. If we want to take diversity seriously, he argues, we should realise that some groups will not afford a high priority to autonomy and that forcing them to do so will only force them to become more like the majority (thus undermining diversity). This is why he believes

¹⁸ Charles Larmore, *Political Liberalism*, p. 140.

¹⁹ See Chandran Kukathas, 'Are There Any Cultural Rights?'; and 'Cultural Rights Again: A Rejoinder to Kymlicka.' See also 'Multiculturalism as Fairness: A Critique of Kymlicka's *Multicultural Citizenship*', *Journal of Political Philosophy* 5/4 (1994), p. 406-427; 'Cultural Toleration' in W. Kymlicka & I. Shapiro (eds.) *NOMOS 39: Ethnicity and Group Rights* (New York: New York University Press, 1997).

Kymlicka's 'liberal theory of minority rights' fails. "What is wrong with [Kymlicka's] version [of liberalism]," he says, "is that it has at its core a theory of justice upholding the value of autonomy."²¹ In contrast, Kukathas argues that the liberal state should respect the right of groups to organise themselves in ways that do not encourage their members' capacity for autonomy as long as those groups can be seen to exist by the consent of those who belong to them. If the group provides its members with a right of exit, and it continues to exist and to act in 'illiberal' ways, then it must be because its members have freely consented to these practices by virtue of their continued membership of the community. Indeed, Galston concurs (echoing Larmore), groups may be illiberal in their internal organisation "as long as the freedom of entrance and exit is zealously safeguarded by the state"²² Such a view, Kukathas argues,

obviously gives a great deal of authority to cultural communities. It imposes no requirement on those communities to be communities of any particular kind. It does not require that they become in any strong sense 'assimilated', or even 'integrated' into the mainstream of modern society. It in no sense requires they be liberal societies; they indeed may be quite illiberal. There is no justification for breaking up such communities . . . If members of a cultural community wish to continue to live by their beliefs, the outside community has no right to intervene to prevent those members acting within their rights.²³

In addition, and contrary to Galston's view, then, the liberal state should not concern itself greatly with the encouragement of social unity or some notion of common citizenship. "The wider society," he says, "has no right to require particular standards or systems of education within such cultural groups or force their schools to promote the dominant culture."²⁴ Rather, it should

²⁰ Chandran Kukathas, 'Are There Any Cultural Rights?', p.117-118.

²¹ Chandran Kukathas, 'Multiculturalism as Fairness', p. 426. There are fundamental problems with Kymlicka's 'liberalism' (which I will set out in chapter 7), but they are not the fact that it is committed to autonomy.

²² William Galston, *Two Concepts of Liberalism*, p. 533.

²³ Kukathas, *Are There Any Cultural Rights?*, p. 117.

²⁴ *Ibid.* The additional claim that slips past almost unnoticed in this statement is that groups have 'their' own schools. Hence, it would seem (following the logic of his argument) that groups should be allowed to educate their children in segregated schools. This will be explored more fully in a later chapter.

merely seek to enshrine the principle of toleration between groups who choose to live their lives, and understand the world, in radically different ways, and who may or may not value autonomy as an important component of leading a 'good' life.

In this, of course, we again see the similarity of the diversity-based liberals' approach to that adopted by political pluralists like Bhikhu Parekh and John Gray, for whom the point of politics is to protect those attachments and ideals which define the agent's identity (and thus the aspirations and projects and ends conferred upon them by their 'community').²⁵ The problem, however, is that both Parekh and Gray (and Kukathas and Galston) under-theorise the requirements of exit. Parekh, for example, argues that communities "which are cohesive, have democratically accountable self-governing institutions, and allow their members a right of exit play a vital role in giving their members a sense of rootedness, harnessing their moral energies for common purposes, and sustaining the spirit of cultural pluralism."²⁶ But then he argues that the 'autonomy principle' is a "standard assimilationist argument" which must be rejected in the interests of protecting cultural diversity.²⁷ But is it not also 'assimilationist' to demand that all groups should 'have democratically accountable self-governing institutions'? After all, this would appear to rule out a great many communities, including all world religions. And is it not incoherent to believe, as Parekh obviously does, that it is possible for members of groups to be able to reject the prevailing values, and their particular roles within their religious, ethnic, or cultural community, and pursue new ones *without* being able to reflect upon these values and roles autonomously? We will reveal the incoherence of this argument in the next section.

Gray does not require groups to be 'democratic' in this sense. And neither does he insist on the importance of a 'right of exit'. For Gray, 'freedom' is not defined as the ability to work out for

²⁵ See, for example, John Gray, *Post-Liberalism: Studies in Political Thought* (New York: Routledge, 1993); *Endgames: Questions in Late Modern Political Thought* (London: Polity Press, 1997); *Enlightenment's Wake: Politics and Culture at the Close of the Modern Age* (New York: Routledge, 1995); *The Two Faces of Liberalism* (Cambridge: Polity Press, 2000).

²⁶ Bhikhu Parekh, 'Cultural Diversity and Liberal Democracy', in D. Beetham (ed.) *Defining and Measuring Democracy*, p. 213.

²⁷ *Ibid.* p. 214.

oneself what one believes to be valuable and what one does not against a background of universal rights or freedoms (for such an idea is intrusive and inevitably undermines and corrupts many groups), rather it is simply the ability to live according to one's cultural values. In claiming as much, of course, Gray is consciously setting himself against the liberal tradition for precisely the reason that we are allying ourselves with it (namely, because he acknowledges the centrality of personal autonomy to liberal theory). "In the new liberalism [of Rawls, Dworkin *et al*]", he claims, "cultural difference is seen through the distorting lens of the idea of *choice* . . . In the real world of human history, however, cultural identities are not constituted voluntaristically, by acts of choice; they arise by inheritance and by recognition. They are fates rather than choices."²⁸

We have already seen that this claim is false. As we will see more clearly in part three, liberalism does not suppose that cultural and religious identities are chosen in any real sense, but it does require that all persons possess the capacity to interpret the worth of their inherited ends for themselves in the light of their own experiences and complexities and wider commitments. If liberalism really did commit one to conceiving all one's various ends and most deeply-felt attachments to be objects of choice, then Gray would be right in pointing out its incoherence. But it does not. It simply presupposes that one's inherited values and attachments should be open to question, and that they do not obtain authority or legitimacy simply because they exist or because certain persons *tell* us they are legitimate. It presupposes that one should not be compelled to live a particular form of life simply because one was born into it. Our ends are not biologically determined by our ethnicity or our race (as Herder and post-Herderians like Charles Taylor might argue), but are instead shaped and altered by our various attachments, relationships, and reflective judgements. As such, they are not – and should not be considered – 'fates' in anything like the way Gray believes.

²⁸ John Gray, 'After the New Liberalism', in *Enlightenment's Wake*, p. 124.

13.2 *The Assumption of Autonomous Individuality.*

Kukathas accepts that communities should be allowed to act and to organise themselves according to their own particular values and ideas about the good life, but – like Parekh and Galston, and unlike Gray - acknowledges that freedom cannot simply mean following or accepting the prevailing values of the group blindly. All persons in all groups, he argues, must be provided with a right of exit which allows them to disassociate themselves with that group if they so desire.

The first problem with this, given that its central aim is to provide a liberal justification for respecting cultural diversity which specifically rejects any appeal to autonomy, is that it inevitably assumes that the individual is (and *should be*) capable of revising and rejecting its current ends and attachments. Kukathas, Galston, Parekh, and Larmore agree that we will be “born into certain communities and groups to which we do not choose to belong” and which we will not have had any hand in creating, but assume also that we are able to extract ourselves from these communities and join others if we so desire.²⁹ Individuals are understood to possess the right of association (and hence, of *dissociation*) and so, if we come to realise that the customs and practices which embody the community in which we live conflict with our beliefs about value, then we can leave and attempt to join a different community which better concurs with our beliefs (and which allows us to pursue our ends most efficiently). That is, as Nozick puts it, “if a person finds the character of a community uncongenial, he needn’t choose to live in it.”³⁰

Given then, that we are born into a cultural community (and that we have no choice in determining the nature of the community into which we are born), and given also that our cultural community will, to some extent, shape our identity, our ends, and our understanding of the world by providing the context in which we are socialised, then the capacity to ‘leave’ this community must necessarily be dependent upon our capacity to subject it (and the ends and attachments that we currently possess) to scrutiny. We must be capable of achieving the requisite standpoint with

²⁹ W. Galston, ‘Two Concepts of Liberalism’, p. 533.

regard to the ends and attachments conferred upon us by our community (and by the roles we occupy within this community) to subject them to deliberation and to decide whether or not we wish to remain a member of the community which embodies them.³¹

Clearly, Kukathas, Galston, Larmore, Parekh, and Nozick all feel that this is something that all persons will be able to do simply by acknowledging their formal right of association. Once people have been told that they have a right to leave the community in which they find themselves, they seem to assume, then all people will be equipped with the capacity to access this right and act upon it. This belief in the natural capacity of all individuals to act rationally and freely in response to their own particular circumstances has been assumed by so many theorists that it has led many to assume that it is a central presupposition of liberal political theory. Hence Isaiah Berlin felt able to claim that liberalism is rooted in a 'negative', Hobbesian conception of freedom as absence of external restraints by other human beings.³²

Berlin was wrong about this, but his mistake has been exacerbated by contemporary libertarians like Kukathas and Nozick, for it is precisely this assumption that makes any notion of a 'minimal state' coherent. If either Kukathas or Nozick, for example, were to acknowledge that individuals require more than merely the allocation of formal rights and an absence of external restraint to be free (and to give meaningful consent to particular forms of authority), then they would have to admit that the state has a responsibility not only to 'protect' individual rights but also to provide those more substantive conditions necessary for persons to reflect meaningfully upon their ends and ideals.

When understood in this way (and given what we have already said in the previous section) freedom becomes something that cannot be easily characterised as either 'positive' or 'negative',

³⁰ Robert Nozick, *Anarchy, State, and Utopia* (Blackwell, 1974), p. 323-324.

³¹ This need not entail the kind of radical abstraction that many critics believe, however, as we will see in part three.

³² Isaiah Berlin, 'Two Concept of Liberty', *The Proper Study of Mankind* (London: Pimlico, 1998), p. 191-242.

but rather as a conjoining of the two; as the potential to choose a course in life that is uniquely our own, from a wide range of options and alternatives, without arbitrary restraint or coercion. Consequently, Kukathas and Galston (and Larmore and Nozick) must realise that providing the individual with a means of exit requires more than affording it a combination of ‘negative’ freedoms and waiting for it to make its own way in the world (as the political liberals seem to advocate). Rather, it requires providing it with the *tools* it needs to reflect upon its ends and to act upon the consequences of this reflection.

Interestingly, Kukathas appears at one point to acknowledge this when he claims that an individual who is “so completely settled in the way of life of a community that the idea of leaving is inconceivable . . . is in a sense *unable* to leave.”³³ What this statement appears to endorse is precisely the idea that a commitment to a ‘right of exit’ requires the encouragement of certain “appropriate mental [or psychological] abilities” in individuals and not merely the establishment of certain political or legal rights.³⁴

But this of course, will often require the state to make exactly the kind of intrusions into communities which these theorists wish to condemn. After all, given that we cannot be said to have any real ability to ‘leave’ a community if we are not encouraged to develop the skills necessary to subject our ends and attachments to deliberation and judgement, it follows that only a community which develops these skills in its members truly provides the grounding for a meaningful exit. A means of exit, that is, is not something that can be simply added onto an illiberal community, it cannot be conveniently (or unproblematically) grafted onto a community which has already organised itself around customs and practices which cannot accommodate it. Rather, it must be accommodated *within* the community, it must be *encouraged* and it must be shown to exist to *all* members of the community by virtue of the place it occupies in the customs and practices of that community. This is why the allocation of formal rights to oppressed minorities (and hence, a strictly ‘political’ conception of justice) is not enough.

³³ Chandran Kukathas, ‘Are There Any Cultural Rights?’, p. 677.

All communities, then, are required to structure themselves in such a way as to allow each of their members to revise and interpret their ends and attachments, and to understand themselves and others possessing this ability. Therefore, they must do more than merely affirm the existence of formal rights. The ability to question one's cultural and political roles and values cannot be assumed to exist in all persons to the degree that liberalism demands; it must be *encouraged* and *supported* by liberal institutions.

14. Civic Education and the Teaching of Autonomy.

14.1 *Galston and Teaching National Values.*

One important way in which the ability to question one's values could be encouraged, for example, is the requirement that all individuals receive a basic education which makes them aware of the alternative ways of life that exist outside their community, and which encourages individuals to believe that these alternative ways of life are *attainable*. Such a strategy has been adopted recently by a number of liberal theorists who have conceived some form of 'civic' or 'citizenship' education to be an important means of encouraging in children the capacity to think for themselves and to engage critically with the values which prevail not only in their own 'community' but in the wider society.

Amy Gutmann, for example, has argued that all children in a liberal democracy must be educated in those values of deliberation and autonomy which secure their freedom, and in those political virtues which are necessary for the flourishing of liberal democracy. In doing so, of course, she acknowledges precisely what Rawls denies: that liberalism is necessarily a doctrine that makes demands of individuals which reach beyond the 'political' realm.³⁵ Harry Brighouse too, points to

³⁴ Sawitri Saharso, 'Female Autonomy and the Cultural Imperative: Two Hearts Beating Together'.

³⁵ Amy Gutmann, 'Civic Education and Social Diversity', *Ethics* 105 (1998); 'Children, Paternalism, and Education: A Liberal Argument', *Philosophy and Public Affairs* 9/4, p. 338-358; *Democratic Education* (New Jersey: Princeton University Press, 1987).

the importance of education in cultivating in children "the opportunity to become autonomous", as do Callan and Macedo.³⁶

But not all theorists who argue for some notion of civic or liberal education believe that schools should encourage autonomy. Indeed, some have argued for a form of civic education which explicitly *avoids* the encouragement of autonomy and which instead aims at fostering social unity and a sense of patriotic virtue.³⁷ This is particularly important for us at this stage because this is precisely the kind of education that Galston envisages: an education which does not seek to encourage critical thought or engagement with one's past and one's own traditions and values so much as to instil and perpetuate a "noble, moralizing history: a pantheon of heroes who confer legitimacy on central institutions and constitute worthy objects of emulation."³⁸

This reveals a great deal about Galston's conception of 'social unity'. Social and political unity, for Galston, is secured through the collective identification with a shared and ennobling history, which is to say that history itself is conceived as instrumental to (and a means to) this greater end. To learn the history of our own society, he argues, is to acquire a knowledge of those 'heroes' to whom we should look for moral guidance; it is the necessarily and inherently *selective* process of holding certain individuals and movements as worthy of emulation and admiration at the expense of other (equally important, yet less admirable) persons and practices.³⁹ Consequently then, while Galston would no doubt support classes devoted to the Declaration of Independence, to the

³⁶ Harry H. Brighouse, *School Choice and Social Justice* (New York: Oxford University Press, 2000); and Eamonn Callan, *Creating Citizens*. Brighouse's phrasing of this question can be seen to beg the question in the same way as do the political liberals. For persons to be given the 'opportunity' to be autonomous (and hence, to 'choose' to live an 'autonomous life' or not, depending upon their own interests and values) they must be provided with the tools necessary to make such a decision from among the options available. Indeed, the idea that autonomy is even an 'option' depends upon persons being encouraged to understand their relation to their ends in a certain way.

³⁷ For example, John Rawls, *Political Liberalism*; Loren Lomasky, *Persons, Rights, and Moral Community* (New York: Oxford University Press, 1987). However, even these theorists do not seek to argue for an education system which does anything less than provide all children with the opportunity to pursue an adult life on a free and equal basis with others. Autonomy, after all, is not merely a matter of encouraging certain 'internal' aspects of the mind, it is also about providing people with the economic and material resources (or the opportunity to acquire them) that they need in order to live a life free from economic hardship.

³⁸ William Galston, *Liberal Purposes*, p. 243-244.

³⁹ *Ibid.*

Founding Fathers, and to figures like Martin Luther King, he would presumably share with conservatives like Peter Salins an antipathy toward any idea that children should be taught about such things as the genocide of the native American population at the hands of white settlers, or the perpetration of atrocities in Vietnam by American soldiers, or the 'peculiar institution' of slavery which was so much a part of American history. Indeed, if the purpose of education is conceived to be the cultivation of social and political unity over and above providing children with a basic knowledge of their own society and history in all its complexity and moral ambiguity, then it would seem to follow that children should *never* be encouraged to think too greatly about those social and political problems which divide society and which undermine the very unity that Galston seeks to encourage.

None of this, it seems to me, is a particularly 'liberal' position. After all, unity, when it is gained through a misrepresentation and manipulation of facts (and hence, of individuals) is not, for the liberal, a goal worth achieving precisely because liberalism is surely committed to providing all persons with the resources and the information they require to *overcome* past prejudices rather than to ignore them or wish them away, to learn from their mistakes, and to pursue lives that are rooted in a deep knowledge of their own society and history. Far from robbing "children of their most precious birth-right . . . [namely], a justifiable pride in the American idea that the generally enlightened . . . trajectory of America's foreign and domestic policies," providing children with a true picture of their own history and showing that even the most 'enlightened' of foreign and domestic policies are sometimes mistaken, or go wrong, or become corrupted by those who enact them, enables persons to see and interpret their birthright for themselves in all its complexity.⁴⁰ Unity might well be more easily established if all persons were taught to ignore the existence of poverty, or the economic gap between rich and poor, or the concentration of poverty within certain ethnic and racial groups, or if they were encouraged to ignore the economic and political inequalities that exist between women and men, or the marginalisation and stigmatisation felt by many gays, lesbians, blacks, and ethnic and cultural minorities at the hands of the 'mainstream'

⁴⁰ Peter D. Salins, *Assimilation American Style* (New York: Basic Books, 1997), p. 81.

majority, but the cultivation of a collective indifference to acute and pervasive social problems should not be a part of any liberal project, be it in the name of unity, or patriotism, or anything else.

Of course, rooting one's self-identity (and the unity of the political community) on such a selective and misleading history would not be too great a problem if one was also provided with the resources necessary to question and to expose the inaccuracies of what one has been taught. After all, as David Miller and, before him, Ernest Renan have pointed out, it has long been a crucial aspect of nations (and, we might say, smaller cultural groups within them) that they 'get their history wrong' in the sense that they interpret it in a way that may or may not have any real bearing on actual events, and to construct myths and traditions around certain characteristics and attributes which are conceived to 'define' or to shape one's identity more than anything else.⁴¹ But this is precisely the reason why liberals argue for institutions which enable persons to subject their history, their values, and their own understanding of themselves to scrutiny and reflection. What Galston appears to support is a system of education which robs persons of the capacity to make up their own minds about their lives (and about what they believe to be valuable and what they do not) by forcing them to adopt a false and distorted understanding of their own history (and thus, their own identities). In this, it would seem that he has dropped any pretence of being a liberal and would instead appear to occupy a position more akin to that adopted by communitarians and nationalists whereby freedom (that is, the ability to make meaningful and informed choices about the content of our own lives and ends) is subordinated to the need for stability and social unity founded upon the protection and perpetuation of (certain selected) historical traditions and misrepresented legacies. If these legacies happen to marginalise and subordinate those minorities that exist within them, his argument appears to claim, then that may (or may not) be unfortunate but it is certainly not something that education need condemn, or that political institutions need redress.

⁴¹ David Miller, *On Nationality* (Oxford: Oxford University Press, 1995), p. 34. Renan, quoted on Miller,

The problem, then, is that Galston's conception of civic education not only seeks to misrepresent world history for the purposes of securing social unity, but that it also fails to secure those capacities necessary if persons are to be capable of *realising* that their history is being misrepresented. It fails to secure those attitudes and reflective capacities that persons need to decide what is valuable and what is not - what is worth supporting and what is not - from among the various perspectives and narratives which constitute their own identity.

Galston may not be unduly perturbed by any of this, given that he rejects the idea of autonomy. But in failing to enable all persons to interpret and understand their own history and their own identity for themselves, Galston fails to provide the resources that persons need if they are to possess a meaningful right of exit from the community to which they belong. While Galston is adamant that "the civic institutions and education characteristic of the Diversity State will suffice to secure the substantive as well as the formal requirements of meaningful exit from the associations that this state cherishes and protects,"⁴² it is difficult to see how they will do this when they are barred from prescribing "curricula or pedagogic practices that require or strongly invite students to become sceptical or critical of their own ways of life."⁴³ Indeed, it is difficult to see exactly how the 'diversity state' could provide or encourage any of the requisite conditions that persons require in order to possess a 'meaningful right of exit' given that, elsewhere, he claims these resources to include "*knowledge* conditions, offering chances for awareness of alternatives to the life one is living; *psychological* conditions, including freedom from the kind of brainwashing practised by cults; *fitness* conditions, or the ability of individuals to participate in ways of life other than the one in which they want to leave; and *social diversity*, affording an array of meaningful options."⁴⁴ There is nothing objectionable in this list from the point of view of comprehensive liberalism, but it surely points to a more substantive conception of freedom and exit than the rest of Galston's theory can sustain. Here again, then, we can see the internal

ibid. This is a crucial point and will be explored more fully in part three.

⁴² William Galston, 'Two Concepts of Liberalism', p. 534.

⁴³ Ibid. p. 529.

⁴⁴ William Galston, 'Value Pluralism and Political Liberalism', *Report from the Institute of Philosophy and Public Policy* 16/2 (1996), p. 4.

inconsistency of Galston's argument. He rejects the principle of autonomy only to invoke it in his description of the conditions that must prevail in order for one to be in a position to make free choices. And he argues for the protection of *diversity*, only to commit himself to establishing social *unity* and *autonomy*. If it is a purpose of the liberal state (and of education) to encourage social unity and common citizenship at the expense of providing a genuine awareness of one's own history, then it is difficult to see exactly how Galston's 'Diversity State' would protect 'diversity' at all.

14.2 *Kukathas and the Privatisation of Education.*

Kukathas, meanwhile, is against civic-education (of an 'autonomy-promoting', 'autonomy-facilitating', or any other kind) because it 'promotes the dominant culture'.⁴⁵ Education, like so much else, should be devolved away from the state and toward groups (which are conceived as collections of consenting individuals). But while this might be acceptable to libertarians (in view of all their assumptions about the inherent capacities of individual human beings), the absence of external barriers to action is not enough to secure the freedom that *liberals* should be striving for. Freedom to act, for the liberal (I argue), means little if one's capacity to envisage alternative ways of life has been thwarted and constrained by prevailing values and practices. It is one thing to be denied the opportunity to follow a particular route to 'the good life' by external restraints and threats, it is quite another however, to have all but one or two of these routes (and the ends to which they lead) rendered unimaginable or unrealisable to us due to lack of imagination or intellect. Here, what should perturb us is not the 'road untaken' but the road never realised, the road hidden from us by our lack of ideas or knowledge or skills, and our thwarted horizons.

Consequently, Parekh, Kukathas, Galston, and Larmore all face the same question, namely, how can an individual who has been born into a community, and raised according to its values and customs, choose meaningfully to *leave* that community if its ability to scrutinise, interpret, and revise its customs and practices is not supported? And how can this individual be expected to be

⁴⁵ Kukathas, *Are There Any Cultural Rights?* The distinction between 'autonomy-facilitating' and 'autonomy-promoting' education is invoked by Harry Brighouse in his book *School Choice and Social Justice* (Oxford: Oxford University Press, 2000). The distinction is spurious however, for the reasons pointed out in footnote

able to compete 'freely' and 'equally' with others for jobs, resources, and skills if he has not been provided with an education equal to that possessed by those with whom he is competing? And how can the various ways of life that one encounters in the world represent meaningful 'alternatives' to one's own way of life if one is never encouraged (or actively discouraged) to think of them as such? Once we realise that they cannot, and once we understand the extent to which a commitment to a 'right of exit' cannot be divorced from a commitment to autonomy, we begin to see the extent to which Kukathas and Galston (and, presumably, Larmore, although he does not address them explicitly) are compelled (by the logic of their own arguments) to adopt quite different positions to the ones they do regarding the example cases they give. Indeed, once we realise that Galston, in actual fact, believes that the right of exit constitutes a 'higher order political goal' which must be encouraged by 'affirmative state protection,' and once we realise that a right to exit can only be secured when the community provides (among other things) a standard of education high enough to allow its members to deliberate meaningfully upon the content of their ends and the legitimacy of their cultural practices, and also to compete realistically for jobs, and to access public goods and institutions, on an equal basis with others outside their own community should they leave, then it becomes a matter of principle that this education should be provided for *all* individuals *equally*. According to their own arguments then, Kukathas and Galston cannot support the British Gypsies who want to remove their children from half of the required school sessions,⁴⁶ and neither can they support Old Order Amish communities in their desire to remove their children from formal education at fourteen (contrary to US State laws).⁴⁷ Supporting these claims (on whatever grounds) would inevitably erode the ability of these individuals to freely exit their community and participate in the wider society on an equal basis with others, and so must be rejected.

Consequently, if Kukathas, Larmore, and Galston (and Nozick) are serious in their claim that all individuals should be afforded a means of exiting their community, then they must commit

41, above. For a discussion of this distinction see Eamonn Callan, *Creating Citizens*.

⁴⁶ Sebastian Poulter, *Ethnicity Law, and Human Rights: The English Experience*.

⁴⁷ Ian Shapiro, *Democracy's Place* (Ithaca: Cornell University Press, 1996).

themselves to the idea that the state has a responsibility to provide all individuals with the resources they need in order to subject their ends and attachments to scrutiny and that if this requires encouraging groups to change their customs and practices then so be it. Kukathas, Galston, and Larmore all argue (to varying extremes) that communities can somehow be left to organise themselves as illiberally as they wish as long as they provide a means of exit, yet they fail to realise that providing this exit requires the state to limit (and, in some cases, to rule out entirely) certain practices and customs (which may well be deeply ingrained in the beliefs and the history of the community in question), and to encourage persons to understand themselves as capable of criticising and assessing the worth of those values which prevail in the 'group' to which they belong. All communities must, after all, understand their members as 'individuals' and that furthermore these 'individuals' possess 'rights' on an 'equal' basis with others regardless of prevailing community attitudes towards gender roles, and so on. As Ronald Dworkin might put it, these rights cannot be 'trumped' by appeals to such things as cultural beliefs or religious values.⁴⁸ The 'common good' cannot be pursued by the many at the expense of the few unless the few have the opportunity both to leave if they so desire, and to participate in the formation of this common good on an equal basis with others. Therefore, we can see that the provision of a right of exit necessarily entails the *liberalisation* of groups and communities in order that all individuals are provided the resources they need to revise and reject their ends (and to interpret their own ideals and ways of life, and the traditions in which they are embedded) *autonomously*. A liberal, autonomy-supporting education can, as a component of a wider, inclusive society, play an important part in helping to encourage those attitudes and skills that all persons need in order to subject their ends and commitments to scrutiny in a way required by liberalism. It can provide them with an awareness of those issues which affect them, and the manifold ways in which different persons and groups approach political and social problems.

⁴⁸ See Dworkin's 'Rights as Trumps', *Theories of Rights* (Oxford University Press, 1990), p. 153-167.

15. Exit, Social Unity, and Toleration.

15.1 *Kukathas and the Need for Liberal Social Unity.*

This leads us inevitably to a second problem with Kukathas' 'cultural libertarian' position, namely, that (despite his claims to the contrary) it necessarily requires a commitment to *social unity*. Kukathas, of course, argues that any attempt to establish a single, unified moral community as a response to moral and social pluralism is inevitably driven by the mistaken assumption that all beliefs and ways of life can be reconciled under one set of principles. Establishing a single moral community through the encouragement of a shared unity of all individuals (regardless of their cultural beliefs) serves only to constrain the very diversity that liberalism is supposed to protect, he argues, and therefore the best that a liberal state should aim for is to enshrine a principle of toleration between radically pluralistic (and often incommensurable) groups. "Rather than conceive of the public realm as embodying an established standpoint of morality which reflects the desirable level of stability and social unity," he argues, "we should think of the public realm as an area of convergence of different moral practices."⁴⁹ Stability, he points out, can "only be bought at the expense of toleration" and so we should not attempt to impose one set of moral principles upon groups which may not be capable of accepting them.⁵⁰

The conception of the public realm which emerges from this idea then, is, as Kukathas admits, one in which there exists a "number of cohesive but oppressive communities: islands of tyranny in a sea of indifference."⁵¹ However, he argues (in a predictably libertarian vein), this 'decentralisation' of tyranny is still to be preferred to the 'centralised' tyranny of a state which seeks to advance a certain set of moral principles over and above the wishes of those groups and individuals who do not accept them. What Kukathas fails to realise however, is that social unity is *necessary* if the individual is to enjoy a 'substantial' right of exit from its community. We have already suggested that all individuals, if they are to be understood as possessing a meaningful right

⁴⁹ Kukathas, *Cultural Toleration*, p. 84.

⁵⁰ *Ibid.* p. 85.

⁵¹ *Ibid.* p. 89.

of exit from their communities, must be equipped with both the intellectual and vocational skills necessary to participate equally in the wider society, and the requisite *interactive* skills necessary to co-operate fruitfully not only with members of their own community but with members of other communities too. Kukathas' conception of the public realm as a 'sea of indifference' containing a number of 'cohesive' and individuated groups (all engaged in their own potentially incompatible ways of life) is unsatisfactory because it misunderstands society as constituted by *isolated groups* which need have no (or minimal) contact with one another. In the real world, however, groups simply cannot be isolated from one another in this way because they will co-exist within a wider social framework which inevitably compels different groups, communities and individuals to co-operate with one another. Members of different communities will live amongst one another, or near one another; they will compete for the same jobs, they will be governed by the same state, they will require equal access to the same power structures. No community, however strictly it maintains its own customs and however strongly it discourages change, can stop its members from witnessing and internalising the practices and customs of those communities and groups that they live beside. People are not blind, as much as their communities might wish them to be. They will react to the practices of other communities; they will form opinions and make judgements about them; they will understand themselves, their customs, and their beliefs, in relation to those who act and worship differently. Communities will change and develop as those who belong to them gain new experiences and interpret their values in the light of new developments in society and the world outside it. The way in which a community understands itself (and the way in which its members understand themselves within it) will to some extent depend upon the way in which they believe their cultural values and beliefs can articulate a 'true' understanding of the world, and this will inevitably entail changes and evolutions in these beliefs as the world around it changes.⁵²

All this is to say that communities do not (and cannot) be understood to be *isolated* from all the other communities which co-exist in the wider society because the nature of each community will

⁵² This is elaborated more fully in the next chapter.

to some extent be affected and shaped by the beliefs and interactions of other communities (and other individuals) and because the individual will be unable to pursue its ends fully in a wider society fragmented by disunity. In a society containing a diversity of ways of life and cultures and communities, the barriers between groups (between the 'subject' and the 'other') become blurred and indistinct. Communities which require their members to isolate themselves from others (and to be suspicious of other groups) fail to realise that their own cultural values (and the values and ideals and understandings held by their individual members) will be, to some extent, shaped and affected by the values and ideals of others precisely because members of different communities cannot ignore the actions and beliefs of others that exist around them and with which they are confronted everyday.

What is more, and what Galston, Larmore, Kukathas and Nozick fail to realise is that groups which attempt to isolate themselves from others would not (even if they managed such a thing) provide their members with a substantial right of *exit*. After all, a group which seeks to bar its own members from knowing anything about the outside world, and which rules out any form of education which teaches children about other cultures and ways of life, cannot be said to be respecting the right of its members to *leave* that group for all the reasons we mentioned in the previous chapter: the fact that a 'right' or 'freedom' is enshrined in the overarching constitution means all but nothing unless the individual is provided with the resources to avail herself of this right. As Jeff Spinner-Halev puts it, a "community which tries to prevent its children from having any contact with outsiders," for instance, "is using the community to stifle autonomy."⁵³ As we mentioned earlier, the ability to accept and accommodate people's differences is crucial if the individual is to be truly able to pursue its ends in the wider society (and if it is to be able to leave its present community).

⁵³ Jeff Spinner-Halev, 'Extending Diversity: Religion in Public and Private Education', Will Kymlicka & Wayne Norman (eds.) *Citizenship in Diverse Societies* (Oxford: Oxford University Press, 2000), p. 68 – 95, p. 77.

15.2 *The Limits of Toleration.*

Furthermore, the acceptance and accommodation of diversity through open debate and education in this way is *also* crucial if we are to establish the principle of *toleration* that Kukathas takes to be of such importance. It is difficult to see, for instance, how members of different communities could be capable of tolerating the customs and practices of others if they have not been encouraged to *learn* about these customs and appreciate the important role that they play in people's lives. After all, "one can hardly develop empathy for those one only knows as alien and strange."⁵⁴ Surely if toleration represents anything, it represents the ability of individuals to accept that while certain practices, certain beliefs and acts, appear disagreeable to them, they nevertheless should be tolerated because these acts are important to the members of the community that engages in them.⁵⁵ That is to say, we must be given *reasons* why we should tolerate acts and customs which conflict with our own conceptions of right and wrong. We cannot simply tolerate everything blindly, assuming that we should tolerate every action or custom or practice that we see around us merely because a group or an individual expresses a desire to act in that way. Such a conception of toleration would surely undermine the very notions of 'right' and 'wrong' themselves by rendering all actions *permissible* by virtue of the fact that they have been *performed* and all customs acceptable because they are claimed to be so by certain people. This, quite obviously, would imply moral relativism of the kind examined in chapters four and five and would stand in contradiction to a liberal account of politics and dialogue (and indeed, any other theory which sought to justify limits to the actions of groups and individuals by appealing to substantive moral claims) takes as valuable.

It would, in fact, look very much like the kind of pluralism that Gray envisages. The liberal conception of toleration does not presume that all actions and practices are in and of themselves worthy of toleration; rather it presupposes that what makes an act or practice worthy of toleration is the fact that it can be justified by *reasons* that others cannot reasonably reject through dialogue

⁵⁴ Adeno Addis, 'On Human Diversity and the Limits of Toleration', in W. Kymlicka & I. Shapiro (eds), *Ethnicity and Group Rights* (New York: New York University Press, 1997, p. 112 – 153, pp. 121.

⁵⁵ The issue of toleration is complex and central to this thesis, and therefore I will explore it more fully

within an open and inclusive public sphere. This idea obviously invokes an important claim embodied in contemporary liberalism and will be developed further below and in the chapters four, five, and six. For now, though, enough has been said to show at least some of the ways in which liberal toleration, like autonomy, requires communities to educate their members about other ways of life, other values, and the importance of other practices in the beliefs of others.

If this is correct, it is difficult to see exactly how Kukathas will be able to encourage the level of toleration he demands if he understands society to be composed of a number of isolated communities which are necessarily understood to be separated from one another. After all, let us not forget, Kukathas requires individuals of all groups to be capable of tolerating not only minor differences but also those which entirely conflict with their own ways of life and their own fundamental beliefs about right and wrong.

One solution to the problem might be to point out, contrary to what has been said above, that in actual fact the best way to encourage toleration between groups which radically oppose one another is to actively keep those groups from knowing too much about what goes on in other communities. That is to say, it is much easier for a group which practices racial equality to tolerate a racist community if they do not *know* that it is racist. But this defence would not only be unrealisable (given what we have already said about the *interactive* nature of society and the communities within it), it would also contradict almost everything else that Kukathas argues in that it would undermine the ability of that group's current members to *leave* it (and thus it would sanction the oppression of a minority while robbing it of the corresponding right to leave).

The solution Kukathas supports most readily then, is the idea that groups deserve to be tolerated because their existence proves that their members endorse and affirm these practices. As long as individuals are given a right of exit, he says, we need not concern ourselves with the relative justice or injustice of certain practices because these practices are themselves rendered 'just' or

‘unjust’ by virtue of the fact that those engaged in them freely *consent* to them. However, as we have already stated, this right to leave requires the community to *liberalise* itself and to introduce the kind of measures which support personal autonomy. If we are to take the ‘right of exit’ as his central justification for toleration then, and if we are to understand it as his means of determining the *limits* of this toleration, then we must conclude that Kukathas (like Larmore and Galston) can only support the toleration of communities which in turn support and encourage personal autonomy.

16. Culture, Choice, and Consent.

It could be argued, of course, that in all that I have said so far I am merely conflating the notion of ‘choice’ with the idea of ‘autonomous choice’ and that, therefore, I am loading the term with an unnecessary and superfluous moral component. Critics might want to point out that individuals in the real world make all manner of choices which cannot be understood to be the product of conscious deliberation and reflection, and that, in concentrating solely on *one kind* of choice, I have failed to appreciate the diverse and problematic and complex roots from which actions and decisions spring. After all, they might say, individuals often make choices which are born out of panic, or fear, or ignorance; we might make snap decisions with no regard for the consequences of what we decide; we make mistakes, we sometimes make decisions that appear to contradict everything we have ever been taught, everything we know to be valuable. Our choices, they might say, are often frivolous, rash, trivial, mistaken, and yet should not the state seek to protect our capacity to make these kinds of choices as committedly and as resolutely as it seeks to protect our capacity to make choices based upon the consequence of rational deliberation? Does not the state have a responsibility to protect the right of the individual to make frivolous choices?

The answer, of course, is (a qualified) yes, but that this has little bearing on my argument. The point of the discussion thus far has not been to explore the nature of choice or autonomy, rather it has been to determine the extent to which ‘toleration-based’ and ‘political’ liberals like Galston,

Larmore, Kukathas, Rawls, Nussbaum, and Macedo must be committed in principle to the right of the state to interfere in the internal practices of cultural and religious communities in the interests of securing certain basic freedoms for their members. My conclusion has been that, despite their claims to the contrary, these theorists *are* required to endorse a principle of interference because their theories value the capacity of individuals to make informed, autonomous choices about the extent to which they want to remain a part of that community. I do *not* wish to say that all choices must be conceived to be the product of deep reflection and deliberation, but I *am* saying that if the arguments put forward by these liberals are to remain coherent on their own terms, then they must provide all individuals with the capacity to question the worth and value of those ideas and commitments that they consider important to them and which shape their individuality. And this is important because it builds on what we have already said in part one about the issue of consent.

The question of consent is crucial, of course, because, as we have seen, it underpins the liberal commitment to a right of exit, and to the nature of liberal justification and dialogue. For Kukathas, Galston, Larmore, and Nozick, after all, the legitimacy of a community is determined by whether or not its members can be said to consent to the practices and customs which characterise it. In this sense, they all concur with the central argument of chapter two, namely, that each individual must be able to understand their current views as open to revision and interpretation, and must be able to act on these decisions and revisions without fear of arbitrary restraint or domination. The 'right of exit', once firmly established, provides a kind of 'opt out' clause which individuals can exploit as and when they feel that they can no longer endorse community practices, and so the continued existence of specific customs (and, we might say, of the community itself) depends upon individuals choosing not to leave the community of which they are a part, and by consequence, consenting to these practices.

But what are the moral and political requirements of *consent* here? That is, what *kind* of choice provides a moral basis for *consent* (and thus the moral legitimacy of cultural and religious

practices)? Can we say, for example, that *any* choice, no matter how frivolous, or rash, or ignorant, represents a legitimate moral basis for consent? Does the fact that we recognise the problematic (and often trivial or impetuous or foolhardy) nature of choices necessarily lead us to the idea that *any* of these choices should be taken as proving *consent* to prevailing cultural or religious practices and customs? Clearly, for liberalism, it does not. While it is undoubtedly true that individuals will often make rash decisions about their lives, born out of fear or panic or a simple lack of regard for the consequences, we cannot say that, in acting in this way, they have necessarily ‘consented’ to anything; they have not truly consented to the legitimacy of their community practices because we cannot say that individuals who are only members of their community because they once made a blind or uninformed choice to do so have consciously and deliberately affirmed and endorsed the practices of their community.

Consequently, we might say, it is not the exercise of choice *itself* which provides consent but rather the individual’s pursuit of ends within a social and political environment which supports their right of exit. The individual can only be understood to be capable of consenting to cultural customs and practices if they are aware that a meaningful right of exit exists for them should they need it. Often they will not. Often, members of communities will live their daily lives, and engage in practices and customs and conversations without radically questioning their values and commitments. They will, during the course of their daily interactions with others, inevitably make countless choices and decisions which need not (and *should* not) be understood as great exercises in self-reflection or deliberation, or as important stages in some on-going process of ‘self-creation’ or ‘self-realisation’. The “self-ruling individual,” that is, “may run on automatic pilot much of the time, acting on beliefs and desires that originate in forgotten times and pressures.”⁵⁶

Consequently, the exercise of largely *unreflective* choices (or choices which are based on only the most superficial of deliberations) are often entirely appropriate responses to everyday dilemmas and puzzlements. However, choices take on a particular significance when they concern the values

⁵⁶ Philip Pettit, *Republicanism: A Theory of Freedom and Government* (Oxford University Press,

and beliefs which implicitly circumscribe these smaller, less substantial choices and decisions. The fact that we are sometimes called upon to make important decisions which affect our deeply-held ideas about value (and assuming that we all have some interest in protecting our values and the capacity for freedom that they facilitate) will mean that some choices will be far more important to us than others; their consequences more far-reaching, their outcomes more significant. 'Everyday' choices are those choices which can be made easily within the framework of our over-arching values and which do not, to our own minds, threaten or jeopardise or call into doubt these values. For many, decisions regarding what to wear in the morning, or what to eat, for example, may not represent quite the innocuous or unproblematic choices that they do for others (due to the requirements of certain over-arching beliefs or commitments (to eat only *halal* or *kosher* meat, for example, or to wear a turban or a yarmulke or chador, etc.)), but these 'choices' are largely uncontroversial in that (by obeying these cultural or religious requirements) our background ideas and values are affirmed *implicitly*, and thus *passively*.

The *rejection* of these values and practices, however, may well prove to be far more problematic and harrowing. It might entail ostracism or condemnation from the wider community; it might provoke retribution or anger or it might cause sadness or guilt or despair in those who care for us and who we in turn care about. The sanctions that follow the rejection of fundamental values will not always manifest themselves *physically*, that is, and they might not be universally identifiable and, consequently, they cannot be easily legislated against. The state can outlaw the death penalty as a punishment for apostasy, for instance, but it cannot as easily outlaw the shame or despair that a mother or father might feel at their child's rejection of the church, or the anger or hurt that a husband or wife might feel at their partner's inability (or unwillingness) to be a 'good' father, or brother, or daughter, or wife in the way endorsed by the prevailing ideas and values of the cultural or religious community of which they are a member.

The point I am trying to make here, then, at this stage, is actually quite simple. Choices which involve the questioning of accepted values and beliefs will not, for many people, be frivolous or superficial in the way that their smaller and more insubstantial choices might be, and as such, it is the responsibility of the state to encourage those conditions which allow *all* members of society to make important and fundamental decisions about the lives they wish to lead, based upon the understanding they have of themselves and of the world in which they live. Choices and decisions are taken at all levels of human life – in public and in private – and hence, institutions must strengthen ‘informal’ and ‘non-political’ networks and norms in which we might exercise our autonomy.⁵⁷ ‘Frivolous’ and ‘trivial’ choices will go on without the help of the state; they do not require the establishment of any particular or specific conditions (except, perhaps, for the requisite ‘space’ in which these choices can be freely enacted). Such choices are, to some extent, self-regulating in that the limits of what is ‘trivial’ or ‘frivolous’ will be circumscribed and bounded by the wider values and commitments which claim the individual at any one time (some of which will be derived from their cultural membership, some of which will not), and which constitute its understanding of the world. But groups must not deny their members the capacity to make meaningful decisions about fundamental issues such as their religion, their culture, and their values because many people will not consider these decisions to be frivolous; they will consider them to be of fundamental importance, and carrying with them the potential of bringing great hardship. But the individual must be free to suffer this hardship if they feel that it is worth it. Exit is not costless, and perhaps can never be, because one will invariably leave behind certain aspects of the community that one valued; friendships and relationships will inevitably change (or dissolve completely) as the individual’s commitments and values change and there is much to regret in these changes and dissolutions. But the state should not seek to protect people from them, because, in their promise of a new life based upon truly valued commitments and beliefs, they are also liberating. It is for individuals themselves to make the decisions that shape their lives, against a background of values and ideas and beliefs which make them who they are; they must make the required trade-offs and suffer the consequences of their actions, for better or worse.

⁵⁷ This links with the central claim made in part three of this thesis.

17. Conclusion.

The notion of 'exit' is central to liberal political theory because it expresses the fundamental liberal claim that inequalities and burdens (including inequalities conferred by certain cultural or religious values) are only permissible if they can be justified to those who suffer under them. That is, inequalities – like structures of authority – are only justifiable if they are consented to and are thus, in an important sense, *self-imposed*. This gives more formal substance to a claim that we have made a number of times in this thesis so far. If a woman *chooses* to subordinate herself to her husband and to suffer what we as outsiders might consider outrageous indignities as a consequence, then there is nothing inherently *wrong* in this from a liberal point of view, just as there is nothing inherently wrong in following the dictates of a religious leader, or taking a position in a hierarchical organisation which undermines one's ability to act as freely as we otherwise might. What liberalism rejects (and, I believe, what each of the theorists we have thus far discussed *do* reject) is that these inequalities and constraints can be imposed upon persons against their will or better judgement in the name of a particular account of 'the truth'. It is, after all, one thing for a woman to confine herself to the home because she believes it is required of her by her religion, or for a gay man to choose to keep his sexuality a secret from others because he believes it is no-one else's business, while it is quite another for certain powerful outsiders or elites to *force* women to stay at home, or for gays and lesbians to feel *compelled* to keep their sexuality a secret in order to avoid sanction or condemnation, or because they want to succeed in a particular endeavour. Cultural and religious groups inevitably make moral claims about gender roles, about sexuality, about the way in which persons should live their lives, and so on, and it is not the business of the liberal state to show that the beliefs which animate these claims are false or untrue. Similarly, it is not its business to deny people the right to subject themselves to culturally-endorsed constraints on their actions if they so desire. But it *is* the responsibility of the liberal state to establish those conditions which enable people to make genuine decisions about their lives and to genuinely consent to (or reject) the inequalities and constraints which their cultural values demand of them. As Raz has put it, "[l]iberal multiculturalism insists on a right of exit, that is, the right of each

individual to abandon his cultural group. Many cultures do all they can to stop their members from drifting away, or leaving their communities [by denying them the ability to cultivate their capacity for self-criticism and the criticism of their own particular values and traditions]. On this front . . . they will find themselves under pressure to change in a liberal multiculturalist society.”⁵⁸ This is indeed an inescapable requirement of liberalism. Groups are only justified in requiring conformity from their members if they also allow individuals to make up their own minds about the role and status and importance of those beliefs and ideals which prevail in the group to which they belong, and to make meaningful decisions about whether or not they are willing to submit to these ideals and the burdens that they carry with them.

But the capacity to make these decisions meaningfully, and to make these trade-offs must be encouraged and supported by liberal institutions. It does not simply exist and perpetuate itself independent of the institutions which govern us and which regulate and constrain what we can and cannot do, and what we can and cannot know. Liberalism does not seek to deny that we often make choices which are rooted in apparently irrational or haphazard reasoning, but it *does* seek to deny that these choices necessarily constitute a moral basis for *consent*, and it does seek to show that all persons must be able to change their minds if they come to realise that a choice they made was mistaken or contrary to their wider interests. To this end, autonomy-supportive measures must be encouraged and perpetuated by the state if individuals are to be understood as capable of truly *consenting* to the commitments and practices that prevail in the community to which they belong.

This will require provisions which allow persons not only to *envisage* an exit from their community, but, as we suggested in chapter two, provisions which make it possible for persons to *exercise* this right meaningfully in the world. And this is where positive legal and political rights come in. Abused wives, for example, may well possess the psychological and intellectual disposition to interpret their situation as a bad and unnecessary one, but may be unable to leave their abusive

⁵⁸ Joseph Raz, ‘Multiculturalism: A Liberal Perspective’, in *Ethics in the Public Domain*, p. 181.

husbands (and, perhaps, the cultural or religious group which condones their abuse), because they have no-where to go and no independent means of income. The freedom to 'contribute to the way in which one's life unfolds' and to escape from arbitrary and imposed forms of life is therefore dependent on the possession of those attitudes and capacities necessary to interpret the validity of one's roles and the forms of authority under which one lives, *and* the political and economic resources necessary to exercise one's choices in the light of one's interpretations and deliberations. It is, we might say, dependent upon a conception of freedom which cannot be understood simply as either 'positive' or 'negative' in character.

Hence, our discussion of exit and consent can be seen to feed directly into wider debates about the nature and content of liberal egalitarianism more generally. We have argued that persons should be able to explore their own identities, and interpret their own memberships and allegiances, for themselves, within a supportive society governed by institutions which provide all persons with the intellectual, economic, and political resources necessary to make genuine choices about what kind of life they want to lead and what kind of institutional arrangement they feel best represents their interests. Persons must therefore be able to act upon those choices that they make, and should not be thwarted in their ability to lead a life that they believe to be meaningful and worthwhile by economic hardships, ill-health, or arbitrary structures of domination or oppression. Any inequalities or hardships that an individual faces must be conceived to be 'justifiable' to that person under liberal conditions and hence, consensual. We can see this idea embodied, for example, in Rawls' difference principle.⁵⁹ An important component of egalitarianism (and of liberal reasoning), we have argued, is that all persons are encouraged to learn about their own values and identities, and the values, customs, and histories of those with whom they share society. Civic education is not a panacea. It cannot alone cure or resolve enmities between groups and religions, but as a component of a much wider liberal strategy which encourages the universal values of free choice and opportunity for all, it can go some way in creating a genuinely open and inclusive society which enshrines respect for other cultures but

⁵⁹ See John Rawls, *A Theory of Justice*, especially part one.

which also cultivates those values of tolerance, autonomy, and equality to which liberalism is necessarily and inevitably wedded.

And in encouraging these attitudes and virtues, liberal institutions make it possible for all persons, regardless of their particular cultural or religious attachments, to engage in those processes of discourse and agreement upon which liberalism is founded. In the interests of encouraging genuine and inclusive liberal dialogue on such fundamentals of political association as the limits of toleration, the content and shape of social and political institutions, and the ways in which wealth should be distributed in a diverse society, all persons need to be educated in both the ways and values of the group(s) to which they belong, and the “history and traditions of other cultures in the country.”⁶⁰ Liberal discourse cannot occur unless persons are afforded the psychological and political resources to engage in them, and to justify their beliefs and commitments to others according to liberal constraints. And this means that it cannot occur unless persons are encouraged to conceive themselves and others as free and equal autonomous individuals.

⁶⁰ Joseph Raz, ‘Multiculturalism: A Liberal Perspective’, p. 189.

Chapter Four

Impartiality, Dialogue, and the Pre-Conditions of Liberal Justification

[O]ne cannot legitimately regard criticism and discussion as a simple *affront* to some aspect of one's cultural identity. Humans and human groups take their norms seriously, and to take them seriously is to think of them as embedded in something like a structure of reasons and reasoning . . . [This form of reasoning may be unlike ours in many ways but] it is like ours at least in this: that it represents or claims to represent some repository of human wisdom as to the best way of doing things. As such, it necessarily makes [itself] available – though . . . not always easily or comfortably available – to understanding and assessment on the basis of, and in comparison with, what else there is in our society in the way of human wisdom and experience on questions such as those that the norm purports to address.

Jeremy Waldron, 'Cultural Identity and Civic Responsibility',
Citizenship in Diverse Societies, p. 170 –171.

We saw at the end of the previous chapter that liberalism is committed to individual autonomy (understood as more than merely one's freedom to act without arbitrary legal, political, or physical restraint), equality, and to social unity through common, universal citizenship. Consequently, we argued that the limits of what a liberal state can and cannot tolerate are set by these prior commitments; all persons, regardless of their particular commitments and memberships must be able to question and interpret the structures of authority under which they live and, hence, to *consent* to them on a free and equal basis with others. Liberalism is rooted in the idea that all persons must be able to consent to the practices and customs embodied in their particular cultural groups and that this necessarily requires all people to be 'autonomous' in the sense that they are able to assess the worth and status of these practices and customs for themselves. And we argued that this is important because liberalism can only accommodate those inequalities which can be justified to those who would experience them. But this obviously raises the question of how such principles (or indeed, any principles or actions) might be justified, and how dialogue or collective deliberation should be framed if it is to satisfy the ethical requirements of liberalism.

Many liberals claim that liberal principles can be justified via a process of deliberation which need not invoke the notion of autonomy and that, consequently, personal autonomy is not a central or

necessary component of liberal political theory. But in what way - and by what means - might liberal principles be justified independent of any substantive commitment to autonomy? I address this question - and tease out its philosophical and political implications - in this chapter by laying out, and criticising, the arguments advanced by those 'neutralist' or 'impartialist' liberals who seek to reject the idea that liberalism must (or should) be rooted in some overarching commitment to personal autonomy at the level of political justification, before discussing in chapter 5 how these commitments are also held by critics of liberalism (like difference theorists and pluralists) who reject liberal politics for supposedly making universalist claims about the self and agency which serve to 'reduce difference to unity.'

In sections 18, 19, and 20 I discuss the normative preconditions of liberal public reason and justification. I argue that liberalism necessarily presupposes individual autonomy and equality at its heart and that, as such, liberals who claim that it is possible to construct an account of liberalism which avoids or eschews these commitments cannot remain coherent. I argue as much against the background of the Charles Larmore's argument for 'liberal neutrality'. I then go on in section 21 to discuss a particular and influential group of contractualist thinkers who have sought to re-invent and re-construct Rawls' 'original position' (and hence, his account of public reason) in a way that better fulfils the requirements of 'procedural neutrality' by emptying the agreement process of any implicit or explicit appeal to the notion of autonomy. I argue that these theorists present a compelling and persuasive account of liberal deliberation (and hence, of liberal politics) but fail to do so in a way which avoids a substantive commitment to personal autonomy. I argue that these thinkers necessarily appeal to the principle of autonomy because they all presuppose that parties to the discourse (or contract) will be both willing and *able* to adopt a 'reasonable' standpoint with regard to their own ends and that consequently, they will also be capable of justifying their claims and actions in such a way as is demanded by this standpoint of reasonableness. This reasonable standpoint, I argue, requires that persons be autonomous in a particular, and quite substantial, sense and that, as such, the ideal of autonomy is built into the structure of liberal justification itself. Liberal justification, I argue, necessarily presupposes that we are *informed* about our particular

identities and interests (*contra* Rawls) but that we are able to overcome our more fundamental differences and justify our claims and actions in a way that others (who do not share my particular beliefs) might accept as reasonable in the face of deeper disagreement about the nature of the world and our place within it. I will argue, therefore, that the notion of ‘reasonableness’ expressed in, and required by, the liberal agreement process embodies the twin notions of individuality and autonomy.

18. Charles Larmore and the Content of Liberal Dialogue.

Like Galston, Kukathas, Rawls, and those other liberals that we have so far discussed, Larmore argues that the modern world is necessarily characterised by ‘reasonable disagreement’ about the content of the good life, about the ends to which our lives should be directed, and about the way in which we relate to our most deeply-held values, beliefs, and self-understandings and that these disagreements will not always be limited to questions regarding the social and political environment that surrounds us. Often they will extend to more fundamental concerns regarding our place in the universe, our physical and spiritual origins, and our obligations to the world (and ecological environment) in which we live.¹ That is to say, modern societies are characterised by a diversity not only of ideas and attitudes concerning our *political* obligations to one another, but also of the more fundamental, “deep features of morality” which *shape* and *animate* our political beliefs.²

Consequently, he says, a coherent conception of political justice must be *both* resilient to the changeable and restless nature of a diverse and potentially unstable world, *and* capable of resolving those conflicts which are born out of it, which is to say that it must not seek to define the nature or content of justice in terms of a single controversial value or set of values. Rawls’ formulation of

¹ This is evidenced in the moves made by many normative political theorists into areas such as the environment, intergenerational justice, sustainability, industrialisation, and our moral responsibilities toward non-human animals. See, for example, Peter Singer, *Animal Liberation* (New York: Avon Books, 1975); David E. Cooper & Joy A. Palmer (eds.) *The Environment in Question: Ethics and Global Issues* (London: Routledge, 1992); R. I. Sikora & Brian Barry (eds.) *Obligations to Future Generations* (Cambridge: White Horse Publications, 1978).

² Charles Larmore, ‘Pluralism and Reasonable Disagreement’, p. 170.

political liberalism fails, Larmore says, because, in the end, he is unwilling to relinquish his hold on the ideal of personal autonomy and argues that autonomy should be *politicised* in order to allow non-autonomy-supportive groups to flourish in a society which secures only basic freedoms for its members in the political realm.³ Rawls therefore falls into the trap of exalting the good of autonomy above all other goods and all other accounts of value, and hence, requiring all groups to conceive themselves as ‘liberal individuals’. In this, given what we said in chapters one, two, and three, Larmore must also reject the ideas of Nussbaum, Macedo, Okin, Galston, Parekh, and Nozick, given that they fall into the same trap. ‘Expressivist’ liberalism, Larmore says, does not take seriously enough the deep and inevitable plurality of moral, religious, and social values which are present in society. It therefore renders itself unable to resolve the inevitable conflicts born out of “reasonable disagreement about the good life” and instead becomes “simply another part of the problem” (and therefore an inherently controversial and inadequate basis for the derivation of principles of justice).⁴ What liberalism must do therefore, is distance itself from the universal ideal of autonomy in favour of establishing a stable accommodation of divergent (yet reasonable) conceptions of the good life, which is confined to the political sphere and which rejects ‘thick’ foundations in favour of a ‘thin’ commitment to the idea that all individuals are deserving of ‘equal respect’.⁵ For Larmore, pluralism is only accommodated (and freedom secured) when individuals are freed from the imposition of having to understand themselves as ‘contingent’ to their ends and beliefs and commitments (i.e. as *autonomous*), and when the liberal state is rooted in, and regulated by, principles which are themselves ‘neutral’ with regard to different conceptions of the good life.⁶

³ Charles Larmore, ‘Political Liberalism’.

⁴ Ibid. p. 131.

⁵ Charles Larmore, *Patterns of Moral Complexity*, ‘Political Liberalism’, and ‘Pluralism and Reasonable Disagreement’

⁶ This claim, as we will see in the next chapter, is rooted in an acceptance of the claim (made most explicitly by communitarians, but adopted most recently by difference-theorists) that the ideal of personal autonomy presupposes a conception of the self as ‘unencumbered’ of its ends and beliefs and values. This will be examined in more detail throughout this thesis, and especially in part three. For now, however, it is sufficient to say that this claim is false (both as a description of the liberal position, and as an understanding of personal autonomy itself). Consequently, much of Larmore’s critique of autonomy-based liberalism (quite apart from the critique of his argument that I develop here), is entirely misplaced.

Larmore's theory, then, is rooted in establishing a conception of justice so 'minimal' that its ability to accommodate diversity and disagreement is constrained only by the two 'uncontroversial' principles of 'equal respect' and 'rational dialogue'. The problem, however, is that it is not at all clear that either of these principles are as 'minimal' or as 'uncontroversial' as Larmore believes, or that they do not presuppose the more 'controversial' principles of individuality and autonomy.

Larmore admits that his theory can only be applicable, in the end, to a person who already "accepts the norms of rational dialogue and equal respect, and accords them supreme importance," and he admits also that "those who reject the norm of equal respect or rank their view of the good life above it . . . will usually be unable to converge on any political (coercive) principles."⁷ In this regard, he says, "there is a limit to the rational transparency liberalism can hope for in its political principles. The public justification a liberal polity offers for its principles must presume that citizens share a form of life that embodies a commitment to equal respect."⁸ Also, he states, his argument for liberal neutrality "applies only to people who are interested in devising principles of political association. It assumes that they share enough to think of themselves as engaged in this common enterprise . . . In short," he goes on, "the people to whom this argument for liberal neutrality applies must already think of themselves as 'a people' or 'a nation'.⁹ They must have a common life *before* they can think of organising their political life according to liberal principles . . . without a common life the disagreements [that are inevitably born out of moral conflict] would give ample grounds for the individuals to disband or to switch their allegiance elsewhere."¹⁰

Consequently, Larmore can be seen to root his account of liberal neutrality in the presupposed validity of two distinct (and yet closely interwoven) arguments. The first is an 'information' argument, whereby individuals are expected to endorse neutrality as a result of what they know about themselves (i.e. that they are a member of a 'nation' pursuing some form of 'common life' and that they are able to value the norms of equal respect and rational dialogue higher than any

⁷ Charles Larmore, 'Political Liberalism', p. 142.

⁸ Ibid.

⁹ The appeal to the 'nation' is explored in detail in chapter seven of this thesis.

other aims that they may have). The second, however, is a 'motivational' argument, which presupposes that, in the end, persons will strive to overcome their disagreements about the good life in the hope that they will, in doing so, establish a social and political arrangement which allows them to pursue their more substantive conceptions of the good as fully and as completely as possible within an inclusive political sphere. These two arguments, though formally separate, can be seen to be mutually *dependent*, in that it is conceived to be the agent's knowledge of herself (as a participant in a common non-political life and as a possessor of certain beliefs and ends which she has an interest in pursuing) that leads her to engage in rational dialogue with others about how to go about organising the political institutions of the state. And, conversely, it is the desire (or motivation) to establish an inclusive and fair system of government (which will allow her to pursue her ends, and practice her beliefs, as fully as possible within the boundaries set by principles which are themselves derived from out of rational agreements) which provokes her to temper her demands in order to satisfy the principle of equal respect and to sustain rational dialogue in the face of reasonable disagreement about the good life. That is, it is the desire for agreement which leads individuals to 'set aside' their more controversial beliefs about the good life in order that rational dialogue (and therefore the process of arriving at substantive principles of political association) does not merely break down in the face of insurmountable and incommensurable disagreement. To this end, the 'information' argument and the 'motivation' argument converge to provide an account of why persons would adopt a 'reasonable' position with regard to others, rather than merely one of domination or dogmatism.

But it is at this point that Larmore is forced to confront two distinct questions regarding those norms *internal* to, or *embodied in*, the norms of 'equal respect' and 'rational dialogue'. How should these norms be understood? And what do they entail? In unpacking Larmore's two norms, that is, we are compelled to ask exactly *who* we should afford equal respect to (that is, who is conceived to be party to the discourse) and how exactly must this 'rational dialogue' be conducted? Larmore cannot simply invoke equal respect and rational dialogue as the two 'norms' which underpin

¹⁰ Charles Larmore, 'Political Liberalism', p. 142-143.

liberalism because these norms themselves presuppose certain other, deeper, claims about what each entails. Leaving aside the second of these until section 21, what does Larmore say about the notion of equal respect?

19. Equal Respect: The Argument for Inclusion.

Larmore is quite forthright in his claim that liberal neutrality (as he conceives it) “depends upon moral commitments, but on ones that are neutral with respect to the general ideas of individualism and tradition.”¹¹ Consequently, he says, while it may make general assumptions about the kind of agents that will be engaged in the process of rational dialogue, about the most important beliefs that these agents will hold, what they know about themselves, and what their motivations are, his argument “does not assume the validity of individualist views of the good life” (such as personal autonomy, or the requirement that all agents are capable of reflecting upon and/or rejecting their various aims and commitments).¹²

But how can the principle of ‘equal respect’ fail to embody anything other than the kind of ‘controversial’ ideal that Larmore seeks to reject? Clearly, Larmore does not wish to conceive the participants in the dialogue to be *representatives* of communities (such as village elders, or high-ranking officials, or symbolic leaders) who are seen as ‘spokesmen’ for the particular group to which they are a member. Such a conception - whereby powerful individuals come together and broker a mutually beneficial arrangement between different cohesive groups - would inevitably violate the requirements of neutrality by violating the idea embodied in the notion of equal respect that all persons must be treated as *ends in themselves* rather simply *means* to some other end. Remember after all, we are not talking here about the possibility or coherence of representation at the level of policy or institutions, but rather who should be involved in those dialogues and processes of deliberation from which specific policies and institutional arrangements are derived. The way groups are represented in particular institutions is a distinct but related question which we

¹¹ Ibid. p. 142-143.

discussed in chapter one (and discuss again later in this chapter). What we are trying to determine here is who should and who should not be allowed to think about these issues. Members of a political community may well end up agreeing upon particular group-based policies at an institutional level (like quota systems for marginalised groups, for example, or blanket legal exemptions for adherents to certain religious or cultural communities) but these agreements are only valid and justifiable if they are born out of a process of reasoning which is genuinely inclusive and fair to all persons, regardless of their particular views about the good life. The question for Larmore, and for Rawls and the contractualists that we encounter later, is how should we frame our deliberations about justice? And who should be able to engage in these deliberations and who should not? To argue that dialogue should be conducted between 'representatives' here would be to argue that, in effect, certain persons should be excluded from the process of justification and that therefore, principles and institutions and policies need only be justified to some people and not others. Liberalism requires more than this. As Larmore himself says, it must be committed to the idea that political institutions, policies, and economic arrangements – the 'fundamentals of political association' - must 'be justifiable to all to whom they are to bind.'

Consequently, all persons must have the status and the ability to engage in meaningful dialogue with others about questions of justice. "To respect another person as an end," Larmore tells us, "is to insist that coercive or political principles be as justifiable to that person as they are to us. *Equal respect involves treating in this way all persons to whom such principles are to apply.*"¹³ To claim that principles of justice must be justifiable to *all persons*, and then to argue that only certain powerful persons or symbolic leaders should be party to the discourse, would be to claim that groups are internally homogeneous and would presume also that a single individual could successfully articulate the myriad interpretations, understandings, and beliefs contained within the group he represents. Indeed, it would necessarily presuppose that groups are able to articulate their 'core values' and beliefs collectively as a single mind or perfect, internally coherent unity, via a particular representative. Not even the most fervent of nationalists or communitarians have claimed as much,

¹² Ibid. p. 144.

and it hardly needs to be said, surely, that religious, ethnic, and cultural groups are not cohesive or homogeneous in this way.¹⁴

Consequently - given the internal diversity of groups - the only way to fulfil the normative requirement of 'equal respect' (i.e. that principles are genuinely justifiable to *all* persons equally, and not merely to the heads of particular communities) is to allow all *individuals* to be party to the discourse in order that they might deliberate on equal terms with others both within their group and outside it. In order that they are not simply treated as *means* rather than ends (in order, that is, that they are not forced to submit to principles and institutions which they would not themselves endorse if given the opportunity to speak for themselves), *all* persons "must . . . be free to explain to one another in full their comprehensive visions of the good life" which are their own and which cannot simply be subsumed within - or identified with - the particular 'community' or 'culture' to which they belong.¹⁵ Even persons who 'share' the particular values derived from membership in a particular 'culture' or 'community' will often understand and interpret these values differently, depending upon their own particular felt experiences, and no representative or symbolic leader can articulate these as understandings (and the claims which arise from them) as effectively as the bearers of these experiences themselves, no matter how enlightened they are considered. Larmore's notion of equal respect, that is, requires that discourse be conducted between and among complex, culture-bearing *individuals* who are seen to possess a way of life, and a set of beliefs and interests, which is genuinely their own, and hence it must be seen as a principle which governs and regulates dialogue not only *between* groups but also *within* these groups themselves. Liberalism does not necessarily seek the abandonment of *political representation* at the institutional level, then. Rather it seeks to enshrine the idea that the process of dialogue by which we deliberate and discuss the nature, role, and status of this representation (and the form it might take) must be conducted between *individuals* who are afforded equal respect in the sense that they are conceived as ends in themselves.

¹³ Ibid. p. 137.

¹⁴ As I will point out more fully in chapter four.

¹⁵ Charles. Larmore, 'Political Liberalism', p. 135. See also C. Larmore, *Patterns of Moral Complexity*.

20. From Dialogue to Politics: The Requirements of Equal Respect.

Now, this, of course, is not something that Larmore would necessarily seek to deny. After all, he might (and does) say, public, rational dialogue is merely a means of deriving “principles of *political* association, which fix the basic rights and duties of *citizens*” and so he might feel that he can commit himself to individuality in *public* without implying that people necessarily need to understand themselves as individuals in *private*.¹⁶ However, given what we have already said (in the previous chapter) about the public/private distinction (which it is not my intention to reprise here), and given also what he says about Rawls’ political liberalism, Larmore must realise that his commitment to public dialogue between *individuals* makes considerably more substantive assumptions about the ability of persons to reflect upon their ends (and to understand themselves in a way demanded by liberalism) than he thinks. This is implied in the claim we made above. If we take the parties to political dialogue to be *individual* members of larger ways of life then the norms of ‘equal respect’ and ‘rational dialogue’ would seem to require that *all* members of *all* communities are afforded the resources they need in order to participate in public, political discourse on an equal basis with others *regardless of the particular values or desires which prevail within these groups*. That is, dialogue must be conceived as an ongoing process of debate and agreement between not merely those members of a community who are thought to be ‘in charge’ or in an ascendant majority, but also those members who may have been previously *excluded* from such participation (either in the derivation of public principles of justice or in the formation and interpretation of norms within their religious or cultural group itself). The commitment to the *political* equality of all *individuals* to enter into political dialogue regardless of what those elites within particular cultural groups might say, and the idea that all persons possess an equal normative status *independent* of the particular group to which they belong (as demanded by the norm of ‘equal respect’), requires that persons are actually enabled to conceive themselves in a way that renders these equalities (and the benefits they generate) accessible and intelligible to them.

¹⁶ Ibid. p. 126.

We can see this most clearly if we descend from the level of abstraction (albeit briefly) in order to consider some of the ways in which social and political movements have actually sought to affect and shape the conduct of political discourse in Western liberal democracies. The history of these societies can often be seen to be characterised in large part by internal struggles for recognition and equality by groups and individuals who were previously systematically excluded from participating in the constitution of their own political and social structure. The struggle for equal civil rights by women and ethnic minorities, for example, represents an overwhelming desire by these 'groups' to secure *both* the basic *political* conditions that they need in order to participate in the constitution of their political and social structure on an equal basis with others *and* also, we might say, the basic conditions that characterise the lives of these groups in *private* which make these political freedoms accessible to them. In this, it would seem, these groups appear to have a grasp of the dynamics of freedom and equality which political liberals lack. Hence, calls for universal suffrage have often gone hand in hand with calls for a widening and improvement of education, such that groups who have been excluded from the political sphere (and perhaps from education) in the past can make meaningful decisions about the way in which their political institutions should be structured, how their interests might be best represented and what kind of lives they want to lead, and with calls for greater representation of marginalised groups in decision-making bodies and institutions.

For example, as Anne Phillips has pointed out, one of the most significant implications of the 1965 U.S. Voting Rights Act was that it "created a framework within which to campaign for more minority representatives in legislative chambers."¹⁷ With the widening of political rights to suffrage (which had been denied African Americans as late as the 1960s), political equality became increasingly seen "to include the equal right to elect a representative of one's choice, and this right was increasingly interpreted as the right of minority citizens to be represented by minority politicians."¹⁸ As a consequence, other 'minority' groups began campaigning *both* for greater *economic* equality *and* for an accompanying *political* equality. The Women's Movement in Britain and the U.S.,

¹⁷ Anne Phillips, *Which Equalities Matter?* (Cambridge University Press, 1999), p. 20.

for example, not only campaigned in favour of strikes for equal pay and for better employment protection for part-time women workers, but sought also to combat

misrepresentation of women in the media, the sexual harassment of women . . . the bullying and violence of their husbands . . . [and] the patronage visited on women in political meetings and parties. Despite their formation of a counter-cultural movement that despised the conventions of establishment politics, feminists eventually turned their attention to women's exclusion from the conventional political arena . . . Where earlier generations had given the impression that all was now fine on the political front . . . but pretty depressing in social and economic life, contemporary feminists have argued that sexual inequality pervades the very definitions and practices of politics as well as the conditions of economic life.¹⁹

It is for precisely these reasons that many feminists have sought to radically reconstruct the way in which we understand and internalise and *discuss* our most basic and fundamental political, legal, economic concepts and ideals.²⁰

Similarly, in countries which contain an Islamic population we can see the ways in which traditionally marginalised groups have sought greater equality and freedom not merely through the public recognition of political rights, but in the increased capacity to participate in the formation of those *private* norms and values which make these political rights *accessible* to them. In India, for example, this has often taken the form of a struggle for wider education and increased representation in (traditionally male-dominated) political and religious institutions in order that subordinated minorities become more included in the interpretation of traditions and customs and

¹⁸ Ibid. p. 21.

¹⁹ Ibid. p. 21-22.

²⁰ See, for example, Iris Marion Young, *Justice and the Politics of Difference*; Nancy Fraser, *Unruly Practices: Power, Discourse, and Gender in Contemporary Social Theory*; and Seyla Benhabib, *Situating the Self: Gender, Community, and Postmodernism in Contemporary Ethics* (Oxford: Polity Press, 1992).

sacred texts which (at least in theory) provide the foundation for both private morality and public law.²¹

In this way, newly won equalities both in our own society and in those which are apparently rooted in very different values to ours, are not only changing the way in which members of different groups understand their *political* status in society, but also the way in which society as a whole understands those concepts and ideas which lie at the heart of its politics and the way in which its members understand themselves in relation to the world in which they exist. Consequently, the continuing quest for greater social and political equality (and hence, greater inclusion among marginalised groups and individuals) embodies also the wider and more substantive will to alter the way in which persons understand their history, their beliefs, and their relationship to the past (and to the pasts of those religious, cultural, and ethnic groups which co-exist among them).²²

Larmore's principle of equal respect then, on his own terms, requires that all individuals be capable of engaging in meaningful discourse concerning the legitimacy of substantive, regulative principles of political association and also that these persons be capable of *discussing* and *reflecting* upon the nature of their private beliefs and self-understandings on 'reasonable' terms. For liberal neutrality to be truly fair (and inclusive of diverse ways of life), it must be rooted in the capacity of individuals to participate *equally*, not only in the derivation of principles of political association, but also in the interpretation and revision of those practices and ways of life which constitute their 'private' lives, and in the way in which those practices may be accommodated and represented in the wider political community. Equal respect, that is, necessarily contains within it the commitment to ensuring that all individuals, regardless of their particular religious or cultural beliefs, and regardless also of the prejudices or discriminatory attitudes which might prevail in the community to which they belong, are allowed access to political dialogue and are provided with the resources they need

²¹ Sebastian Poulter, *English Law and Ethnic Minority Customs*; M.N. Srinivas, 'The Changing Position of Indian Women', *Man* 12/2 (1977), 221-238, p. 227; Z. Bhatti, 'The Status of Muslim Women and Social Change', in B. R. Nanada (ed.) *Indian Women: From Purdah to Modernity* (New Delhi: Vikas, 1976).

²² This is picked up in chapter seven.

in order to debate meaningfully about their own ideas about value, the importance of their beliefs to them, and the extent to which these beliefs are of continued worth. It represents, that is, a commitment to dialogue between *equal individuals*, who are capable of engaging in 'reasoned' dialogue with one another, and justifying their claims and actions in a manner that others might find 'reasonable'.

21. The Requirements of Reasonableness.

What, though, are the requirements of 'reasonableness'? What does it mean to adopt a 'reasonable' standpoint with regard to our particular ideas and commitments within the context of political dialogue and justification? Now that we have addressed the question of inclusion via a discussion of the norm of equal respect, it is necessary now to turn to the question of what is embodied in Larmore's notion of rational dialogue, and what the commitment to 'reasonableness' implies for liberalism more generally.

For Rawls, we must remember, adopting a 'reasonable' standpoint with regard to our commitments and ideals within the agreement process is precisely to accept that our deliberations about justice should be conducted in a particular way, subject to certain constraints. To be reasonable, for the liberal, is to accept those constraints built into the original position and to negotiate within an agreement process conducted between others who are similarly motivated and subject to the same constraints. Hence, the reasonable, Rawls claims, "is incorporated into the background set up of the original position which frames the discussions of the parties and situates them symmetrically."²³ Those who do not - or cannot - deliberate in this way due to the fact that their comprehensive doctrines do not or cannot endorse any or all of the constraints built into Rawls' account of public reason are considered 'unreasonable' from the point of view of justice and (hence) their claims are excluded from the deliberative process. An 'unreasonable' doctrine, therefore, is any doctrine or set of beliefs which would frame public deliberation regarding the nature and requirements of justice

²³ John Rawls, 'Kantian Constructivism in Moral Theory', *John Rawls: Collected Papers*, p. 316.

in a way which is contrary to that laid down by Rawls (and which would, consequently, lead to the derivation of principles which differ from the two principles embodied in justice as fairness).²⁴

But if we are correct in our claim (made in chapter one) that Rawls' account of 'reasonable agreement' among 'politically autonomous' agents necessarily presupposes the value of autonomy more widely, then we must conclude that Rawlsian political liberalism necessarily requires all persons to be provided with the substantive resources and capacities they need in order to be autonomous 'outside' the political realm (and hence, able to examine and interpret their ends and commitments freely, and to *justify* their claims on terms that others might find reasonable).

So much, of course, is also true of Larmore, in the sense that his conception of political dialogue presupposes an individualism that cannot be confined merely to the political sphere. But Larmore's argument also presupposes *autonomy* in its requirement that persons deliberate from a 'reasonable' perspective regarding their ends. We can see this most clearly if we turn our attention for a moment to the contractualism advanced by Thomas Scanlon and those non-Rawlsian impartialists who followed him.

Thomas Scanlon has sought to re-cast the constraints built into Rawls' original position in a manner which more adequately satisfies the requirements of procedural neutrality. By re-configuring the structural requirements of the Rawlsian contract (and thus presenting an alternative account of public reason and agreement to Rawls), Scanlon believes it possible to derive substantive, regulative principles of justice (or, more widely, of *morality*) which are genuinely neutral in the sense that they gain their legitimacy *independent* of any particular account of the good *including* autonomy.²⁵

²⁴ See *Ibid.*, especially part 5 (p. 315-318 in *John Rawls: Collected Papers*).

²⁵ See T. M. Scanlon, 'Utilitarianism and Contractualism', in A. Sen & B. Williams (eds.) *Utilitarianism and Beyond* (Cambridge: Cambridge University Press, 1982), and Thomas Scanlon, *What We Owe To Each Other* (Cambridge, MA: Harvard University Press, 1998).

The way he does this, of course, is (like Larmore) to reconceive the way in which parties to the agreement are *motivated*. Contractors are no longer understood to be motivated purely by a desire to advance their own individual ends (as Rawls maintained), but are instead conceived to be motivated to reach agreement on “principles that others . . . could not reasonably reject.”²⁶ Hence, as contractors, we are conceived to have a direct interest in, and thus a desire to understand, the points of view of those others with whom we are deliberating “not because we might, for all we know, *be* them [as in Rawls' argument], or because we might occupy their position in some other possible world [as in Hare's], but in order to find principles that they, as well as we, have reason to accept.”²⁷ Consequently, each contractor is understood to be capable of *transcending* the standpoint of their own particularity (their own ‘personal’ standpoint, the standpoint of their own ends and values and interests)²⁸ in order to find generalisable principles which are agreeable to all, and therefore they need not (and indeed, must not) be conceived to be unaware of their particular interests in the way Rawls maintains. Once we conceive contractors to be motivated above all to reach *agreement* with persons who possess different ends and beliefs, rather than merely to advance their own ends at the expense of others, then the information constraints built into the Rawlsian original position become superfluous (and, as we will see, self-defeating). Blatantly self-interested or self-serving claims (such as claims which seek the enforcement of particular traditions or ways of life via political institutions, for example, or claims which advocate the unfair treatment of particular groups or individuals on the basis of some particular religious or cultural beliefs or ideals which are held to be uncontrovertibly ‘true’) will be quite reasonably rejected by those who would suffer if those claims were to be enforced. Consequently, claims to justice cannot be ‘justified’ by flat assertions of the truth of certain beliefs, or claims which invoke the intrinsic value of certain cultural practices; claims for the ‘recognition’ or ‘toleration’ of particular beliefs, therefore, must necessarily be tempered and re-articulated if they are to be accepted by all parties to the agreement

²⁶ Thomas Scanlon, *What We Owe To Each Other*, p. 191.

²⁷ Ibid. See R. M. Hare, *Essays in Ethical Theory* (Oxford: Clarendon Press, 1989), and *Essays on Political Morality* (Oxford: Clarendon Press, 1989).

²⁸ Thomas Nagel, *Equality and Partiality*. See also *The View From Nowhere*, and *The Last Word*.

process, which is to say that their justification must rest not upon their 'truth' alone, but upon reasons which others (who do not accept the 'truth' of these beliefs) can accept.²⁹

Therefore, Scanlon and Larmore can be seen to converge in their claim that 'reasonableness' is intimately tied to one's willingness to voluntarily 'set aside' one's more controversial ideals and commitments in the interests of reaching agreement with those with whom one is deliberating. Indeed, given the fact of pluralism, and given also that our primary motivation is to reach agreement on substantive principles of justice, adopting a reasonable perspective with regard to our own ends is, for them, actually the most 'rational' thing to do. To dogmatically assert the superiority of our own ideals and beliefs over others, or to demand that our own particular beliefs or values should be embodied in (and enforced by) the state would, in the face of a diversity of ultimate ends, either end in stalemate, or the imposition of particular ways of life on persons who do not accept them. In either event, it would be clear that the "construction has broken down, since it has failed to produce a principle capable of adjudicating a conflict."³⁰ If, as Scanlon argues, our acknowledgement of diversity leads us to seek a stable, well-ordered society via common agreement on the basic principles which regulate our pursuit of our own ends (and which provide the standard by which we measure the legitimacy of political institutions), then it is *rational* to look beyond our own interests, and find principles which apply impartially (in the sense that they appeal to no particular account of the good for all) on terms that others might find acceptable given their own ideas about the good and 'the truth' and so on. Consequently, Scanlonian impartiality (like Larmore's political liberalism) is itself only *possible* among persons who are aware of their identities (and who are conscious of what their various ends and attachments and commitments demand of them in particular circumstances), but who are willing and able to set aside the more controversial or demanding aspects of these ideals in the interests of finding substantive, reasonable agreement on the content of justice. For Scanlon and Larmore, then, our deliberations are not constrained by our lack of information about our identities but rather the constraints we voluntarily impose upon

²⁹ This is discussed in relation to the role of 'culture' in normative dialogue in the next chapter.

³⁰ Brian Barry, *Justice as Impartiality*, p. 69.

ourselves in the interests of seeking genuine agreement on principles of justice in circumstances of diversity.

Scanlon, of course, is not alone in thinking that his account of contractualism better fulfils the requirements of procedural neutrality than Rawls', as we can see in the recent work of Brian Barry, Thomas Nagel, and Charles Beitz.³¹ For all their subtle differences, these writers can be seen to be united in their commitment to "the fundamental equality of human beings", just as they can also be seen to be united in their belief that the Scanlonian construction is the most coherent and internally-consistent means of expressing what this commitment entails in terms of justice.³² Hence none of these writers fall into the trap of conceiving the Scanlonian agreement position as entirely neutral in the sense that it avoids any commitment to the good of certain substantive principles. As Brian Barry puts it, the Scanlonian construction "requires the importation of an ethically-driven baseline" which enshrines the fundamental equality of every reasonable individual to engage in the agreement process and then goes on to define what 'reasonableness' entails.³³ What these theorists seem less willing to acknowledge, however, is that in addition to its commitment to fundamental *equality*, the Scanlonian position necessarily assumes that individual persons will be able to assess and interpret their ends *autonomously* and that, consequently, they are as guilty of assuming (and presupposing) the value of autonomy as Rawls.

The reason for this is that Scanlon, Larmore, Rawls, and post-Scanlonian impartialists advance a conception of public reasoning and deliberation about justice which pre-supposes the ability of all persons to find agreement on principles which are acceptable to others regardless of which cultural group or community they belong to, and regardless of their more substantive ideas about the good life. Liberalism, that is (whether it is advanced in a contractualist or a discursive, deliberative form) presupposes - and *demand*s - that persons be capable of doing more than merely articulating the shared values of their 'community'. It demands that all persons occupy a standpoint which draws

³¹ Brian Barry, *Justice as Impartiality*; Charles Beitz, *Political Equality: An Essay in Democratic Theory*; and Thomas Nagel, *Equality and Partiality*.

³² Barry, *Justice as Impartiality*, p. 59.

upon their own experiences but which allows them to construct reasons and justifications for why their particular claims should be respected that appeal to others on terms that they themselves can accept as reasonable.³⁴ Liberal impartiality demands that, once persons have asserted their own particular beliefs and found no agreement, they move to a 'higher' - or more 'neutral' - level of discourse or deliberation which seeks to find principles which can be accepted even though there is no agreement on the fundamental nature of the world, or on the 'truth' of particular values or beliefs. And to do this, persons must necessarily offer justifications and reasons which do not appeal directly to the validity or truth of their 'comprehensive' doctrines; they must be capable of adopting the requisite standpoint or perspective from which they might advance justifications for their accommodation or toleration which others (who disagree - perhaps vehemently - with the substantive beliefs that others might hold) can accept. This is not, of course, to say that reasoning about justice presupposes an understanding of the self as 'unencumbered' of its ends in the way that communitarians and difference-theorists allege (as we will see more clearly in part three). Rather, the point is simply that for the liberal, political discourse is not exhausted once everyone has stated the values embodied in their own particular community. Rather, this represents merely the *beginning* of a much longer and more complex series of negotiations and arguments designed to discover exactly what persons can agree upon in the face of their more fundamental differences.

But, again, embodied in this idea is the claim that persons are (and should be) *able* to achieve a degree of distance from those specific ends that they are deliberating upon in order that they might engage in meaningful discourse among persons who disagree fundamentally about the good life. That is, while they need not be conceived as capable of abstracting themselves from all those values and commitments and ideals and motivations which make them who they are at once, they must be understood as able (in the right circumstances) to move from the perspective internal to their own culture or role or office, to a more general standpoint from which they might examine their own beliefs and the beliefs of those others with whom they are deliberating. It is this move which affords persons the critical distance from certain of their own particular commitments to

³³ Ibid.

construct independently valid arguments in favour of the toleration or accommodation of their own customs and traditions and ways of life, and it is this move which, in turn, renders people open to the possibility of accommodating the claims of others with whom they disagree. It is this move, that is, and hence the ability to examine a particular end or commitment or ideal in a way that others might see it (and then to debate with others from this standpoint) which defines one as 'reasonable'.³⁵ Consequently, liberal justification requires all persons to be autonomous in the sense that they are able to achieve enough distance between themselves and any of their own ends (but not, importantly, all of them at the same time) in order that they might transcend (but not to ignore or deny or ameliorate) their most fundamental ideas about the good when seeking agreement on principles of justice.³⁶

22. Conclusion.

'Neutralist' or 'Impartialist' liberalism is as committed to individual autonomy, then, as 'perfectionist' or 'comprehensive' liberalism because it presupposes an account of justification and public reason which presumes certain abilities and capacities in all persons. Given its central commitment to the public justifiability of principles and institutions, liberalism must support and encourage those conditions under which public justification and reasoning can take place in the appropriate way. This requires the support of those conditions of individual autonomy and equality which allow all persons to adopt the requisite 'reasonable' standpoint with regard to their own ends and the ends of others. For liberals, it is precisely the fact that one has the ability to find agreement on the content of second-order principles and institutions in the face of deep disagreement about the 'true' nature of the good life at a first-order level that allows liberalism to accommodate radical diversity. Without the commitment to individual autonomy (and therefore, the commitment to supporting and encouraging autonomy in the lives and self conceptions of each and every

³⁴ This will be discussed in more detail later.

³⁵ See chapters four and five.

³⁶ This is examined more fully in chapter four.

individual in society, as discussed in the previous chapter) the liberal account of public reason and public justification collapses.

Liberal impartiality, then, is only 'impartial' among those ways of life – those comprehensive doctrines – which are compatible with the ethical requirements of liberal political dialogue and collective deliberation, which is to say that it is only 'impartial' or 'neutral' among ways of life which are compatible with individual autonomy. Many have taken this to imply the failure of liberalism to live up to its aim of avoiding the imposition of controversial understandings and values upon members of liberal societies, as if merely stating that liberalism embodies particular values or ideals which it takes to be valuable and worth promoting represents a 'criticism' that could not be levelled at any other normative doctrine. I will argue in the next chapter that, if this criticism holds, then it is equally as damaging to difference theory, pluralism, republicanism, and any other non-liberal response to diversity as it is to liberalism because these theories all appeal to individual autonomy in the same way – and for the same reasons – as liberalism.

Chapter Five

Politics, Discourse, and the 'Cultural Defence': Liberalism and the Politicisation of Difference

[T]he appeal to 'culture' establishes nothing. Some cultures are admirable, others are vile. Reasons for doing things that can be advanced within the former will tend to be good, and reasons that can be advanced within the latter will tend to be bad. But in neither case is something being a part of the culture itself a reason for doing anything.

Brian Barry, *Culture and Equality*, p. 258.

In chapters three and four, we argued that liberalism necessarily presupposes certain constraints upon what can and cannot be accommodated in diverse societies (according to the principle of autonomy), and that it also imposes constraints upon what can and cannot count as a justification for particular acts or practices. To be acceptable, justifications must be agreeable within a process of reasoning framed by the twin principles of individual autonomy and equality. Institutions, policies, and constitutional measures must be justifiable to all *individual* persons in the sense that these measures can be rejected by any individual regardless of what their 'group' or 'community' would argue to the contrary. In this, we find embodied the familiar liberal notion that no group or collectivity may impose burdens upon individuals that they themselves do not find justifiable.¹ And it is precisely the principle of autonomy – the idea that persons should be capable of reflecting upon their beliefs for the purposes of judging their worth and explaining them to others – that allows the process of reasoning and deliberation to get started, to keep moving, and in the end to yield substantive resolutions to questions of justice.²

Central to liberal dialogue and politics, then, is the idea that it does not take a stand on the coherence or 'truth' of particular first-order beliefs or commitments or ends *in and of themselves*. Rather it simply requires that institutions support those second-order goods of individual autonomy and equality which allow all persons to make up their own minds about such matters

¹ See also chapter two.

² See chapter three.

and debate them meaningfully and coherently within a liberal model of public reason. Consequently, groups (or the state) are not permitted to force their members to accept the prevailing wisdom by denying them the resources they need in order to subject it to meaningful scrutiny.

This is the strategy of 'privatisation' upon which liberalism is founded, and which is embodied in liberal dialogue and politics. It is the strategy outlined in chapter one, in response to Rawls. Liberalism 'privatises' diversity in the sense that it leaves the validity or worth of particular values – and the nature of specific communities – to individual conscience. It does so, firstly, because any account of justice rooted in a particular 'thick' account of the good would – as critics of liberalism are so keen to point out – impose understandings and ideals upon members of groups who could not accept them. And it does so, secondly, because – as we will see more clearly in part three of this thesis – no outsider can determine the truth or validity of a particular way of life or membership or end *for* an individual; this is something that only individuals themselves can do in the context of their lives as a whole. Liberalism seeks to encourage those values in public and in private which enable persons to make up their own minds about the world and their place within it and hence it leaves the validity or 'truth' or coherence of particular ends and ideals to one's conscience. It recognises that this requires groups to accept certain constraints upon the way in which they organise themselves, and then leaves persons to decide for themselves whether or not the ideals embodied in the groups to which they belong demand their continued allegiance. As we saw in chapters one, two, and three, this does not represent the intrusion that anti-liberals and neutralist liberals believe it to be because autonomy does not in and of itself represent a whole way of life or thickly-determined, first-order account of the whole good for all people. Rather, it simply represents the idea that all persons should be free from imposed and arbitrary constraints upon their deliberations about who they are and what is valuable to them and that they should be capable of changing their minds about the worth of their ends and the commitments they hold. If autonomous persons wish to impose certain forms of authority upon *themselves*, then this is not

something that liberalism need outlaw. Indeed, this idea of the consensual acceptance of authority underpins the liberal justification for the state and for the principles which animate it.

But a number of theorists have recently criticised liberalism for its antipathy toward publicly ‘affirming’ the ends and ways of life of different groups in society, and have sought to reconceive the process of dialogue and agreement by which agents decide upon the structure of political institutions and the way in which questions of justice are resolved. They have argued that a “just form of constitution,” and hence, of political dialogue, “must begin with the full, mutual recognition of the different cultures of citizens.”³ Their reasons for arguing as much differ. Charles Taylor, for example, argues that agents must presume that the “customs and creations of . . . different cultures” are of equal worth in the name of *equal respect*. And Iris Marion Young believes that liberal dialogue of the kind conceived by the likes of Larmore, Scanlon, and the Scanlonian contractualists belittles the significance of groups by reducing them to the status of individual preferences or equating them with self-interested conceptions of the good.⁴ Consequently, Young and Taylor converge (with theorists like James Tully and Axel Honneth - who we discuss later - in their belief that political dialogue and agreement must take account of difference in a far more substantive way than liberal dialogue is able.

For these theorists, the fact that that individuality and autonomy are embodied in the structure of liberal reasoning and discourse is simply a further argument in favour of replacing liberalism with some other form of politics which eschews such substantive and controversial value claims. Such a strategy has been advocated by various anti-liberals who seek to advance a ‘politics of difference’, or a ‘politics of recognition’, or some form of pluralism. But the strategy of politicising difference in the way these theorists advocate is ambiguous and incoherent both in terms of its philosophical foundations and its implications for politics. Indeed, the strategy of politicising differences actually fails to protect the very diversity that these theorists believe we should be encouraging and fails

³ James Tully, *Strange Multiplicity: Constitutionalism in an Age of Diversity* (Cambridge: Cambridge University Press, 1995), p. 8

⁴ See Iris Marion Young, *Inclusion and Democracy* (New York: Oxford University Press, 2000).

also to provide a coherent means of adjudicating political conflicts or resolving questions of justice. In fairness to these theorists, however, it must be said that their central arguments can actually respond quite adequately to this charge of incoherence. However, the only way they can do so is by dropping the most significant and interesting aspects of their critique of liberalism and adopting the liberal approach toward accommodating diversity. Indeed, once we realise exactly what advocates of a strategy of politicisation defend, it becomes clear that the form of politics for which they argue is all but indistinguishable from that of liberalism. We can see this most clearly if we once again examine the kind of politics that grows out of liberal and non-liberal dialogue, as we did in our discussion of Larmore.

23. The Strategy of Politicisation.

If all that the politics of difference, or recognition, or cultural recognition embodied was the idea that group differences should be subject to political debate, or that persons should not experience any unfair hardships on account of their membership of particular groups, then liberals would have little problem with them. After all, as we have already seen, liberals believe that the nature and status of groups should be subject to political scrutiny and investigation, just as they also believe that community practices are properly subject to justice and within the reach of political institutions. This is embodied in the idea that individuals debate political issues and determine the nature and content of regulative principles as informed members of particular communities, possessing interests and ideals and motivations which are shaped and affected by the memberships they possess and the obligations these memberships confer. There is no requirement that each and every participant in the dialogue 'respects' or 'affirms' the ways of life of those with whom they are deliberating, there is simply the requirement that each and every participant confronts one another on 'reasonable' terms, which is to say that each person must acknowledge that different people are reasoning from different points of view determined by the various commitments and memberships of which each is constituted, and that these claims demand a fair hearing.

Consequently, the politics which emerge from the liberal agreement process acknowledges that persons hold particular ways of life and cherish particular values and ideals, but does not require that all persons affirm or respect these values. The requirement of reasonableness is aimed precisely at overcoming the fact that no individual can hope to affirm or respect the values of everyone else at once. Any form of dialogue or agreement which requires each and every participant to openly and genuinely respect the first-order values and beliefs and ends of all those others who are party to the agreement will inevitably end in stalemate. It is precisely the fact that, in the face of such diversity and disagreement, parties to liberal dialogue can search for other, thinner, more general, grounds for agreement (while leaving the validity or truth of particular first-order ways of life themselves open) that keeps liberal dialogue from collapsing into an unrealistic and utopian search for common agreement on the truth and coherence of each and every individual's particular beliefs and ideals.

The problem with those who advocate the politicisation of difference is that they appear to require persons to engage in exactly the kind of utopian search for agreement on the respectability and coherence of ends that liberalism strives to avoid. Iris Marion Young, for example, argues that "a culturally pluralist democratic ideal . . . supports group-conscious policies not only as a means to the end of equality, but as also as intrinsic to the idea of equality itself. Groups cannot be socially equal," she goes on, "unless their specific experience, culture, and social contributions are publicly affirmed and recognised."⁵ Charles Taylor and Axel Honneth agree, with Taylor claiming that the state must "accord equal respect to actually evolved cultures."⁶

But, as we have already implied, this argument is at best too demanding of a diverse public and at worst, entirely incoherent. The reason for this is that it requires persons with radically different beliefs and understandings of the world to 'affirm' or embrace those values held by others that they believe are entirely mistaken, wrong, and perhaps, evil. It is one thing to respect the right (or,

⁵ Iris Marion Young, *Justice and the Politics of Difference*, p. 174.

⁶ Charles Taylor, 'The Politics of Recognition', in Amy Gutmann (ed.) *Multiculturalism: Debating the Politics of Recognition* (Princeton, NJ: Princeton University Press, 1994), p. 42; Axel Honneth, *The Struggle for Recognition: The Moral Grammar of Social Conflicts* (Oxford: Polity Press, 1995).

perhaps less controversially, the ability) of all persons to pursue the particular way of life that they believe to be valuable, while it is quite another entirely to respect that way of life *itself*. It is one thing, for example, to hold that Muslim women should be able to cover themselves if they so wish, or that male Sikhs should be allowed to wear turbans, or that persons should be free to follow the teachings of the Catholic church, but quite another to hold that the covering of women, or the wearing of turbans, or the teachings of the Catholic church are in themselves valuable or admirable or worthwhile.

It is an inconvenient, yet crucial, fact that we cannot 'affirm' all forms of difference because they will cancel one another out. How can a state - or, for that matter, any one of its citizens - 'affirm' the value of homosexuality at the same time as affirming the values of those religious and homophobic groups who believe it is sinful or evil or disgusting? How can one respect Blacks at the same time as respecting or 'affirming' the values of right-wing groups like the Ku Klux Klan who believe they deserve little or no respect at all? And how can one 'affirm' at once the values of the feminist movement, the socialist movement, anarchism, liberalism, conservatism, Catholicism, Protestantism, Buddhism, Atheism, nihilism, and all those other ideologies and creeds and ways of life which exist in diverse societies? How can an individual or the state be both for and against abortion, or for and against the death penalty, or gender equality, or freedom of speech, or any other stance or issue or value on which there is disagreement in society? Simply claiming that the state and its members should 'accommodate' or 'affirm' difference tells us nothing about the way in which we should respond to conflicts *between* differences. Young, Taylor, the deliberative democrats, the Habermasians, and the postmodernists might well hope that these conflicts will be resolved and negotiated via open and inclusive debate, but again, this strategy *itself* requires that all persons (regardless of their group memberships) be afforded the intellectual and political resources that they need to engage in this dialogue in the first place.⁷

⁷ See the next chapter.

Given the internal incoherence of their claims, it is perhaps unsurprising that advocates of a politics of difference or recognition are notoriously silent when it comes to explaining which differences in particular institutions should tolerate (or 'accommodate' or 'include'), and which they should seek to eradicate. Instead, they prefer to speak in more vague terms about a general need to 'accommodate' or 'affirm' or 'respect' or 'recognise' difference. But, as we have said, the question is (and has never been) should we accommodate diversity, but rather, which forms of diversity should we accommodate or tolerate, and what reasons might we give for favouring some customs and not others. No individual - and no state - is able to simply 'affirm difference' because it will be impossible to affirm the values of certain groups without constraining or restricting the actions or values of others. We can either affirm the truth or respectability of Catholicism or we can deny it, just as the state can either enact policies which encourage the values embodied in Catholicism (by passing laws against abortion, for example), or it can do the opposite.

Liberalism's strategy, of course, as embodied in the Scanlonian, Rawlsian, and Larmorean agreement situation (or discourse) is to do neither. Liberalism leaves these kinds of decisions to individual conscience, and seeks to establish a framework of principles which can be agreed upon and understood by all persons regardless of their particular allegiances and commitments. Liberal political theory recognises that certain values are important to certain persons, as is the ability of every individual to work out for themselves what the values of their group are and what they mean to them. Liberalism therefore claims that all persons should possess the same rights and status in order that they might all access those intercultural and intracultural debates and dialogues from which they derive their understanding of themselves, their ends and their ideals, and that they should be free to pursue these ends in a manner which is consistent with everyone else doing the same (according to rules that they themselves conceive to be justifiable). It does not require different groups to respect or affirm values or beliefs that they are fundamentally opposed to, it simply requires that persons affirm or recognise the fact that the values held by those with whom they share society (and with whom they are engaged in public reason) are important or valuable to these people, and that they should therefore be left to get on with their lives in the same way that

they get on with *their* lives within limits which are publicly justifiable to all. Liberals, therefore, 'recognise' *not* the validity or truth of values *in and of themselves* (because this would be incoherent given the diversity of these beliefs) but rather the right or the ability of each person to form, revise, and pursue a particular way of life for themselves and to have that way of life tolerated (but not necessarily embraced or celebrated) by others.

Advocates of the politicisation of group identities (like Young, Taylor, Tully, et al) believe that this approach belies a deeper 'cultural imperialism' and a desire to 'reduce difference to unity' by understanding all persons and groups in terms of a classificatory, conceptual, and normative framework from which they are alienated. But how does the commitment to the right of all persons to pursue their valued ends 'reduce difference to unity'? And what might such a thing mean? As we have already seen throughout this thesis (and as we will see more clearly in part three), liberalism certainly does not 'reduce difference to unity' by requiring all persons to adopt an abstract and dislocated - and therefore, identical - viewpoint with regard to their own ends and values. And neither does it do so by forcing persons to understand themselves as atomistic or abstract individuals who possess no attachments or ties to others.

There are, perhaps, two ways in which liberalism might be said to 'reduce difference to unity'. The first is the now familiar liberal claim that we are all equals in the sense that we all have an equal right to lead our lives according those values that we have freely and meaningfully endorsed for ourselves and that do not involve the violation of the rights of others rather than merely follow the arbitrary dictates of others. We all have an equal right, that is, to those abilities and freedoms necessary for us to question and revise those ends afforded to us by our social and cultural roles and reject them if we so desire. In this, liberalism is indeed invoking a universalist frame of reference: all persons, regardless of their more particular attachments and ends, are understood to be rights-bearing, autonomous individuals who must be defended from arbitrary domination and subordination by institutions that they themselves find justifiable.

The second (related) liberal impulse toward ‘reducing difference to unity’ might be said to be its drive to establish a genuine common ground over which different persons, regardless of their more substantive beliefs or commitments, can engage in meaningful dialogue and agreement regarding political conflicts and questions of justice. But in this, as in the claim above, the difference between liberals and non-liberals is wholly ambiguous, because both ‘sides’ in fact seek the same goal. With close analysis, it becomes clear that Young and the antiliberals are as guilty of ‘reducing difference to unity’ in these ways as liberals. This will become apparent in the next two sections.

24. The Preconditions of Political Discourse.

What, for example, are we to make of the second claim: that liberalism reduces difference to unity by seeking to establish a genuine common model of public reason circumscribed and regulated by overarching principles, in which all persons – regardless of their particular memberships and first-order commitments – can deliberate as to the rightful outcome of political questions? Quite clearly, this ‘criticism’ is hollow, because this is an aim shared by Young, Taylor, Tully, and all those other theorists who argue for the protection of group identities.

24.1 *John Gray and the End of Politics.*

Consider, for example, the pluralist argument advanced by John Gray. This is slightly different from the theories advanced by Young *et al*, but it shares the same goal, namely, the protection of group identities and customs. In his most recent work, Gray argues that liberalism cannot respond coherently to value-pluralism because it conceives all differences as “arising in the formation of personal plans of life rather than in conflicts among *whole ways of life*.”⁸ The variety of “value-pluralism that is most salient in the context of the world today [however] is not of this . . . diluted and individualistic variety, but arises from the plurality of whole ways of life, with their own associated moralities and exclusionary allegiances. The liberal ideal of neutrality is,” he

⁸ John Gray, ‘After the New Liberalism’, *Enlightenment's Wake: Politics and Culture at the Close of the Modern Age*, pp. 120-130, p. 121. Emphasis added.

continues, "a wholly inadequate response to this form of value-pluralism . . . because the conceptions of the good in which it is expressed resist legal privatization."⁹ Therefore, he says, "the institutional forms best suited to a *modus vivendi* may well not be the individualist institutions of liberal civil society, but rather those of political and legal pluralism, in which the fundamental units are not individuals but communities."¹⁰ In a society which contains a plurality of communities and cultural groups, then, it is quite clear that the best we can hope for - and all we should aim for - is the establishment of a stable and peaceful accommodation of incommensurable group interests, or, as Gray himself puts it, "that different cultures should dwell on the Earth in peace without renouncing their differences."¹¹

But on what terms might such a peace be brokered? And who is to do the brokering? And why? Gray is curiously silent on these issues which is particularly problematic because it is precisely these fundamental issues of principle (at the level of justification) that must be established before we can even begin to talk about what political and legal institutions might look like in a pluralist society. Why, for example, should persons agree to some form of pluralist *modus vivendi* as opposed to an arrangement which seeks to impose their own way of life upon others who think differently? Gray argues that they will do so out of a desire for peace. But how can we be so sure? And even if he is right about this, he must surely realise that the appeal to peace will *itself* demand that all acknowledge and accept not only the *value* of peace, but the value of a certain *form* of peace rooted in the mutual respect of ways of life different to their own via a process of dialogue and agreement, and that all persons must agree to constrain their pursuit of the good in accordance with the requirements of this peace. It is not enough for Gray to argue that groups will be fine as long as they leave one another alone in the interests of peace and stability precisely because it is built into the structure of certain groups to do anything *but* leave others alone.

⁹ Ibid. p. 136-137. We have already discussed the liberal strategy of privatisation, and will have cause to do so more fully in the chapters that follow. Liberalism necessarily appeals to some notion of privatisation in the sense that it leaves the truth or coherence of particular ways of life to individual conscience. Clearly, Gray believes this strategy to be incoherent and unsupportable. In many ways, this thesis can be understood as a defence of precisely this strategy.

¹⁰ Ibid. p. 136.

¹¹ John Gray, 'Enlightenment's Wake', in *Enlightenment's Wake: Politics and Culture at the Close of the Modern Age*, p. 180.

Religious groups committed to proselytising or actively recruiting non-believers, for example, must, if they are to 'leave others alone' in the interests of peace and stability, *give up* a central component of their religious and cultural beliefs. These groups must be *persuaded* to do this – via some form of dialogue or discussion - in the interests of a particular higher value (i.e. peace) by persons who may or may not share these values.

But either groups are able to communicate with one another in mutual dialogue or they are not. They cannot be conceived to be incommensurable with one another, and defined by their own internal standards of reason and deliberation, while at the same time capable of deriving a mutually acceptable *modus vivendi* among them because deriving such a (minimal) political arrangement necessarily presupposes that different groups (or, more accurately, the individual members of these groups) will voluntarily agree to forego certain customs and practices and to respect - and thus to understand - the claims of other peoples in the interests of converging upon a particular form of peace and stability (which must itself be valued over and above those practices and values which threaten this peace). For Gray, it seems, it is very important that all persons constrain their own pursuit of the good in line with the requirements of peace and stability and that, therefore, they are able to understand, respond to, and debate meaningfully, claims which invoke this value. But if they can respond to claims in favour of peace - if the meaning of peace is somehow recognised and agreed upon (as a good) universally - then why can they not respond to claims in favour of other values?

Furthermore, it is not at all clear how a *modus vivendi* of the kind defined and defended by Gray would respond to the very real conflicts which arise and occur at the level of *politics* (with which political philosophy is so preoccupied). That is, not only is Gray's normative response to diversity incoherent at the level of dialogue and justification, it is also incoherent at the level of institutions and policies. Consider Gray's remarks in an earlier essay. "Conflicts among incommensurable elements," he says, ". . . will be resolved in different ways, [by different people] in accordance

with their different cultural traditions.”¹² But this entirely misses the point and offers no guide as to how we should resolve conflicts between groups in the same society who seek access to the *same resources*. Different groups and individuals within the same society inevitably require and demand access to those common resources and benefits that society has to offer. They demand access to the same job market, for example, to the same system of welfare, the same system of education, and so on, and as such, the conception of justice which regulates and distributes these resources will need to be capable of settling those conflicts which arise out of competing claims for these resources among different groups or communities or individuals, and this is not achieved by simply arguing that people will resolve these questions differently, depending on what cultural group they belong to. Political philosophers must recognise that very real conflicts arise between groups and individuals who make competing claims for scarce resources, but it is an important point (if not *the* point) of political philosophy to find some way of resolving these conflicts in way that does not in turn provoke even greater enmity or conflict.

Of course, it might be argued that not all groups *will* 'require access' to common resources, but will instead demand that (in the interests of justice) they be entitled to construct their own agencies and administer their own public services (perhaps arguing in favour of religious schooling, or culturally-specific welfare organisations which cater directly to the needs of their own members by bypassing the 'majority' institutions, and so on). This argument is advanced by Bhikhu Parekh, who suggests that “[t]he state can adopt group-related welfare policies and invite minority communities to participate in planning community centres, health and social services, and so on.”¹³ Such a claim owes a great deal to the kind of arguments advanced by early political pluralists like Dewey, Barker, Figgis, Cole, and Laski, through to the more contemporary pluralism of Dahl, Mouffe, Walzer, and Rosenblum.¹⁴ But even these (quite radical) measures will

¹² John Gray, 'Agonistic Liberalism', *Enlightenment's Wake*, p. 81.

¹³ Bhikhu Parekh, 'Cultural Diversity and Liberal Democracy', in Gurpreet Mahajan, ed., *Democracy, Difference, and Social Justice* (Delhi: Oxford University Press, 1998), p. 217. Quoted in Brian Barry, *Culture & Equality*, p. 89.

¹⁴ See Debra Morris & Ian Shapiro (eds.) *The Political Writings of John Dewey* (Indianapolis: Hackett, 1993); Paul Q. Hirst (ed.) *The Pluralist Theory of the State: Selected Writings of G.D.H. Cole, J.N. Figgis, and H.J. Laski* (London: Routledge, 1989); David Nicholls, *The Pluralist State* (London:

arise out of, and be subject to agreement within, common discourse and dialogue between diverse others concerning a wealth of complex and conflicting opinions and ideas about their justifiability (or practical applicability, or moral standing). There will be issues involving funding, for example, which will inevitably invoke (and require) a debate about the best (and the most justifiable) way of using public money, which may itself spill over into more fundamental debates about the way in which public money is raised and what its moral and economic purposes are and should be. And debates such as these do not stop at the level of policy, but rather extend to deeper debates about the nature of society, the normative responsibilities of the state and the citizenry, and how these fundamental definitions should be defined and interpreted.

It is not clear, however, how the claims made by pluralists like Gray inform these debates, other than in their claim that we should simply accommodate the demands of different groups (unchallenged) in response to our inability to understand, or communicate with, others. But while relativist or pluralist philosophers (perhaps steeped in post-modernist notions about the breakdown of meta-narratives and established forms of discourse in the face of inevitable fluidity and change) might claim that we can do nothing more than articulate the shared values embodied in our own particular cultural perspective, *politics* demands that we do more than this and that we accommodate differences (and debate them meaningfully) within an inclusive dialogue which can provide some kind of resolution or answer to the problems which face diverse, contemporary societies. These answers need not be conceived to be 'true' in any first-order or ethically thick sense (indeed, liberalism itself shuns the pursuit of ethical 'truths' in this way), but they must be capable of resolving those conflicts which divide groups and individuals in contemporary societies and which often threaten the very fabric of these societies themselves. That is, they must be capable of resolving conflicts which occur at the most fundamental level of principle, and at the most practical level of everyday political experience, and at all points in between. The 'unity'

Macmillan, 1975); Robert A. Dahl, *Democracy and Its Critics* (New Haven: Yale University Press, 1989); Chantal Mouffe, *The Return of the Political* (New York: Verso, 1993); Michael Walzer, *Thick and Thin: Moral Argument at Home and Abroad* (Notre-Dame: University of Notre Dame Press, 1994); Nancy Rosenblum, 'Pluralism and Self-Defense', *Liberalism and the Moral Life* (Cambridge, Mass: Harvard University Press, 1989), and Nancy Rosenblum, *Membership and Morals: The Personal Uses of Pluralism in America* (Princeton, NJ: Princeton University Press, 1998).

that liberalism seeks, then (and which Young so vehemently opposes), is simply the idea that political problems and conflicts must be resolved - and institutions designed and understood - through common and genuinely inclusive dialogue among diverse individuals who have their own beliefs and commitments and ideals but who are nevertheless able to justify these commitments to others on terms that they might accept as reasonable. And this, we will see, is a goal shared by Young, pluralists, and democrats of all types.

24.2 *Communitarian-Republicanism and The Politics of Difference.*

Communitarians, of course, do not especially commit themselves to some notion of 'peace' unless this emerges as one of the 'shared values' or 'common ideals' embodied in the community as a whole. But again, for communitarians, the central question must be: how exactly do we find out what a community's 'common values' are, and how might we work out how to design institutions in such a way as they support, perpetuate, and protect these values? Interestingly, the solution that Sandel, Taylor, MacIntyre, and Walzer offer (together with those more explicitly political communitarians or 'liberal communitarians' like Amitai Etzioni and Robert Bellah) is that we should deliberate about these values collectively along republican or deliberative-democratic lines. As Sandel puts it, political institutions must encourage our capacity to "negotiate our way among the sometimes overlapping, sometimes conflicting obligations which claim us" by engaging in public deliberation with others regarding what these obligations mean to us, how they should be best understood and articulated, and how they should be supported or expressed in the political institutions which govern us.¹⁵ What we need, that is, as Iris Marion Young has put it, are "real participatory structures in which actual people, with their geographical, ethnic, gender, and occupational differences, assert their perspectives on social issues within institutions that encourage the representation of their distinct voices."¹⁶ But, again, we must ask: on what grounds should persons deliberate with one another? How are the deliberations framed? Who is involved and who is not? And why?

¹⁵ Michael J. Sandel, *Democracy's Discontent: America in Search of a Public Philosophy* (Cambridge, MA: Harvard University Press, 1996), p. 350.

¹⁶ Iris Marion Young, *Justice and the Politics of Difference*, p. 116.

Young, of course, rejects the republicanism that Sandel advocates for precisely the same reason that she rejects liberalism, namely, that it "reduces difference to unity" by foregrounding common standards of reasoning and deliberation rooted in the idea of impartiality.¹⁷ But what does this 'impartiality' look like? And how does Young's argument avoid making exactly the same 'mistake'? After all, having argued that all groups possess their own (sometimes incompatible) standards of reasoning and deliberation - their own 'distinct voices' - Young (like Gray, Sandel, and the communitarians) goes on to argue for a conception of dialogue which requires all groups to seek genuine agreement with others on common standards of ethical conduct which will in turn animate and circumscribe their more specific deliberations about the rightful structure and purposes of the state. As Young puts it, participants in political dialogue must 'talk *past* their differences' in order to arrive at some kind of consensus or agreement on how questions of justice should be resolved.

This is a coherent and admirable enough aim, but it is difficult to find anything in it that liberals need disagree with. In fact, if our claims in the previous chapter about the content of liberal justification and public reason are correct, then Young would appear to be arguing for precisely that form of political discourse and justification that liberals support. But if that is the case then, as we saw in chapters one and two, difference theorists and pluralists like Gray are required to encourage and support those very same institutional and constitutional measures which enable all individuals to contribute to political dialogue, and to reflect meaningfully upon their ends and ideals. And this is where Gray and Young run into problems, due to the fact that they conflate claims about *policies* and claims about the *justification* of those policies.

In Gray's case, for example, it is clearly one thing to argue that the *state* should leave different groups to govern their own affairs free from external domination or judgement, but it is quite another to claim that groups are *incommensurable* and that inter-cultural debate or criticism is

¹⁷ Ibid.

neither possible nor desirable. The second claim would appear to rule out precisely the kind of common discourse and agreement that Gray himself relies upon in order to get his pluralist politics off the ground. In the case of Sandel and Young, however, it is quite clear – if we are right that the ability to justify one’s ends and debate the resolution of political conflicts requires individuals to be autonomous in the way suggested thus far – that inter-cultural dialogue (which aims at the derivation of principles and institutions which are acceptable to all persons regardless of their wider beliefs and commitments) must be circumscribed and regulated by those overarching principles of individual autonomy and equality even if these values are not especially valued by the ‘cultures’ of those involved.

Young rejects this, of course, believing instead that persons can resolve conflicts and questions of justice *without* having first arrived at a particular over-arching account of justice which regulates the deliberative process. “Members of a polity,” she says, “need not seek and arrive at agreement on a general account of justice in order to argue productively about their problems and come to morally legitimate resolutions” to political conflicts.¹⁸ But what constitutes a ‘morally legitimate’ resolution as distinct from merely a ‘resolution’? Young tells us some time later. “Political outcomes can only be considered *morally legitimate*,” she says, “if those who must abide by or adjust to them have had a part in their formation.”¹⁹ Clearly, then, whether or not a resolution to a political question or conflict is ‘morally legitimate’ depends, for Young, on the extent to which it was arrived at through an inclusive and fair process of *democratic* dialogue. And what does she claim to be the pivotal virtue which stops the deliberative process from collapsing into stalemate (and hence, the political virtue that institutions are required to encourage)? Predictably, it is the ability of all *individuals* to “explain their particular background experiences, interests, or proposals in ways that others can understand” and to “express *reasons* for their claims in ways that others recognize could be accepted even if in fact they disagree with the claims and reasons.”²⁰ For all her protestations to the contrary, then, it seems that Young’s ‘politics of difference’ stands or falls

¹⁸ Ibid. p. 29.

¹⁹ Ibid. p. 53.

²⁰ Ibid. p. 25.

on the somewhat familiar claim that, in order for persons to resolve questions of justice in a 'morally legitimate' way, they must be willing and able to adopt a reasonable standpoint with regard to their own ends and commitments, and to keep talking even when faced with apparently incommensurable disagreement. What Young assumes, then, is that all persons who are party to the dialogue will be 'reasonable' in the sense that they are willing and able to articulate, debate, and justify their particular ends and commitments in way that others can accept, and to have an open mind about the values and commitments of others. The politics of difference can therefore be seen to embody *both* the Scanlonian (and Larmorean) agreement motive *and* the reasonableness requirement.

Young may not consider this too controversial a claim or too damaging a critique, of course. After all, she explicitly argues that it is an important aim of a 'politics of difference' to ensure the self-determination of persons through institutions which allow them to "decide on their goals and interpret their way of life."²¹ But this surely represents a universalist claim in favour of individual autonomy of precisely the kind that she believes undermines liberalism. Young tells us that liberalism ignores cultural and social group differences by making universalist claims about all persons in abstraction from the groups to which they belong. Liberalism, she says, therefore reduces difference to unity in requiring all persons to be able to subject their lives and ends to criticism and to be capable of thinking critically about their group memberships and ideals and beliefs. But having argued as much, Young then goes on to argue for precisely the same thing, claiming that the ability to think critically and autonomously about one's life should be possessed by all persons regardless of the particular group or community to which they belong. She explicitly argues that every agent's ends must be revisable and rejectable in the sense that they are not merely imposed from the outside as unquestionable truths or facts. Rather, all persons must be supported in their ability to think meaningfully for themselves about the validity and coherence of their particular ends, regardless of whether or not the group or community to which they belong (or, more accurately, the elite within this group) would prefer otherwise. Hence, she

²¹ Ibid. p. 259.

argues that institutions should encourage in all persons the ability to structure their “relationships so that they support the maximal pursuit of agent ends.”²²

But if what we have argued thus far about the preconditions of dialogue and public reasoning about justice is correct, then the desire among difference theorists, deliberative democrats, pluralists, and advocates of a politics of recognition to establish a common form of deliberative reasoning embodies a concurrent requirement to encourage individual autonomy in the way we outlined in chapter three. An autonomous person is a person who lives under structures of authority which are in an important sense self-imposed rather than imposed from the outside. An autonomous person must – if they are to be genuinely conceived as autonomous – be capable of consenting to those forms of authority which govern them, whether political, religious, cultural, or from any other source. Consequently, it is a primary liberal aim to establish the kind of conditions in which persons can debate the content of the political institutions that govern them (and hence, consent to them), and to work out, revise, and reject their wider attachments in order that their relationship to them is also one of consent.

So while Young may not find our critique too controversial or damaging, she must surely recognise that in admitting as much, she renders her critique of liberalism hollow. After all, it would seem that in her more recent work, she is not in fact arguing for the affirmation or recognition of first-order group identities and differences at all, but is rather arguing for a form of politics which defends those basic second-order freedoms and capacities which allow persons to interpret their own lives in their own way (against the background of their lives as a whole) and allows persons to ‘talk past their differences’ in the interests of reaching agreement about politics, justice, and the limits of toleration. If Young and the antiliberals argue for individual autonomy in both the senses that we laid out in chapters three and four (as they must if they are in favour of establishing a framework of common debate and dialogue among different groups and individuals about questions of justice, and against the arbitrary imposition of customs and ideals

²² Ibid. p. 258.

upon individuals that they do not endorse), and they argue that the participants in these personal and political deliberations are *individuals* rather than groups or communities or cultures, then why do they feel the need to distinguish themselves (so unsuccessfully) from liberals? The answer for Young (and other critics of liberalism like Taylor) lies in her critique of liberal reasoning, and we will discuss this more fully in the next chapter.

Before that, however, it is necessary to illustrate another assumption to which Young appeals and which she shares with liberals.

25. The Assumption of Equality.

Young is by no means alone in appealing to liberal principles that she claims to reject, then. But the reason this so often goes unnoticed is that so many 'alternatives' to liberalism are under-theorised and under-determined. This finds its most obvious expression in culturalist liberalism (as we will see in part three), but it strikes at the heart of anti-liberalism too. After all, all those who eschew 'non-democratic' justifications for particular institutional arrangements (such as military rule or totalitarian regimes unchecked by such procedures as free elections) in favour of the idea that institutions and principles should be justifiable to those individual human beings that they are to govern (i.e. all the liberal and non-liberal theorists discussed in this thesis) are required to describe exactly what kind of dialogue they envisage, what arguments count in this dialogue, and why. All the critics discussed thus far support the idea that state institutions (and the principles which regulate them) should be justifiable to the people they govern. Indeed, the pluralist strategy of devolving political power to groups would appear to be motivated above all by the desire to make central political institutions as representative and as justifiable as possible. But this means that difference theorists, deliberative democrats, and communicative democrats (as well as republicans and pluralists) are all required to provide some account of *who* should be involved in political dialogue, *how* this dialogue is to be conducted, and *why* it should be conducted in this way as opposed to any other. They must tell us what principles we must appeal

to when seeking to defend the institutions that we support. All these thinkers emphasise the importance of dialogue and public deliberation. But who deliberates? And why?

The common thread in all these arguments – however well-disguised – is, of course, the commitment to formal equality which Young believes ‘reduces difference to unity’. Young argues that the deliberative process should not be premised upon or, or circumscribed by, over-arching moral principles, only to argue sometime later for “an expanded conception of political communication” which is open to all and which does not exclude certain persons on the basis of their group memberships or characteristics.²³ Young argues that social difference should be understood as a ‘political resource’ which allows persons to reveal collectively a genuinely inclusive and democratic politics from which no-one is arbitrarily excluded.²⁴ All persons, then, are conceived to be equal in the sense that they all possess the right (and, we must assume, the capacity) to contribute to, and affect, the outcome of political deliberation.

Philip Pettit, too, argues for a form of open and inclusive democratic politics founded upon the equality of each and every member of the polity to contribute to the resolution of political questions and conflicts.²⁵ And so too do Gutmann, Thompson, other deliberative democrats like Dryzek, and communitarians like Sandel, Charles Taylor, and Michael Walzer who – as we will see more clearly in the next chapter – have increasingly seen the political expression of their commitment to community to be some form of republicanism.²⁶ Gutmann, of course, claims that

²³ Ibid. p. 80.

²⁴ Ibid. p. 81-82.

²⁵ Philip Pettit, *Republicanism: A Theory of Freedom and Government* (Oxford: Clarendon Press, 1995). See also, Phillip Pettit, ‘Republican Freedom and Contestatory Democratization’.

²⁶ Amy Gutmann & Dennis Thompson, *Democracy and Disagreement* (Cambridge, MA: Harvard University Press, 1996); John Dryzek, *Deliberative Democracy and Beyond: Liberals, Critics, Contestations* (Oxford: Clarendon Press, 2000); Michael J. Sandel, *Democracy's Discontent: America in Search of a Public Philosophy* (Cambridge, MA: Harvard University Press, 1996); Charles Taylor, ‘Liberal Politics and the Public Sphere’, *Philosophical Arguments* (Cambridge, MA: Harvard University Press, 1995); Michael Walzer, *On Toleration* (New Haven: Yale University Press, 1997). Also useful are Anita L. Allen and Milton C. Regan, Jr. (eds.) *Debating Democracy's Discontent: Essays on American Politics, Law, and Public Philosophy* (New York: Oxford University Press, 1998), and Stephen Macedo (ed.) *Deliberative Politics: Essays on Democracy and Disagreement* (New York: Oxford University Press, 1999).

political deliberation is a duty which must be fulfilled by all persons.²⁷ Pettit disagrees, arguing that such an idea is an unwelcome (or, at least, an unnecessary) throwback to an Aristotelian notion of virtue and the idea that one's *telos* lies in politics.

For all their differences, however, Pettit, Gutmann, the deliberative democrats, and the communitarians necessarily converge on the claim that all individuals must be provided with the resources they need in order to participate in political dialogue. Whether they understand participation in these dialogues as a duty (as Aristotle did) or as merely a means by which persons might resolve those questions and conflicts that affect them personally (as the Romans did), they must each commit themselves to designing institutions which provide all individuals with the resources necessary to enter into political discourses when they feel it is *necessary* to do so. And therein lies the commitment to equality. Both Gutmann and Pettit converge (with other deliberative democrats) on the idea that all persons should possess the right to enter into political dialogue on an equal basis with others regardless of whether the communities or groups to which they belong would prefer otherwise, just as they – like Young – believe that all persons should be able to interpret and revise their own beliefs and commitments if they so desire. That is, while deliberative democrats, republicans, communicative democrats, and pluralists can all allow persons and groups to "*voluntarily* exclude themselves . . . [from] affairs of state" if their particular views and beliefs prohibit them from participating, they cannot support claims for legal exemptions or 'group rights' or devolved powers which would deny any or all of their members the capacity to participate if they felt the need or desire to do so.²⁸ Institutions – and the principles which circumscribe them – must be justifiable to all individuals, and not merely to a minority or faction within the polity as a whole. Pettit's republicanism shares with liberalism the fundamental aim of "commanding allegiance of the citizens of developed, multicultural societies, regardless of their more particular conceptions of the good."²⁹

²⁷ Amy Gutmann, *Democratic Education* (Princeton, NJ: Princeton University Press, 1987), and 'Civic Education and Social Diversity'.

²⁸ David Miller, *Citizenship and National Identity* (Oxford: Polity Press, 2000), p. 76.

²⁹ Philip Pettit, *Republicanism: A Theory of Freedom and Government*, p. 96 – 97.

Young, Gutmann, Pettit and the deliberative democrats agree, therefore, that all persons should, as a matter of principle, be afforded the capacity to question and determine which forms of authority they are bound by both at the level of the state, and in other, more personal areas of their lives too, and all argue therefore, that those political deliberations and debates from which the justifiable limits of authority are derived should be accessible to all. Not only are they therefore necessarily committed to individual autonomy (for all the reasons that we have described in part two of this thesis), but they are also inevitably committed to the equality of all persons (as a fundamental, structural component of discourse) in the same way, and for the same reasons, as liberals.

26. The Cultural Defence

26.1 *Relativism and the Brute Appeal to Culture.*

Thus far, then, we have seen that, despite their claims to the contrary, difference theorists, republicans, deliberative democrats, and advocates of a 'politics of recognition' converge on the idea that all individual persons must be enabled to reflect upon their aims and ends and attachments autonomously, in order that they might enter into public discourse about politics, and that they might interpret and consent to the customs and authorities that bind them. For all their claims to the contrary, then, these theorists all converge with liberals in their claim that an inclusive politics, capable of accommodating diversity within reasonable constraints, must necessarily value the second-order principles of individual autonomy and equality and not particular customs, traditions or group identities in and of themselves.

The consequence of this is clear: the brute appeal to culture does not represent a claim that any of the liberal or non-liberal theories so far discussed could conceivably recognise as a *justification* for anything. This is because an appeal to the existence of certain cultural beliefs is not in itself a *normative* claim. Rather, within the context of the deliberative processes outlined and defended by those liberal and non-liberal theorists we have thus far discussed, the appeal to a particular 'way

of life' or 'culture' is merely a statement of *fact* which may or may not be true. We could argue about whether or not this statement is *factually correct*, but in order to argue that, if true, this justifies certain actions or proposals we would have to engage in further discussions and deliberations according to the constraints of public reason. It would require us to add something extra – some claim that added normative weight to the original claim about the existence of certain customs or practices. After all, it is one thing to say that persons are members of groups and that, therefore, their deliberations will be shaped by the values embodied in these groups, while it is quite another to say that, in virtue of this, the groups to which they belong should be 'respected' or 'protected'. Of course, it is possible to argue that the appeal to culture *does* represent *a* reason for tolerating or accommodating the claims arising out of this membership, but the most it can represent is *one* reason among many others. The fact that one's parents, grandparents, and great-grandparents participated in the social practice of hunting, for example, does not in itself justify one in doing so, and neither does it alone require the state to allow fox-hunting. Similarly, the fact that a man's father and grandfather beat their wives does not make it acceptable for that man to beat *his* wife, even if it can be shown conclusively that his father and grandfather were violent. His particular history and circumstances might render his claims to do so more intelligible (we might understand more clearly why he thinks he should be allowed to do so by looking at his background and the environment in which he was raised) but this would not make his claims any more justifiable or acceptable.

The fact that a particular practice is part of one's culture, then, may well represent an important claim in favour of its toleration, but it does not do so in and of itself. After all, it may just as easily represent a compelling claim in favour of its abolition, especially if it can be shown to hinder the legitimate right of each member of this group to access the wider society on an equal basis with others. That is, once we subscribe to the idea that deliberation can transcend the barriers between cultures (which are, themselves, far more ambiguous and complex than many believe) in the way that liberals like Larmore and Scanlon believe, and difference theorists like Young and pluralists

like Gray are forced to admit, then the appeal to culture becomes merely a single claim which must be subjected to criticism and interrogation in the same way as any other.

Deliberation and dialogue must be capable of determining, firstly, whether or not the claim 'it's a part of my culture' is true (rather than a spurious excuse for acting in a particular way, or an erroneous appeal for leniency), and secondly, whether or not the claims that arise from this statement (e.g. claims for legal exemptions, institutional reforms, or constitutional guarantees) are actually *justifiable*. These two questions are ontologically and normatively distinct.

A full-blooded relativism regarding the sources and nature of value would, of course, hold that these two questions are the same. That is, relativists might hold, as long as we can show that certain claims or actions are 'a part of our culture', then our attempt to provide adequate *justification* for the validity or permissibility of these claims or actions has necessarily come to an end. Consequently, if it is a 'part of my culture' to hunt whales then that, they might say, is in itself sufficient justification for the repeal of anti-whaling laws.³⁰ Similarly, if it is a part of my culture to slaughter cattle inhumanely,³¹ to hunt foxes with hounds,³² to pit bulls against armed

³⁰ Brian Barry, *Culture and Equality*, p. 254-255. For more on the moral and political issues surrounding the hunting and slaughter of whales, see Richard A. Caulfield, *Greenlanders, Whales, and Whaling: Sustainability and Self-Determination in the Arctic* (Hanover, NH: University Press of New England, 1997); Peter J. Stoett, *The International Politics of Whaling* (Vancouver: UBC Press, 1997); and Arne Kalland, *Japanese Whaling: An End of an Era?* (London: Curzon Press, 1992).

³¹ Muslims and Jewish groups are already granted exemptions from existing British laws regarding the humane treatment and slaughter of animals. This is a response to their claim that they can only eat animals which are slaughtered according to methods which are consistent with their religious beliefs, and that these methods are inconsistent with existing laws. Britain therefore sanctions the inhumane treatment of animals in the name of respecting cultural beliefs. There are, of course many arguments for and against the practice of *halal* or *kosher* butchery which cannot be discussed here. For more details, see Brian Barry, *Culture & Equality*, especially chapter 2; and Sebastian Poulter, *Ethnicity, Law, and Human Rights: The English Experience*.

³² For more details see Roger Scruton, *Animal Rights and Wrongs* (London: DEMOS, 1996). It is my intention in this chapter to examine the cultural defence as a justification for protecting particular customs or ways of life. However, the debate over fox-hunting illustrates one crucial purpose of politics and dialogue, namely, politics must allow us to work out whether or not a particular claim about the importance of a custom or practice is true. For example, the Government Inquiry into fox hunting throws doubt on the claim that "hunting provides the social glue in many communities because it provides a valid purpose for socialising." According to the report, hunting only plays a single – and minimal – role in unifying rural communities. There are, it says, "a wide range of other activities taking place [in these communities], organised by different groups, [as well as] other individual pursuits such as walking, gardening, and going out for the evening. It is plain, therefore, that any claim . . . that hunting is the main source of social activity is exaggerated. In other rural communities, particularly larger villages and market towns, it is likely to be even less significant." *The Final Report of the Committee of*

men on horseback for public entertainment – if it is a part of my culture that I can marry off my daughters at thirteen or fourteen years old to men twice or three times their age without their consent,³³ or that I can kill my child by withholding life-saving medical treatment,³⁴ or that I can psychologically or physically abuse my wife or my children³⁵ – then that is itself a sufficient justification for my being allowed to do so. Not only do such claims represent an obvious and fundamental challenge to those political theories which implicitly or explicitly commit themselves to the substantive principles of equality, individual autonomy, and consent (i.e. liberalism and those ‘non-liberal’ theories that we have thus far discussed), they also fail to address precisely those very real and complex problems which exist in diverse contemporary societies, for all the same reasons as Gray’s pluralism.

Claims for special representation or legal exemptions are not justified simply by establishing that they are required by a culture in order that they can protect particular customs or practices: it could well be ‘a part of one’s culture’ to act in a particular way, but this is not in itself a justification for respecting or allowing this action. And conversely, the justifiability of a claim need not depend on it being an element of someone’s culture: the appeal to culture does not trump other (perhaps contrary) reasons or considerations but instead represents a *contributing* factor to any deliberation on the resolution of political conflicts which must be weighed against other, competing factors.

Inquiry into Hunting With Dogs in England and Wales (Norwich: HM Stationery Office, 2000). At the time of writing the British government has pledged to introduce legislation banning hunting with dogs in the next session of parliament. It remains to be seen whether or not they will do so. In any case, however, the issue shows clearly a point that I have been trying to make throughout this thesis (and which I will make more clearly in part three), namely, that individuals engaged in political dialogue must be capable of questioning, understanding, and criticising the beliefs and practices of others, or else there would be no way of finding out whether or not a particular custom really is an important aspect of a culture, or whether the claim was simply false.

³³ See chapter two.

³⁴ As with the case of Jehovah’s Witnesses in Britain and the US. As mentioned earlier, the ban on Jehovah’s Witnesses receiving blood transfusions has recently been lifted by the church, although before this year, members of the religion were entirely within their rights to deny themselves and, more importantly, their children life-saving medical treatment by justification of the ‘cultural defence’.

³⁵ See chapter two. Other forms of physical and psychological abuse perpetrated in the name of culture include ritual scarring and cliteradectomy. See Martha Nussbaum, *Sex and Social Justice*, especially chapter 4. For a number of essays discussing cliteradectomy – from both a positive and negative perspective - see J. Cohen, M. Howard, and M. Nussbaum (eds.) *Is Multiculturalism Bad For Women? Susan Moller Okin with Respondents*. For more on ritual scarring, see Chandran Kukathas, ‘Cultural Toleration’.

The point, of course, as we saw in the previous section, comes down to *who* exactly is appealing to culture, and thus, who is participating in the dialogue in the first place. The idea that we should listen to, and take seriously, the claims made by members of cultural minorities in favour of tolerating their cultural beliefs presupposes that such a claim has been *voiced* in the agreement process. But, as we have already shown with regard to Gray and Larmore, the point is precisely that the question concerning *who* participates in the dialogue is itself inherently controversial. Minority groups will *themselves* often contain minorities who are as 'defined' by their group memberships as any other, but who may be considered 'naturally' unable or unsuited to participate in dialogue regarding the interpretation of their own values, and the wider political implications of these values.³⁶ A person may be 'defined' by values and assumptions which he or she might reject, if given the chance to say as much, or to develop their own opinions for themselves. For example, women have often been excluded from participating in the interpretation of the history and values of the group to which they belong (as have the poor and the uneducated), and yet they might still consider themselves 'defined' by these values. It just so happens that the self-image they derive from their membership in this group affirms their unequal and subordinate status within it and also that, due to these prevailing beliefs, they are denied the resources by which they might escape or re-interpret this impoverished self-image.

On its own, then, the appeal to the brute fact that certain ways of life exist cannot act as a justification for the accommodation or toleration of these values (or of the actions or claims to which they give rise), because it leaves no way of determining who shares these values, and who would reject them if given the chance. It should come as little surprise, of course, that 'cultural' groups which grant their women so little status that they allow men to verbally abuse them and beat them do not tend to allow them to enter into those debates and discourses through which they might meaningfully question or reject these abuses. Liberalism rejects the arbitrary exclusion of certain persons from public deliberation about politics and justice. It supports the *individual*

³⁶ Leslie Green 'Internal Minorities and Their Rights' in Judith Baker (ed.) *Group Rights* (Toronto: University of Toronto Press, 1994), p. 100 – 114.

right of all members of the polity to interpret and pursue their ends over the 'right' of the 'group' to stop them from doing so. Showing that a particular practice is a part of a particular set of cultural beliefs is indeed *a* reason for its toleration, but it can never be the *only* reason for doing so. There may be better reasons for outlawing or restricting it. The only way in which we discover the validity of these claims however, is through open and inclusive dialogue among all those who are affected by the outcome. The equality and the 'individualism' at the heart of liberal dialogue embodies precisely this claim, namely, that normative claims must be justified to all persons equally and not merely to those who happen to occupy positions of power or influence. The idea that 'individuals' take part in agreement on the validity of normative proposals on a free and equal basis with others simply embodies the claim that practices, policies, and principles must be justified to each and every individual to whom they are to apply, and not merely the leaders of the 'group' or 'community' or 'culture' to which they belong.

26.2 *Cultural Recognition and Self-Respect.*

If the brute appeal to the existence of cultural values is not sufficient to justify the toleration of cultural practices (and is, in any case, unable to resolve those genuine, complex political problems that exist in diverse contemporary societies), then further reasons must be given as to why one's culture should be respected. But what reasons might be given? The most widely invoked justification for the 'cultural defence' is that cultural membership is a pre-requisite of 'self respect' and that, therefore, respect for persons necessarily "entails respect for their cultures and ways of life."³⁷ Failure to 'recognise' the values which determine our identity, Charles Taylor informs us, inevitably saddles us "with a crippling self-hatred."³⁸ Non-recognition "or mis-recognition [of particular memberships and group affinities] can inflict harm, can be a form of oppression, imprisoning someone in a false, distorted, and reduced mode of being."³⁹ And James Tully points out that "citizens can take part in popular sovereignty, by having a say in constitutional

³⁷ Bhikhu Parekh, 'Superior People: The Narrowness of Liberalism for Mill to Rawls', *The Times Literary Supplement*, Feb, 1994, p. 11 - 13, p. 13.

³⁸ Charles Taylor, 'The Politics of Recognition', *Philosophical Arguments*, p. 225.

³⁹ *Ibid.*

negotiations, and exercise their civic and private freedom only if they have a threshold of self respect . . . [derived from the fact that] others recognise the value of one's activities and goals."⁴⁰

We have already discussed and rejected the idea that citizens of a polity, or political institutions, should be required to 'affirm' particular ends or values, and we have already seen that those who advocate the 'politicisation' of group identities and cultural norms reject this too, arguing for a more liberal approach which protects those background, second-order freedoms and equalities while leaving the content and worth of particular first-order goods open. What concerns us now is this equation of 'being a member of a culture' with 'possessing self respect'. Is it true that we should value or protect cultural groups because the background freedoms and equalities that we should be defending presuppose our membership in cultural groups?

This is explored more fully in part three of this thesis, but at this stage it is necessary to state that it is by no means clear that cultural membership affords its members 'equal self-respect' at all, and that, therefore, it is not at all clear that it should be the business of the state to protect or perpetuate cultural group identities for this reason. For example, Axel Honneth argues for the 'recognition' or 'affirmation' of cultural values because non-recognition "impairs . . . persons in their positive understanding of self."⁴¹ And Bhikhu Parekh argues that "[s]ince human beings are culturally embedded, respect for them entails respect for their cultures and ways of life."⁴² But often, surely, the principle of equal respect demands that we *ignore* or *over-ride* the prevailing understandings embodied in a particular cultural group. It could be argued that one's membership in a particular culture or group need not, in actual fact, contribute to one's self respect or dignity at all and that, far from conferring a 'positive understanding of self', cultures often *rob* persons of any respect they might otherwise have. It could be argued, for example, that women who are confined to rigid (and subordinate) gender roles by the prevailing values of their

⁴⁰ James Tully, *Strange Multiplicity: Constitutionalism in an Age of Diversity* (Cambridge: Cambridge University Press, 1995), p. 189-190.

⁴¹ Axel Honneth, 'Integrity and Disrespect: Principles of a Conception of Morality Based on a Theory of Recognition', *Political Theory* 20/2 (1992), p. 188-189.

⁴² Bhikhu Parekh, 'Superior People', p. 13.

community might relish the opportunity for a certain amount of 'indignity' if this meant they were afforded the resources they need in order to make genuine decisions about what they want from life and what they believe to be worthwhile. They might, for example, prefer the 'indignity' of being uncovered in public to the 'dignity' afforded by the veil, and even if they did not, they might enjoy the 'indignity' of being given the choice. Similarly, gays and lesbians might welcome the 'indignity' that accompanies their being open and honest about their sexuality, when faced with the alternative of being 'dignified' in their secrecy and their fear of what reprisals such honesty and openness might bring.

What theorists like Taylor, Tully, Honneth and Parekh argue, rightly, is that self-respect is at least partially about being able to stand up for who you are, rather than what others might wish you to be; it is about being honest and open about your views and your identity, and it is about not having to deny your particularity or your 'difference' or make light of those commitments and characteristics which you hold to be important (perhaps defining) of the person you are. But what these theorists neglect to acknowledge is the fact that it is often precisely one's *cultural group* which demands the suppression or denial of these important, defining attitudes and characteristics, and hence that it is often the values which prevail in one's *cultural group* which in fact undermines one's dignity as a person.

This, in effect, is Susan Moller Okin's argument against the protection of minority traditions via the application of 'group rights': in 'protecting' or 'affirming' the values of particular 'groups', she says, we are in fact protecting and reifying those values internal to the group which force persons to deny who they are, and what they feel or believe, in order that they might avoid reprisal or sanction.⁴³ Kymlicka (himself a supporter of group rights) responds that such rights should only be granted to groups which do not seek to "limit the right of group members to question and revise traditional authorities and practices," and we can, I think, infer from this that he would reject the granting of group rights to communities which force any or all of their members to

⁴³ Susan Moller Okin, 'Feminism and Multiculturalism: Some Tensions'. We will discuss this later.

deny significant or defining aspects of their identity for fear of sanction or ostracism.⁴⁴ But cultural groups simply do often require their members to do this, in various different ways and for various different reasons because the values they embody necessarily entail claims about what is right or wrong, what is admirable or loathsome, and what is 'true' and what is 'false'.⁴⁵ The point is whether or not individual members have the ability to reject these assumptions, or to voice their opinions about them, or to leave the group if they feel that their continued membership would undermine aspects of their lives which they consider to be more important.

Kymlicka argues that a precondition of asking these questions, and interpreting our own ends and attachments and ideals is our membership in an individuated and viable cultural group. For him, cultural membership is a 'primary good' in the explicitly Rawlsian sense, namely, that persons need it regardless of what else they may or may not want or need.⁴⁶ Indeed, he argues, being a member of a viable culture is in fact a structural pre-requisite of knowing what we want and need, as it provides the context in which we determine our more specific ends and ideals and commitments.⁴⁷ Now, I disagree with this for a number of important reasons (and discuss this issue fully in the final part of this thesis). Despite its unworkability, however, Kymlicka's argument does at least seem to capture something important about what is at issue in the debate about culture, and does at least try to formulate a response which is consistent with liberal principles. Kymlicka's principal claim is that liberalism should be committed to individual autonomy, and that it is this principle which renders it the most supportable of all the political doctrines. Persons do not simply gain 'self-respect' by being a member of a particular community or culture or group, rather they only do so by living a life in pursuit of ends and commitments which they themselves have genuinely endorsed as worthwhile. That is, like Tully, Taylor, Honneth, and Parekh, Kymlicka argues that cultural membership is a precondition of self respect but, unlike them, he only does so because he believes cultural membership is a precondition of *personal autonomy*. Consequently, it is not culture *itself* which affords us self respect, but rather the

⁴⁴ Will Kymlicka, *Multicultural Citizenship*, p. 37.

⁴⁵ As we will see more clearly in part three.

⁴⁶ Will Kymlicka, *Liberalism, Community, and Culture*, especially part one.

⁴⁷ *Ibid.*

ability to “assess our conceptions of the good in the light of new information or experiences, and to revise them if they are not worthy of continued allegiance.”⁴⁸ This is why he believes that culture represents a ‘social base’ of self respect and not self respect itself.⁴⁹ Culture provides tools – the raw materials, the context – in which we can determine which ends and ideals are worthy of our support. It is living a life in pursuit of these autonomously endorsed ends and ideals free from arbitrary constraint and domination which affords us self-respect, not merely our membership of a culture (especially if this culture impedes us from pursuing such a life). Culture, to put it another way, can make self respect possible but it does not in itself define it.

Kymlicka rightly argues that groups which impose understandings upon their members without also providing them with the capacity to assess and interpret these understandings for themselves in the light of their own felt experiences do not in actual fact secure their members’ self respect or dignity at all. Women who are forced by their cultural values to occupy subordinate roles to men and are then denied the ability to interpret or question these roles are not having their self respect protected, and neither are gays who are forced to deny their sexuality in order to fit in with the prevailing beliefs of their culture. This is because ‘self respect’ is only secured when persons live according to values that they themselves have endorsed in the light of their wider beliefs and ideals and experiences. As we claimed in response to Nussbaum and Macedo in chapter one, *willingly* subordinating one aspect of your self (one attachment, one part of who you are) in order to live a life that one genuinely believes is more important is quite different from being denied the opportunity to make such a decision in the name of certain cultural values. There is nothing in liberalism which requires Catholics to ‘affirm’ or recognise the value of homosexuality, for example, just as there is nothing which states that persons cannot choose to place their religious beliefs above their sexuality in terms of their life as a whole. As we saw in chapter four, if equality demands the equal and active ‘recognition’ or ‘affirmation’ of each person’s cultural, religious, social, and ethnic identities – as Young, Taylor *et al* believe - then equality is impossible. But it does not. Equality demands that all persons (regardless of their

⁴⁸ Will Kymlicka, *Multicultural Citizenship*, p. 81.

⁴⁹ Will Kymlicka, *Liberalism, Community, and Culture*, chapters one and two.

particular memberships, and regardless of the cultural group of which they are a member), be given the ability to make these choices (and to rank the various aspects of their lives) and to determine the nature and content of the political institutions which govern them *for themselves* in response to their own individual experiences and interests and attitudes. It is only when persons are afforded this ability, and when they are not forced to live a particular form of life (or live under a particular set of institutions) determined for them by values that they have no ability to assess or evaluate for themselves, that cultural membership can be seen to afford any dignity to human life, and hence, any self respect to those who live in them. It is this commitment to individual choice and interpretation (and the idea that all persons should be free to interpret the worth of their own lives and to pursue their own ends) which is embodied in the structure of liberal dialogue and politics, and in those principles of individual equality and autonomy which underpin it. And it is this form of equality, autonomy, and individuality which is, in the end, shared by liberals and anti-liberals alike.

27. Conclusion.

In this chapter, it has been my intention to argue that liberal justification and dialogue does not suffer from the kind of internal incoherences – or lead to the kind of political conflicts – that would necessarily characterise a strategy of politicisation. By providing those conditions under which persons might genuinely work out for themselves the value and content of their ends (and hence, leaving the validity or worth of particular ends and values to be decided by one's individual conscience), liberal politics provides a far more stable and inclusive means of accommodating diversity than any response which requires persons or the state to 'affirm' or 'recognise' the truth or validity or respectability of particular cultural identities, customs, or group norms. In retreating from such judgements, liberalism is able to provide a framework of principles which regulate the background conditions against which persons act and deliberate upon their ends for themselves. One need not agree with a particular way of life, and need not accept a particular set of beliefs as true or coherent, to accept the 'reasonable' assumption that people have the right to pursue this

way of life, or to adhere to this belief, if they so wish. For the liberal, whether or not a view or set of beliefs is sensible or coherent or mistaken is immaterial. What matters is that it is freely accepted by those who hold it, and that persons are able to change their minds about the worth or coherence of these beliefs if they so desire. And for the liberal, the fact that society contains conflictual ways of life and values is important but does not entail insurmountable disagreement. This is because liberal dialogue is premised upon the idea that individuals will be willing and able to reach *beyond* their differences in their search for agreement on principles of justice and institutional arrangements.

Liberalism therefore seeks to establish the requisite background conditions – of freedom, equality, and autonomy - that persons need in order to find their own way to what is valuable to them. These background conditions are necessarily determined in dialogues between persons who are aware of their identities and motivations, and who necessarily reason from these identities, but who are also able to voluntarily constrain their deliberations in the interests of reaching a manageable agreement on the way in which particular questions of justice should be resolved. And the more we examine the claims made by those ‘critics’ who reject liberalism for modelling political discourse in this way, the more we realise that they actually argue for the same thing. The idea that the state and all the various different people within it, are able to ‘affirm’ the truth or validity of all the ends and practices and traditions that they see around them is incoherent and utopian. Consequently, the only alternative – and the alternative to which pluralists, difference theorists, republicans, deliberative democrats, and advocates of a politics of recognition subscribe – is to encourage state institutions and individual citizens to ‘affirm’ or ‘recognise’ those background freedoms and equalities which allow people to make up their own mind about the life they want to lead and what their various memberships and attachments mean to them.

If this is what is meant by a ‘politics of recognition’, then liberalism is – and has always been – precisely that. It recognises, for example, that all persons are distinct and separate and that no individual can be legitimately thwarted in their ability to lead a life they believe to be worthwhile by

those who would compel them to live lives or pursue ends that they do not value if this life is compatible with those wider constraints born out of inclusive, public deliberation and agreement. It recognises that all persons possess an equal status before the law, and that they should be free to live according to their own beliefs in a way that is consistent with everyone else doing the same. And it recognises that certain 'groups' (like the poor, the uneducated, the unhealthy) suffer disadvantages as a consequence of their group memberships and that it is a proper concern of justice to rectify these disadvantages. Differences in education, in wealth, in health, in political status, and so on, are, for the liberal, problems that must be overcome, not protected or 'affirmed'. No doubt, those who advocate some politics of difference or recognition would agree. But this only shows that for them as for liberals, the question is not (and has never been) whether liberalism should tolerate diversity and difference, but rather what *forms* of difference should it support and which should it should seek to eradicate.

Critics of liberalism are silent on this issue precisely because answering it requires them to take sides, and to make decisions, about which groups in particular are worthy of respect and which are not. Anti-liberals are comfortable when speaking about 'groups' like 'women', or 'the disabled' or 'the civil rights movement', but noticeably less comfortable when discussing the 'affirmation' of right-wing movements, oppressive fundamentalisms, and sexist religions. Which of these groups are worthy of respect and which are not? And, more importantly, if we are to respect and affirm 'groups' in and of themselves, then by what logic can difference theorists and others condemn groups which practice discrimination?

In the end, we saw that they cannot help but condemn oppression by invoking the values of individual autonomy and equality. If we are right in claiming that liberal dialogue presupposes and requires a structural commitment to individual autonomy (and that, therefore, it is an important role of liberal institutions to encourage and protect individual autonomy in order that members of the polity might engage in public reasoning about justice) then the same must apply to those other theorists who reject liberalism but argue for a similar form of dialogue.

The decision that all these theorists face is not between a liberal form of dialogue rooted in individual autonomy and a 'politics of difference' or 'recognition' or 'presence' or 'pluralism'; rather it is between a form of politics in which institutions and principles are conceived to be born out of – and justified by – some form of agreement process conducted by free and equal individuals who possess their own ideals and values but who also possess the ability to 'talk past their differences' in order to instantiate a particular regime which is justifiable to all, or a regime which does not draw its legitimacy from its public justifiability. There have been such regimes in history, of course. There have been regimes which have shunned the notion that legitimacy is drawn from 'the people' who are governed by them – there have been totalitarian and military regimes backed up and perpetuated by military power, terror and propaganda – and these regimes were and are certainly and genuinely opposed to individual autonomy and equality (and hence, liberalism) in obvious and fundamental ways. But these are not the kind of regimes for which difference theorists, republicans, deliberative democrats, and pluralists argue. Rather, they argue for institutions and principles which are justifiable to each and every individual who is governed by them, and which therefore, protect and enshrine those principles which make this public justification and dialogue possible and intelligible. Hence, the 'debate' between these various factions is in fact far less substantive or instructive than they themselves believe.

Pulling together the various threads of part two, then, we can see that the implicit commitment to individual autonomy found in liberalism and much 'anti-liberalism' embodies an explicit claim about the nature and justifiability of authority. Chandran Kukathas makes a crucial mistake, then, when he claims that "autonomy-based liberalism can tell us very little, if anything at all, about the fundamental problem of political society (and so of political philosophy) which is the problem of authority. The problems here," he says, "are: 'who should have authority' . . . and why and how much?"⁵⁰ But if what we have said thus far is coherent, then autonomy-based liberalism should be understood as providing an answer (indeed, the quintessentially liberal answer) to precisely

⁵⁰ Chandran Kukathas, 'Multiculturalism as Fairness: Will Kymlicka's Multicultural Citizenship', *Journal of Political Philosophy* 5/4 (1994), p. 406-427, pp. 426-427.

these questions. It claims that authority is only legitimate if it has been willingly endorsed as such by those over whom it would rule. Inequalities must be justifiable to the individuals who are to suffer them, just as political institutions, constitutional arrangements, laws, policy measures, cultural traditions, and fundamental principles must acquire the 'consent' of those affected by them if they are to be legitimate. Comprehensive, autonomy-based liberalism embodies precisely the idea that all individuals must be afforded the intellectual, political, and economic resources they need to work out for themselves what is valuable and what is not, and hence, which forms of authority are just (and worth subordinating oneself to) and which are not.

This has been a central commitment of liberals since the beginning of the social contract tradition and something like it can be seen to animate the liberal's response to all forms of authority, from the state down. Just as institutions are unjust if they are derived from anything other than the consent of those governed by them, so cultural, religious, and social groups act unjustly if they attempt to force any or all of their members into acting in ways that they do not support, or compel them to engage in customs or practices to which they do not consent. This is embodied in the fundamental liberal requirement that all groups provide persons with the ability to 'exit' the group if they so desire. Liberal institutions are necessarily committed to encouraging autonomy because it is only through exercising autonomy that persons determine which forms of authority are legitimate and which are not. In order to deliberate upon such questions, in order to engage in the kind of reasoning required by liberals (and by pluralists, difference theorists, deliberative democrats, and republicans), we must be capable of examining our own beliefs in the context of the beliefs of others, and explaining these beliefs to others with whom we may share little more than a common society.

PART THREE

Chapter Six

Who 'Needs' Culture? Identity, Autonomy, and the Rejection of Essentialism

In immigrant societies (and also now in nation-states under immigrant pressure), people have begun to experience what we might think of as a life without clear boundaries and without secure or singular identities. Difference is, as it were, dispersed, so that it is encountered everywhere, everyday. Individuals escape from their parochial entanglements and mix freely with members of the majority, but they don't necessarily assimilate to a common identity. The hold of groups on their members is looser than it has ever been, but it is by no means broken entirely. The result is a constant commingling of ambiguously defined individuals, intermarriage among them, and hence a highly intensive multiculturalism that is instantiated not only in the society as a whole but also in a growing number of families, even in a growing number of individuals. Now tolerance begins at home, where we often have to make ethnic, religious, and cultural peace with our spouses, in-laws, and children – and with our own hyphenated or divided selves.

Michael Walzer, *On Toleration*, p. 87.

In the modern age, we have come to understand our own selves as composites, often contradictory, even internally incompatible. We have understood that each of us is many different people. Our younger selves differ from our older selves; we can be bold in the company of our lovers and timorous before our employers, principled when we instruct our children and corrupt when offered some secret temptation; we are serious and frivolous, loud and quiet, aggressive and easily abashed . . . And yet usually we have a relatively clear idea of who we are. I agree with my many selves to call them all 'me'.

Salman Rushdie, *The Observer*, 10th August 1997, p. 15.

In part one, we argued that individual autonomy must be encouraged and defended in both the political and the non-political realms, or not at all. In part two, we argued that autonomy represents an account of freedom which incorporates both 'negative' and 'positive' aspects, and that this is precisely the reason why certain liberals believe it to be too controversial, too demanding, to sustain liberal principles. We argued, however, that these very same liberals are compelled to argue for precisely such an account of freedom if they are to reach the conclusions that they do, and that liberalism is necessarily committed to this more substantive account of freedom. We argued, therefore, that it is a responsibility of liberal institutions to foster conditions in which all persons might

interpret and revise their existing ends, and engage meaningfully in public reasoning about justice.

But what 'conditions' support individual autonomy? We have suggested a number of such conditions already. We have agreed that persons must possess the capacity – the knowledge, the frame of mind – to interpret their own particular ends and commitments meaningfully in the context of their lives as a whole. These knowledge conditions include a grasp of their own history (in all its ambiguity and complexity) and the histories of others. And it includes an awareness of ways of life and beliefs and ideals different to one's own, such that individuals can respond intelligibly and sensibly to those others he or she meets and lives among. They must possess the ability to adopt a reflective standpoint with regard to their own lives, from which they might examine their own ends and attachments, interpret their worth, and justify them to others on grounds that they might find intelligible and acceptable. And they must possess some level of financial and economic security which protects them from having to live a life – and submit to relations of power and domination – through economic necessity.

These conditions, as set out here, are deliberately vague. It is not my intention to define autonomy in a way that could respond to the deep philosophical and metaphysical analysis of a Feinberg, or a Benn, or a Dworkin.¹ Rather it is to suggest that liberalism is necessarily committed to more than merely a 'negative' account of freedom, and that it is required to encourage and foster those background conditions – both within the individual, and in the

¹ See, for example, Joel Feinberg, *Rights, Justice, and the Bounds of Liberty: Essays in Social Philosophy* (Princeton, NJ: Princeton University Press, 1980), and Joel Feinberg, 'Autonomy', in J. Christman (ed.) *The Inner Citadel: Essays on Individual Autonomy* (New York: Oxford University Press, 1989); S. I. Benn, *A Theory of Freedom* (Cambridge: Cambridge University Press, 1988); Gerald Dworkin, *The Theory and Practice of Autonomy* (Cambridge: Cambridge University Press, 1988), and G. Dworkin (ed.) *Determinism, Free Will, and Moral Responsibility* (Englewood Cliffs, NJ: Prentice Hall, 1970). For another interesting, but ultimately unsatisfactory, account of autonomy, see Robert Young, *Personal Autonomy: Beyond Negative and Positive Liberty* (New York: St.

society in which he or she exists – which render liberal rights and liberties *accessible* to them.

In this and the final chapter, I discuss (and ultimately reject) another claim about autonomy. This claim, increasingly common among liberals and non-liberals, is central to our wider discussion of culture and the toleration of different ways of life. The claim is the one we encountered at the end of part two, namely, that in order to be capable of interpreting and judging the worth of our particular ends and attachments, we must be members of flourishing, individuated *cultures*, and that therefore, it is a responsibility of liberal institutions to protect or defend cultural groups in the interests of defending individual autonomy.

I argue that while culturalist liberals like Kymlicka and Raz are right in arguing that personal autonomy need not be understood as inimical to one's embeddedness in social and political roles, they are wrong to think that a necessary pre-condition for autonomy is membership in a distinct and individuated cultural group. Or at least, I try to show that culturalist liberalism requires a much more substantive and detailed account of what 'culture' is and what it is not if it is to represent a new and instructive insight into liberal political theory, and that as it currently stands, 'culture' is too vague and ambiguous a term to be helpful in our deliberations about justice, politics, and the responsibilities of the state.

I begin in this chapter by examining the context in which the culturalist argument for autonomy has arisen. I do so by discussing the rise of culturalist liberalism as a response to difference theory and communitarianism and will explore the conflicts between them. I argue that while there is a greater and more substantive convergence in the liberal and

communitarian accounts of agency and the self than is often acknowledged, they are in the end divided (or should be divided) in their conception of exactly where agents acquire their understanding of the world from and the way in which they are 'constituted' by their ends. Therefore, I explore the arguments of those who have been conceived to be the most influential contributors on both sides of the liberal/communitarian debate in order that we might tease out their many similarities, especially in the way in which these theorists understand *agency* (section 28). Having shown that liberals and communitarians are united in the way in which they conceive the formal structure of agency, I argue in section 29 that, in the end, they diverge in the way in which they conceive the agent's relationship to its ends and commitments, and that this has significant implications for our normative theorising about justice and the recognition of ethnocultural groups. In section 30, I flesh out this conception of 'embeddedness' by subjecting it to a number of criticisms before discussing the normative political implications of our argument thus far. Having done so, we will be in a position to discuss the role and status of culture in our normative theorising about politics in more detail.

28. Voluntarism, Cognitivism, and Liberal Agency.

28.1 *Confronting the Voluntarist/Cognitivist Dichotomy.*

In the first chapter, we saw how Rawls and certain other political liberals seek to confine controversial moral and religious beliefs to the private sphere in an attempt to accommodate diversity within a 'free-standing' conception of justice. And we saw also that this attempt fails to capture what is at stake in debates concerning the claims for recognition made by minority cultural and religious groups in liberal democratic states, and necessarily invokes an untenable conception of moral agency and of the agent (either as capable of understanding itself, and acting, in completely different ways in the public and

the private realms, or as capable of revising its ideas about value without understanding itself as autonomous).² Such statements are often taken by anti-liberals (most obviously communitarians and difference-theorists like Young) as proof that we are in some way 'constituted' by our various ends and commitments and that, therefore, the aim of establishing a liberal conception of justice is necessarily doomed to failure. All too often, that is, theorists who want to undermine liberalism do so by falling back on old arguments about the 'constitutive' nature of community-ties and about the supposed fact that individuals are too embedded in social practices and networks to abstract themselves from these networks for *any* reason (including the resolution of political or ethical conflicts and including also the derivation of principles of justice).³

The mistake these theorists make, however, is that they conceive the process of reflection and reasoning embodied in liberalism to *require* this radical abstraction. They assume that liberalism presupposes that any assessment of ends and values can only take place once we have *separated* ourselves from all of our various attachments and ideals and relationships in order that we might look at them from a standpoint of disengaged and unfettered reason. Reflective deliberation in the liberal sense, they believe, necessarily requires one to abstract oneself "from all the particularities of the circumstances on which moral reason reflects,"⁴ and to 'bracket' or 'transcend' one's "particular social location [in order to adopt] a view from nowhere."⁵ However, they argue, we cannot understand autonomous deliberation or the ideas that one has about the world without understanding those attachments that the

² See chapters 1 & 2.

³ See Michael J. Sandel, *Liberalism and the Limits of Justice* (Cambridge: Cambridge University Press, 1982) and 'The Procedural Republic and the Unencumbered Self', *Political Theory* 12 (1984); Charles Taylor, *Philosophical Arguments* (Cambridge, MA: Harvard University Press, 1997), especially 'Cross Purposes: The Liberal-Communitarian Debate', 'Irreducibly Social Goods', and 'The Politics of Recognition'; Alasdair MacIntyre, *After Virtue: A Study In Moral Theory* (London: Duckworth, 1996); and Daniel Bell, *Communitarianism and It's Critics* (Oxford: Clarendon Press, 1993).

⁴ Iris Marion Young, *Justice and the Politics of Difference* (Princeton: Princeton University Press, 1990), p. 100.

self *shares* with the world. These attachments provide the raw materials for reflection and deliberation, they argue, and so consequently, any normative theory which demands reflection unfettered by empirical circumstance (like liberalism), or any theory which requires desires and preferences to be agglomerated and weighed by a purely impartial standard or ‘Archimedean Point’ (like utilitarianism), must be false.

What emerges in the literature as a consequence of this understanding of deliberation, then (this idea that ‘reasoning on one’s ends’ requires us to occupy some abstract plateau of reflection), is a dichotomy between two radically opposing accounts of *agency*. According to this dichotomy we can either choose to understand agency as ‘voluntarist’, whereby persons are understood to stand prior to, and independent of, their various *chosen* ends and commitments, or we can understand it to be a ‘cognitive’ process in which persons *discover* which ends they are to pursue, which ways of life they are to lead, and how they should act, by fulfilling those roles and duties that are conferred upon them by the cultural and historical narratives in which they find themselves implicated (and which wholly constitute the self).⁶ Consequently, we are told, the voluntarist (i.e. liberal) account of agency advocates an extension of liberal justice into the *private* realm of faith and culture, and that we are justified in invoking an ‘impartial’ mechanism (such as Rawls’ original position, or Scanlon’s ‘agreement situation’) as a means of resolving disputes in our private, non-political lives, while, conversely, the cognitive (i.e. communitarian) account advocates the extension of *private* or affective morality into the *political* realm in order that we might arrive at a conception of politics which expresses (and encourages) the *embeddedness* of persons in their wider community and which does not seek to divorce people from their ends and commitments in a way that they can never be. That is, we are encouraged to choose between a political sphere held together by substantive, regulative principles of

⁵ Iris Marion Young, *Inclusion and Democracy* (Oxford, Clarendon Press, 2000), p. 113.

justice which are grounded in universal standards of *reason* (and which stand prior to, and abstracted from, the particular ends and ideals of those to whom they are to apply), and a political sphere bounded and regulated by the obligations and duties which arise out of shared sentiments of *belonging* to a specific (political) community. By pointing out the mistake in understanding the political and the non-political realms as separable, at least in the political liberal sense, then we are assumed to be buying into one of these normative strategies, and the account of agency that it presupposes.

This assumption is mistaken, however, because the radical dichotomy established and perpetuated by the continuing debate between liberals and communitarians (and, more recently, between liberals, identity theorists and difference-theorists) regarding agency is false. As we saw in parts one and two, the point is not that we must choose between a form of politics rooted in common standards of reason or a political sphere held together by a sense of belonging. Rather, it is to establish a moral community to which persons feel a sense of belonging by virtue of the fact that they have contributed to its shape and structure – and consented to its major institutions – through common deliberation. What liberalism seeks – in ideal terms – is a community which is shaped and determined by the open and inclusive deliberations of those who belong to it. This, we saw, is an aim that liberals share with many non-liberals, and is also why, in the past at least, liberals have advocated universal citizenship rights and, as we will see, is why they should continue to do so.

The voluntarism/cognitivism dichotomy, then, is perpetuated by fundamentally mistaken claims about the nature of the self and its relations to its ends. A purely ‘voluntarist’ account of agency presupposes an understanding of the self which is always and necessarily

⁶ Michael Sandel, *Liberalism and the Limits of Justice*, p. 57-59.

separate from the world in which it exists. It presents the self as a *subject of possession* “whose ends are chosen rather than given, who comes by his aims and purposes by acts of will as opposed to . . . acts of cognition” such that “the subject, however heavily conditioned by his surroundings, is always, irreducibly, prior to his values and ends.”⁷ Meanwhile, the cognitive account presupposes a similarly radical conception of the self as inescapably determined and bounded by the ends and values that it inherits from the cultural and historical community in which it finds itself (that is, as wholly implicated in, and defined by, the world it inhabits). In order to buy into either account then, we would have to buy into the conception of the self that it implies and we cannot do this because both are fictions, incapable of truly capturing the way in which we act and understand ourselves in the modern world.

The reason for this - as we have already suggested, and as we will see more clearly in this and the next chapter - is that deliberation on ends (and on the content of justice) does not occur in a vacuum or in a space occupied entirely by something called 'reason' and nothing else. Rather it takes place against (and within) the complex network of commitments and attachments which together constitute our individual view of the world.⁸ That is, our deliberations about *what we want* (from others, from institutions, from justice itself) begin in our understanding of *who we are*. As Nagel puts it, we inescapably understand our ends, interests, and memberships (and the world in which they exist) from the standpoint of our own subjective location in this world (and amongst these commitments); we view the world “from here.”⁹ Our ideas about what we want from life, and what we value, and what we expect from principles of justice, will inevitably be shaped by the wider understanding we have of the world and of our place within it, and this view of the world will therefore

⁷ Ibid. p. 22.

⁸ See Bernard Williams, ‘Persons, Character, and Morality’, in A. O. Rorty (ed.) *The Identities of Persons* (London: University of California Press, 1976), pp. 197-216.

provide the raw materials which not only shape the *outcome* of the choices we make, but which provide the very basis upon which these deliberations and choices are made possible and intelligible.¹⁰

When reflecting on the validity or significance of a particular belief or ideal or end, that is, (just as when we reflect on the validity or coherence of a particular set of institutions or principles) we do not entirely disengage ourselves from the world in which we exist (as liberals are commonly thought to believe), but neither do we find our deliberations *wholly* defined and determined by it. We are capable of reflecting upon our ends and resolving questions of justice by “figuring out which considerations are relevant to a given decision” in the light of, rather than in abstraction from, those values and commitments which make us the people we are and which make these deliberations intelligible.¹¹ As Feinberg put it, if authentic, autonomous deliberation (as demanded by liberalism) required “that all principles (beliefs, preferences, etc.) be [together] examined afresh in the light of reason on each occasion then nothing resembling rational reflection [could] ever get started . . . a person must already possess at least a rudimentary character before he can hope to choose a *new* one.”¹² Indeed, as Iris Marion Young concurs, while moral reason certainly requires “an ability to take *some* distance from one's immediate impulses, intuitions, desires, and interests in order to consider their relation to the demands of others . . . this does not require that one adopt a point of view emptied of particularity.”¹³ This is true, but it is as true for liberals and communitarians as it is for difference-theorists, as we see if we examine their arguments more closely.

⁹ Thomas Nagel, *Equality and Partiality* (New York: Oxford University Press, 1991), p. 10.

¹⁰ Bernard Williams, *Problems of the Self* (London: Cambridge University Press, 1973); Stuart Hampshire, *Innocence and Experience* (London: Penguin, 1992); Thomas Nagel, *The View From Nowhere* (New York: Oxford University Press, 1986).

¹¹ Thomas Scanlon, *What We Owe To Each Other* (London: Harvard University Press, 1999), p. 52-53.

¹² Joel Feinberg, ‘Autonomy’, *The Inner Citadel*, p. 31.

¹³ Iris Marion Young, *Justice and the Politics of Difference*, p. 105. Emphasis added.

28.2 *Liberal Agency and Communitarian Selves: Dissolving the Dichotomy.*

Much has been made in the literature of Sandel's claim that subjects are defined by various attachments and commitments which are 'given in advance'. Indeed, Sandel's claim that "community describes not just what [subjects] have as fellow citizens but also what they *are*, not a relationship they *choose* . . . but an attachment they discover,"¹⁴ has led many critics to denounce his conclusions as necessarily grounded in determinism and a denial of freedom.¹⁵ However, Sandel does *not* want to argue that the subject is so deeply implicated in its communal environment (and that the individual is so intrinsically defined by the attachments it discovers about itself) that it is incapable of escaping or transcending these attachments. Indeed, as we have already seen, Sandel's account of political dialogue – and his commitment to republican debate and deliberation among 'encumbered selves' – necessarily presupposes that persons will be capable of reflecting upon and interpreting their own commitments and projects and encumbrances. As he himself states, the identity of the subject is defined "to some extent by the community of which it is a part;"¹⁶ that is, he argues, "as a *self interpreting* being I am able to reflect on my history and in this sense to *distance* myself from it."¹⁷

As subjects, then, it would seem that we are capable of *partially* detaching ourselves from our ends but we are not "bearers of selves *wholly* detached from our aims and attachments . . . [because] *certain* of our roles are *partly* constitutive of the persons we are."¹⁸ Despite the

¹⁴ Michael Sandel, *Liberalism and the Limits of Justice*, p. 150.

¹⁵ Will Kymlicka, *Liberalism, Community, and Culture*, chapter 3.

¹⁶ Michael Sandel, *Liberalism and the Limits of Justice*, p. 150.

¹⁷ *Ibid.* p. 179. Emphasis added.

¹⁸ Michael J. Sandel, 'Morality and the Liberal Ideal', *The New Republic* (1984), p. 245. See also Sandel's 'The State and the Soul', *The New Republic* (1985), 'Democrats and Community', *The New Republic* (February, 1988), 'The Politics of Community: Robert F. Kennedy vs. Ronald Reagan', *The Responsive Community* 6/2 (1996), p. 14-27. There is also a symposium on Sandel's 'Democrats and Community' in *The New Republic* (May, 1988) containing a number of instructive responses to his communitarian-republican thesis. See also, A.L. Allen & M.C. Regan, Jr. (eds.)

all too common view to the contrary then, Sandel does not believe that we are *wholly* and *inescapably* defined and trapped by our aims and purposes, rather he states that “we are [only] *partly* defined by the communities we inhabit.”¹⁹ The socially-constituted self can “turn its lights inward upon itself, making the self its own object of inquiry and reflection,” and, in doing so (in establishing ‘a certain space between it and me’) it is able to discover the various ends and attachments conferred upon it by its community and subsequently to interpret the *meaning* and significance of these attachments.²⁰ As a consequence, Sandel says, I come to understand that “the contours of my identity will in some ways be open and subject to revision, they are not wholly without shape. And the fact that they are not enables me to discriminate among my more immediate wants and desires.”²¹ In understanding itself as ‘partly’ constituted by ‘certain’ roles then, the subject is “empowered to participate in the constitution of its own identity,” and in the derivation of those principles and institutions which govern it and which impose constraints upon its actions.²²

This is true too, of Alasdair MacIntyre, Charles Taylor, and Michael Walzer. For MacIntyre, of course, human agency is intrinsically limited, shaped and bounded by the prevailing beliefs and understandings inherent in the communities to which persons belong. Like Sandel, he argues that it is our occupation of culturally and historically endorsed roles which animates and informs our actions in the world and that our lives (and our actions) are only intelligible in relation to these roles. “[W]e all approach our own circumstances as bearers of a particular social identity,” he says, “I inherit from the past of my family, my city, my tribe, my nation, a variety of debts and obligations. These

Debating Democracy's Discontent: Essays on American Politics, Law, and Public Philosophy (New York: Oxford University Press, 1998).

¹⁹ Michael Sandel, ‘Morality and the Liberal Ideal’, p. 245.

²⁰ Michael Sandel, *Liberalism and the Limits of Justice*, p. 58.

²¹ *Ibid.*, p. 34.

constitute the given of my life, my moral starting point. This is *in part* what gives my life its own moral particularity.”²³ Consequently, to understand who I am, and what I want from life, and thus what I demand or require from political institutions, I must first grasp the ways in which my membership of different communities (and my occupation of various different roles within these communities) converge to make me the person I am (and thus how they shape and circumscribe my understanding of my own identity).

But, again, we must remember, MacIntyre does not consider us to be hopelessly *trapped* by these constitutive roles and attachments; he does not want to suggest that the course of our lives is entirely written for us by the communities to which we belong, or that our ends and preferences are not subject to revision. His point is rather that *we are* capable of choice and decision, but that these choices and decisions will necessarily and inevitably be taken against a background of inherited values and beliefs and understandings which will shape and constrain our deliberations about value and will to some extent circumscribe the understanding we have of the world. The “fact that the self has to find its moral identity in and through its membership in communities . . . does not entail that the self has to accept the moral *limitations* of the particularity of those forms of community,” he argues, it simply means that, when deliberating upon a course of action, my deliberations must be carried out against a framework of internalised values. “Without those moral particularities to begin from there would never be anywhere to begin; but it is in *moving forward* from such particularity that the search for the good, or the universal, consists.”²⁴ That is, in *After Virtue*, just as in *Whose Justice? Which Rationality?* and in his more recent work (which we will discuss more fully later), MacIntyre clearly argues that not even our most radical or fundamental choices and decisions are made in abstraction, but are instead made by an

²² Ibid. p. 179.

²³ Alasdair MacIntyre, *After Virtue: A Study in Moral Theory*, p. 220. Emphasis added.

²⁴ Ibid. p. 221. Emphasis added.

individual agent who inevitably finds its current decisions and ideas mediated by the various commitments which compose its identity. The capacity to contribute to the way in which my life unfolds by making genuine decisions about it is not *replaced* or *eclipsed* by the process of 'discovering' the ends and ideals which shape us, but rather is made *possible* by these discovered ends and commitments, and by discovering the way in which these commitments and ends fit with the prevailing values which are embodied in the political community. After all, even "rebellion against my identity is always one possible mode of expressing it."²⁵

Similarly, Taylor argues that even our most fundamental moral intuitions are inevitably shaped by the often subtle, often implicit 'frameworks' of value and meaning in which we find ourselves implicated. "My identity," he says, "is defined by the commitments and identifications which provide the frame or horizon within which I can try to determine from case to case what is good or valuable, or what ought to be done, or what I endorse or oppose. In other words, it is the horizon in which I am capable of taking a stand."²⁶ Consequently, it is precisely the fact that I am embedded within a particular framework of values and commitments and beliefs that I am truly able to *act* in the world at all. Indeed, without these constitutive frameworks, my actions are rendered unintelligible; when persons understand themselves as rooted within a framework of values, "they can determine where they stand on questions of what is good, or worthwhile, or admirable, or of value . . . were they to lose this commitment or identification . . . they wouldn't know anymore, for an important range of questions, what the significance of things was for them."²⁷ They would not, that is, be capable of evaluating 'strongly' or even 'weakly' on

²⁵ Ibid.

²⁶ Charles Taylor, *Sources of the Self* (Cambridge: Cambridge University Press, 1992), p. 27.

²⁷ Ibid.

their various aims and ideals because these aims and ideals would be unknown to them.²⁸ As Walzer concurs, without those traditions and communities which afford our lives meaning “we would never acquire the minimal endowment (of identity, character, world-view) that makes coherent choice possible.”²⁹ Indeed, Walzer argues, “[a]gainst religious orthodoxy and social conformity, the demand for free choice, the defense of experiment and innovation, is legitimate, important, [and] stirring. But even the freest of men and women will experience and innovate under moral constraints which derive from their social and political world that is their inheritance as well as their burden . . . They inherit projects and arguments which they then join, elaborate, revise, and reject.”³⁰

Most importantly for these writers, then, is the idea that our capacity for agency is thwarted or encouraged by the attitudes and ideas of those with whom we share constitutive bonds via the political sphere, and that therefore, the *political* environment in which we find ourselves should not seek to undermine these bonds, or to dislocate us from them. The choices we feel able to make, the values we espouse, the ends we pursue, will be constrained and shaped by the prevailing attitudes and values of those who constitute the wider political community in which we are implicated. Taylor articulates this in deliberately Hegelian (or even Rouseauan) tones when he tells us that “one is only a self among other selves. A self can never be described without reference to those who surround it.”³¹ Indeed, I can only make sense of even the most basic and fundamental emotions and concepts “like anger, love, anxiety, the aspiration to wholeness, etc. . . . through my and others experience of these objects for *us*, in some common space.”³² Only through engaging with others in this ‘common space’ will I be in a position to answer fundamental questions

²⁸ Charles Taylor, ‘Responsibility for Self’, in A. O Rorty (ed.) *The Identities of Persons*.

²⁹ Michael Walzer, ‘Pluralism and Social Democracy’, *Dissent*, Winter, 1998, p. 51.

³⁰ *Ibid.* p. 48.

³¹ Charles Taylor, *Sources of the Self*, p. 35.

³² *Ibid.*

about who I am and what I want from life, and only in seeking these answers through interaction and dialogue with others will I be able to move forward on the basis of my self-understandings. "A human being can always be original," after all, and "can step beyond the limits of thought and vision of contemporaries." Indeed, he "can be even be quite misunderstood by them. But the drive to original vision will be hampered, will ultimately be lost in inner confusion, unless it can be placed in some way in relation to the language and vision of others."³³

Neither Taylor, Walzer, MacIntyre, nor Sandel value belonging in and of itself, then. Rather they value the idea that one should belong to a community that allows one to interpret one's own ends and commitments freely and openly through political participation and contestation. Consequently, as we saw in chapter five, there is little to separate liberals, communitarians, and difference-theorists on the normative implications of their ideas about the self given that political dialogue and contestation pre-supposes some account of autonomy.

The idea that the self is rendered able to deliberate meaningfully on its ends as a consequence of its embeddedness recurs in the work of those more recent communitarians (or 'liberal-communitarians') who have sought to dissolve this dichotomy between voluntarism and cognitivism. We can see it, for instance, in Amitai Etzioni's claim that communal membership describes "a person who is an integral part of a community yet not consumed by it or submerged within it."³⁴ We can see it in Philip Selznick's assertion that "persons are at once socially constituted and self-determining. To be socially constituted,"

³³ Ibid.

³⁴ Amitai Etzioni, 'Old Chestnuts, New Spurs', *New Communitarian Thinking* (Virginia: The University Press of Virginia, 1996), p. 16-34. p. 18. See also A. Etzioni, *A Responsive Society: Collected Essays on Guiding Deliberate Social Change* (San Francisco: Jossey-Bass, 1991); *Rights and the Common Good: The Communitarian Perspective* (New York: St. Martin's Press, 1995); *The*

he says, “is not, in itself, to be imprisoned or oppressed; it does not require that people be puppets or act out prescribed roles in excruciating detail . . . the theory of the social self makes plain that a morally competent self must be *a product of affirmative social participation* and of responsible emotion, belief, and conduct.”³⁵ And we can see it in Elshtain’s eloquent assertion that “the communitarian individual is very much an individual. She is an individual who does not stand as an isolate but as a being emerging out of a dense social ground, with its rough edges and ill-defined boundaries, its ties that bind, [and] its hold that paradoxically releases us into a wider world” by providing us with the background resources which make our choices, and our capacity for freedom, intelligible.³⁶

And we find this claim too in the work of *liberals*. For communitarians and difference-theorists like Young, as we have already said, the central flaw running through liberalism is that it is grounded in a commitment to autonomy (and hence, of political dialogue) which appeals to a notion of disengaged reason and presupposes a conception of the self which is robbed of the very traits and conditions which allow it to question and interpret the aims and attachments it discovers about itself. That is, that liberalism presupposes and invokes “a specific account of the subject as knower as a self-present origin standing outside of, and opposed to objects of knowledge – autonomous, neutral, abstract, and purified of particularity.”³⁷ Indeed, as we have already seen, it is precisely this view that is supported by *liberals* who reject autonomy for being ‘too controversial’ or ‘sectarian’ to sustain liberal principles. But, as we have already intimated, the liberal commitment to personal autonomy does not presuppose a prior commitment to disengaged reason, and neither does

Spirit of the Community: Rights, Responsibilities, and the Communitarian Agenda (New York: Crown Publishers, 1993); and *The Third Way to a Good Society* (London: DEMOS, 2000).

³⁵ Philip Selznick, ‘Personhood and Moral Obligation’, *New Communitarian Thinking*, p. 110-125. p. 125. Emphasis added.

³⁶ Jean Bethke Elshtain, ‘The Communitarian Individual’, *New Communitarian Thinking*, p. 99-109. p. 108.

³⁷ Iris Marion Young, *Justice and the Politics of Difference*, p. 125.

it presuppose the capacity of individuals to decide how they should act, or what they want, and so on, from a purely *objective* standpoint.

When deliberating upon our ends, or when deciding how we should act in response to the circumstances which face us, we do so in response to the circumstances that exist *within* us; we choose and decide and deliberate in accordance with those values and obligations which claim us at any one time. Ideals and 'conceptions of the good' and principles of justice are not plucked from the air; they cannot be deduced in abstraction from the people we are or the values we already have, or - in terms of just principles - the ends and concerns that they must address. Our choices and deliberations will be constrained and facilitated by the range of options that we conceive to be available to us. Our ideas about value will be formed in the light of our already internalised conceptions of the world and our place within it. In order to find out for ourselves what is valuable and what is not, what we want from life and what we do not, we must first understand *who we are* by understanding the way in which our various commitments interact and conjoin to form our identity, how these commitments and ideals have changed throughout our lives, and how they differ from the commitments and ideals of those around us. The two questions ('what do I want?' and 'who am I?') are separate but mutually-dependent, and being capable of asking both presupposes an account of agency which incorporates voluntarism *and* cognitivism. Pure cognitivists believe we are only capable of asking the latter (and that we have no capacity to *question* or *assess* our particular roles or values); pure voluntarists (existentialists, maybe) only the former. But neither is a meaningful question in abstraction from the other, and asking one without the other leaves agency hopelessly impoverished.

28.3 *Whose Liberalism? Which Liberals?*

It is precisely this idea of embeddedness (as a necessary prerequisite of deliberation and ethical judgement), of course, which anti-liberals claim as their own in response to what they see as the unrealistic abstractionism at the heart of contemporary liberalism. Group memberships shape our conception of the world and thus our preferences, needs, ideals, and so on, and liberalism (they say) ignores this.³⁸

But if what we have said thus far (in this and earlier chapters) is correct, then liberalism must necessarily appeal to the importance of group memberships and attachments (and must necessarily incorporate these attachments into the process of political justification and dialogue), given that these attachments circumscribe, animate, and inform the agent's understanding of the world (and thus make autonomous deliberation possible). Indeed, it is difficult to find a liberal who does not claim the importance of group memberships to autonomy. For example, if the importance of embeddedness in groups is ignored by liberals, it is certainly not ignored by Rawls, who claims that, when deciding how to live our lives, we examine "definite ideals and forms of life that have been developed and tested by innumerable individuals, sometimes for generations."³⁹ Indeed, as we have already seen, Rawls conceives citizens to have "attachments and loves that they believe they would not, or could not, stand apart from" and that it is these attachments which make autonomous agency possible.⁴⁰ Neither, it would seem, is it ignored by Raz who explicitly argues that "[o]nly through being socialized in a culture can one tap the options which give life a

³⁸ See, for example, Iris Marion Young, *Justice and the Politics of Difference* in addition to 'The Ideal of Community and the Politics and the Politics of Difference', *Social Theory and Practice* 12/1 (1986), 'Impartiality and the Civic Republic: Some Implications of Feminist Critiques of Moral and Political Theory', in S. Benhabib & D. Cornell (eds.) *Feminism as Critique* (Oxford: Polity Press, 1987), 'Polity and Group Difference: A Critique of the Ideal of Universal Citizenship', *Ethics* 99/2 (1989), pp. 250-274, and 'Democracy as a Resource for Democratic Communication', in J. Bohman & W. Rehg (eds.) *Deliberative Democracy: Essays on Reason and Politics* (London: MIT Press, 1997).

³⁹ John Rawls, *A Theory of Justice*, p. 563-564.

⁴⁰ John Rawls, 'Kantian Constructivism in Moral Theory', *Journal of Philosophy* 77. p. 515-572. See

meaning. By and large," he says, "one's cultural membership determines the horizon of one's opportunities, of what one may become, or (if one is older) what one might have been . . . In this way, one's culture constitutes . . . one's identity;"⁴¹ or by Kymlicka, who states that "for meaningful individual choice to be possible, individuals need not only access to information, the capacity to reflectively evaluate it, and freedom of expression and association. They need access to a societal culture;"⁴² or Nagel, who claims that "each of us begins with a set of concerns, desires, and interests of his own" which often includes "strong personal allegiance to particular communities or interest or conviction or emotional identification;"⁴³ or Dworkin, who claims that "[c]itizens are by and large born into their political communities and most have no real prospect of leaving the one they are born into."⁴⁴ It is certainly not ignored by those so-called 'liberal-nationalists' who seek to ground liberal principles in shared national aspirations and notions of belonging (like Mazzini and, more recently, Miller, Margalit, Tamir, and Brinkley);⁴⁵ and neither,

also Rawls' *Political Liberalism*, and John Rawls: *Collected Papers*.

⁴¹ Joseph Raz, 'Multiculturalism: A Liberal Perspective', *Ethics in the Public Domain* (Oxford: Oxford University Press, 1996), p. 170-191. p. 178. See also *The Morality of Freedom* (Oxford: Clarendon Press, 1988); 'Liberating Duties', *Law and Philosophy* 8 (1989), p. 3-21; 'Facing Diversity: The Case of Epistemic Abstinence', *Philosophy and Public Affairs* 19/1 (1990); 'Liberalism, Scepticism, and Democracy', *Iowa Law Review* 74 (1989); 'National Self-Determination', *Journal of Philosophy* 87/9 (September, 1990); 'Reform or Destroy?', *Boston Review* 22/5 (Oct/Nov, 1997), p. 38. See also *Engaging Reason* (Oxford University Press, 2000).

⁴² Will Kymlicka, *Multicultural Citizenship*, p. 84. See also *Liberalism, Community, and Culture* (Oxford: Clarendon Press, 1989); *Finding Our Way: Re-Thinking Ethnocultural Relations in Canada* (Toronto: Oxford University Press, 1998); *The New Debate Over Minority Rights* (Toronto: University of Toronto, 1997); 'Introduction' in *Citizenship in Diverse Societies*, W. Kymlicka & W. Norman, eds., (New York: Oxford University Press, 2000); 'Liberal Complacencies', *Boston Review* 22/5 (Oct/Nov, 1997), p. 29; 'Introduction' in *Ethnicity and Group Rights*, I. Shapiro & W. Kymlicka, eds., (New York: New York University Press, 1997); 'Introduction: An Emerging Consensus?', *Ethical Theory and Moral Practice* 1 (1998); 'Introduction' in *The Rights of Minority Cultures*, (ed.) W. Kymlicka (Oxford: Oxford University Press, 1995); 'The Rights of Minority Cultures', *Political Theory* 20 (1992); 'From Enlightenment Cosmopolitanism to Liberal Nationalism', unpublished paper, presented at Gregynog, University of Wales, 1998; 'The Evolution of the Anglo-American Debate on Minority Rights and Multiculturalism', unpublished paper, 2000;

⁴³ Thomas Nagel, *Equality and Partiality*, p. 10-14. See also *The View From Nowhere*.

⁴⁴ Ronald Dworkin, 'Liberal Community', in S. Avineri & A. de-Shalit (eds.) *Communitarianism and Individualism* (New York: Oxford University Press, 1992), pp. 205-223, p. 214. See also *Law's Empire* (London: Fontana Press, 1986).

⁴⁵ David Miller, *On Nationality* (Oxford: Oxford University Press, 1995); J. Raz and A. Margalit, 'National Self-Determination', re-printed in J. Raz, *Ethics in the Public Domain*; Yael Tamir, *Liberal Nationalism* (Princeton University Press, 1993); Alan Brinkley, *Liberalism and its Discontents* (Cambridge, MA: Harvard University Press, 1998).

interestingly, is it ignored by those liberal 'cosmopolitans' like Barry, Charvet, Pogge, Nussbaum, Beitz, Jones, and Waldron, who have so often been (mistakenly) accused of seeking the universal destruction of particularist communities through their commitment to global 'individualism';⁴⁶ or by 'libertarian' or classical liberal individualists like Gauthier, Nozick, or Hayek, who believe that it is precisely the fact that individuals are constituted by their talents and abilities that makes them entitled to what is produced by them.⁴⁷

The crucial question for many, if not all, of these liberals is not whether persons find themselves 'constituted' by allegiances and attachments which affect and shape their deliberations about their own ends and the way in which they want their lives to unfold. Rather it is: who defines and determines the nature and limits of these attachments and groups? Should the ideals and ways of life conferred by these memberships and allegiances form the basis of a conception of *justice*? And, as we have already seen, does the principle of autonomy play any substantive role in the deliberative process? None of the liberals that we have thus far mentioned seek to deny that we find ourselves in communities which shape our interests and preferences, and neither do they argue that the kind of life we envisage for ourselves, or the ends we seek to pursue, will be formed in abstraction from those wider commitments and ideals which inevitably affect and circumscribe them. Some view our memberships and allegiances as more significant than others, of course; Kukathas

⁴⁶ Brian Barry, 'Do Countries Have Moral Obligations? The Case of World Poverty', *Tanner Lectures on Human Values* 8 (University of Utah Press, 1987), 'Spherical Justice and Global Injustice', in D. Miller & M. Walzer (eds.) *Pluralism, Justice, and Equality* (Oxford: Oxford University Press, 1995), and 'Statism and Nationalism: A Cosmopolitan Critique', *Is Social Justice Obsolete?* (forthcoming); John Charvet, *The Idea of an Ethical Community* (Ithaca: Cornell University Press, 1995); Thomas Pogge, *Realizing Rawls* (London: Cornell University Press, 1989); Charles Beitz, *Political Theory and International Relations* (Princeton University Press, 1979); Charles Jones, *Global Justice: Defending Cosmopolitanism* (Oxford: Oxford University Press, 1999); Jeremy Waldron, 'The Rights of Minority Cultures: A Cosmopolitan Alternative', in W. Kymlicka (ed.) *The Rights of Minority Cultures* (Oxford: Oxford University Press, 1995); and Martha Nussbaum, *Sex and Social Justice*.

⁴⁷ David Gauthier, *Morals By Agreement* (Oxford University Press, 1995); Robert Nozick, *Anarchy*,

and Nozick, conceive group memberships primarily as objects of choice, which persons can reject or accept as they so desire, while Dworkin, Kymlicka, Raz, and the liberal-nationalists conceive these memberships as expressing something more fundamental about identity and about the structural conditions necessary for meaningful choice itself, but none wish to reject entirely the notion that our specific memberships and commitments affect our preferences and projects.

There is a distinction to be made, then, between what liberal theory has to say about the nature and significance of one's group memberships, and what it has to say about what these memberships mean for deliberations about justice. For liberals, the fact that we possess certain memberships and attachments does not – and should not – foreclose the possibility of deliberating upon the importance or worth of these attachments, or the ability of each agent to participate in the derivation of those principles which regulate the conduct of individuals and institutions. For liberals (and, as we saw, difference theorists and communitarians), principles must be justifiable to all to whom they are to apply, which is to say that all persons must be capable of entering into debate and deliberation about the content of justice and their own ends. Group membership does not in itself foreclose deliberation and autonomy, then; rather, it *grounds* such deliberations and makes them possible. The problem comes when groups seek legal exemptions or collective 'rights' which would deny their members the information and resources necessary to make meaningful and genuine decisions about their inherited ends, or to participate in dialogues as complex, distinct individuals as opposed to merely bearers of some imputed and arbitrary identity. Liberals must necessarily reject any such claims, even if this means that particular ways of life or customary practices will be constrained or ruled-out. And, we saw, this is a strategy also necessarily supported by advocates of a politics of difference, of

State, and Utopia (Oxford: Blackwell, 1974); and Friedrich von Hayek, *The Constitution of Liberty*

recognition, of cultural recognition, pluralism, or cultural pluralism. This will be discussed in more detail below; for now, however, it is sufficient to emphasise the claim that neither liberals nor communitarians (or difference theorists) fit easily within the conventional voluntarist/cognitivist dichotomy because neither, in actual fact, conceives agency or the derivation of principles of justice to be a wholly cognitivist or a wholly voluntarist process. As J. Donald Moon has put it, “a complete account of the self would combine cognitive and voluntarist aspects. We can agree that the self is necessarily ‘encumbered’ in the sense that one does not merely will but also *discovers* one’s ends. However, the very process of self-discovery can free one from the ‘givenness’ of any particular ends. Self-understanding,” he says, “can provide a critical distance on one’s ends, so that they are not, or do not continue to be, one’s ends unless one acknowledges - that is, wills - them.”⁴⁸ Reflection, that is (in the words of Yael Tamir), “always begins from a defined social position, but contextuality need not preclude choice.”⁴⁹ In this, it would seem, liberals, difference-theorists, and communitarians are as one.

29. The Real Problem: Liberalism, Community, and Multiple Embeddedness.

29.1 *Rejecting Essentialism and the Selective Elevation of Value.*

Once we realise, then, that liberals do not conceive one’s deliberation on ends or principles to take place in a realm of isolated abstraction (but rather as beginning within one’s particular understanding of the world), and also that communitarians and difference theorists do not conceive persons to be hopelessly trapped by those values and attachments that they ‘discover’ about themselves (but rather view agents as capable of participating in the way in which their life unfolds in the light of their other particular attachments and

(Chicago: University of Chicago Press, 1944).

⁴⁸ J. Donald Moon, *Constructing Community*, p. 49.

⁴⁹ Yael Tamir, *Liberal Nationalism*, p. 33.

experiences) we can see that the dichotomy between voluntarism and cognitivism appears to vanish all but entirely. Liberals, communitarians, and difference-theorists conceive agency to be a process both of 'discovering' those ends and commitments which claim us at any one time, and of making genuine decisions about the way in which we want our lives to develop in response to what we find, just as they appear to subscribe to the idea that all persons should be able to participate meaningfully in the process of 'discovering' or 'determining' those values embodied in the political community as a whole.

If liberals and communitarians are divided on the matter of agency then (as, in the end, I believe they are), it is not over its *formal structure*. What divides the two factions is the way in which they conceive the individual's 'view of the world' to be derived, and where people *get* it from. This is especially important because the internal structure of this view of the world imposes limits upon what an individual can do and what she cannot by placing limits on what she can *know* (about herself, her capabilities, her talents, and the world in which she might exercise them) and what she cannot. And it is important too because, as we will see, it holds immediate implications for the way in which we should understand the role and responsibilities of political institutions.

For the communitarians, for example, our view of the world (the context in which we locate our conception of who we are and what we want) is ultimately derived from our membership of a *particular* community over and above all others, namely, our 'political' community. True, they admit that we will also be members of other, more specific communities and groups and associations (religious groups, for example, or ethnic or gender groups), but these more specific groups will "derive their moral worth from the extent of their contribution to the (politically defined) common good, or, at least, their

compatibility with it.”⁵⁰ I am, therefore, a citizen over and above anything else, and thus I approach any situation or conflict or decision *as a citizen*. My role as a citizen unifies my self and hence, it will provide the lens through which I examine not merely my political roles and ideals but everything else as well.

But it is by no means clear why *this* particular membership (i.e. one’s membership of a specific *political* community) is necessarily any more definitive of a person’s identity (and thus their interests and aspirations and ideals) than any other. Indeed, it is not at all clear why *one* particular value need be (or should be) conceived as more important than any other or, if it is, exactly who *decides* which role or membership occupies this important role.

Historically, the tendency to define certain groups and individuals by virtue of particular ‘essentialisable’ facts or traits about them is all too apparent. Aristotle’s claim that women and slaves were ‘naturally’ unsuited to political office is, perhaps, the most obvious example, but we can find it too in Platonism, Nietzscheanism, and some contemporary feminism.⁵¹ More recently, however, essentialism has been widely denounced for its exclusionary implications. Essentialising one’s ethnicity or gender or sexuality, for example, as the most important or defining aspect of one’s identity has been rightly criticised for misconstruing *social* constructs and labels as *natural* facts about persons and hence opening the way to quite substantial exclusions and inequalities. The kind of

⁵⁰ Neera K. Badhwar, ‘Moral Agency, Commitment, and Impartiality’, *Social Philosophy & Policy* 13/10, p. 7.

⁵¹ The idea that political theorising needs to be ‘gendered’ (and hence, rooted in an appeal to a particular, shared account of ‘women’s experience’) perhaps finds its most explicit expression in feminist ‘standpoint theory’. See Susan J. Hekman, *The Future of Differences: Truth and Method in Feminist Theory* (Cambridge: Polity Press, 1999). See also Hekman, ‘Truth and Method: Feminist Standpoint Theory Re-Visited’, *Signs* 22/2 (1997), p. 341-365. Martha Nussbaum invokes a similar kind of essentialism in her claim that all women possess certain basic ‘capabilities’ which are both transcultural and transhistorical. See Martha Nussbaum’s *Sex and Social Justice* (New York: Oxford University Press, 1998) and *Women and Human Development*:

argument that claims women are naturally unsuited to political office, for example, is cut from the same cloth as those which claim that blacks are naturally more lazy than whites, that Jews are naturally selfish, and that gays are naturally promiscuous. Such arguments have always been popular among racists, anti-Semites, and homophobes who find it easier to justify socially-constructed inequalities in terms of biology or natural fate.

Thus, essentialism in this biologically determinist sense has been widely (but not wholly) rejected in contemporary political philosophy in favour of an approach which avoids ascribing particular ends and interests to persons by virtue of their particular memberships or traits, and rightly so. But while the tendency to convert 'social identities' into 'natural' identities is rare, the strategy of selectively elevating certain social or political roles as more important – and more defining of one's interests and aspirations and self-understandings – than any other is still widespread. Outside communitarianism the strategy of selective elevation finds its most obvious normative and ontological expression among the more radical advocates of 'identity politics' (which in academic discourse is itself born as much from the communitarian critique of liberalism as it is from the 'new social movements' that have arisen in Britain and the US), and in those who have sought to invoke the importance of 'nationality' or 'culture' (or 'national culture') to identity and freedom. For many radical feminists, for example, persons (both women and men) are conceived to be ultimately defined by their membership of a particular gender group, in the sense that their more specific goals and projects, and their wider understanding of who they are and what opportunities are open to them, are ultimately determined by their gender. For feminists like Andrea Dworkin and Catherine Mackinnon, and many first-wave feminists, the social, political, and cultural significance afforded to gender by society is so pervasive and inescapable that it represents the implicit structure (the 'objective standard') against which

we come to understand our various, more personal goals and projects (*including* our membership of a particular 'political' community).⁵² Consequently, despite their religious or cultural or racial differences, women are conceived to be *united* by their shared experience of subordination and domination (universally defined) at the hands of a male elite, and by their inability to articulate their sense of domination within a conceptual and classificatory framework constructed and perpetuated by this elite. Hence, they say, any politics which genuinely seeks to emancipate women from domination must be openly and specifically 'gendered' in a way that liberalism aims not to be, and must seek to challenge those vocabularies and structures of discourse which deny women the ability to contribute to the way in which their lives, and the history of their own society, develop.⁵³

For other writers and political activists, meanwhile, it is a person's membership of a particular ethnic or cultural community which dominates their identity, which structures their more particular goals and ideals, and which (under conditions of discrimination and exclusion) denies them access to political discourse by excluding them from those *resources* or *goods* which make these discourses accessible to them. Will Kymlicka, for example, states that our cultural membership provides the necessary context in which we can make "judgements about how to lead our lives. In this sense," he goes on, "our culture not only provides options, but it also provides [what Dworkin called] the 'spectacles through which we identify experiences as valuable.'"⁵⁴ Similarly, Joseph Raz has argued that one's

⁵² Catherine A. MacKinnon, *Feminism Unmodified: Discourses on Life and Law* (Cambridge, MA: Harvard University Press, 1987); Andrea Dworkin, *Pornography: Men Possessing Women* (London: Women's Press, 1981). See also, Judith Squires, *Gender in Political Theory* (Cambridge: Polity Press, 1999).

⁵³ See, for example, Iris Marion Young, *Inclusion and Democracy* and *Intersecting Voices: Dilemmas of Gender, Political Philosophy, and Policy* (Princeton: Princeton University Press, 1997); Nancy Fraser, *Unruly Practices: Power, Discourse, and Gender in Contemporary Social Theory* (Minneapolis: University of Minneapolis Press, 1989); and Carol Gilligan, *In a Different Voice: Psychological Theory and Women's Development* (Cambridge, MA: Harvard University Press, 1982). Again, the idea that legal and political theorising should be 'gendered' finds perhaps its most explicit formulation in feminist standpoint theory.

⁵⁴ Will Kymlicka, *Multicultural Citizenship*, p. 8. Internal quote comes from Ronald Dworkin, 'Liberal

“individual freedom and well-being [depends on] unimpeded membership in a respected and prosperous cultural group.”⁵⁵

Some persons, of course, may conceive their lives to be so dominated by a single attachment or role or ideal that this informs and constrains other significant aspects of their lives. Indeed, in such circumstances these groups may be forced to suffer under an ascribed and demeaning self-image determined and imposed by those who have access to these public resources.⁵⁶ For all these thinkers (as for the communitarians), then, the fact that an individual is a member of a particular ‘community’ or ‘group’ shapes also the more specific decisions they make about their lives, from the company they choose to keep, to the relationships they feel able to have, to the area in which they choose to live, to the job they feel able to hold. Oppression and inequality thwart free-choice, they argue, and so oppressed groups should be provided with those political and economic resources they need in order that they might do more than merely act out those roles defined for them by others. For these writers (as for advocates of a politics of ‘recognition’, ‘difference’, ‘presence’, or ‘cultural recognition’) justice is intimately tied to protecting and encouraging our dignity as persons and as such, they believe, it is concerned with encouraging those social, political, and legal conditions which protect those groups from which we derive our identity from misrepresentation, discrimination, or exclusion. In failing to recognise (and, generally, to make specific legal, economic, or political provision for) that group which affords me my character, they argue, conventional liberal institutions fail to acknowledge the nature or the extent of the marginalisation and exclusion that I feel and which I share with the other members of my group.

Community’, *A Matter of Principle* (Cambridge, MA: Harvard University Press, 1985), p. 228.

⁵⁵ Joseph Raz, ‘Multiculturalism: A Liberal Perspective’, *Ethics in the Public Domain*, p. 78.

⁵⁶ Anne Phillips, *Which Equalities Matter?* (Cambridge: Polity Press, 1999); Charles Taylor, ‘The

To this end, the selective elevation of particular attachments or commitments found in communitarianism, in radicalised forms of identity politics, and in culturalist liberalism can be seen to support widely opposing normative ends, depending upon *which* membership is held to be most significant, and upon the political sensibilities of the theorists in question. For the communitarians, who conceive our various allegiances to be understood through the lens of the shared values embodied in our political community, I have a duty to reconcile my various memberships (to order my self) in such a way that they are in line with the thick, constitutive values embodied in this community. Consequently, my understanding of what it means to be a 'man', a 'father', a 'friend', a 'Christian', and so on, will be derived from what the shared values of the political community *tell* me these roles mean. In order to be a 'good father' or 'friend', that is, I must first be a 'good citizen' in the sense that my role as a citizen takes precedence over all other aspects of my life by providing the framework in which these other aspects are rendered intelligible. In this sense, citizenship is conceived to provide unity to the self; being a 'good citizen' simply *is*, in large part, the ordering of the self in the appropriate way (with our more 'partial' allegiances conceived through the lens of our *political* memberships).

For many identity and difference theorists, however, it is precisely this appeal to 'shared values' as a basis not only of grounding institutions, but of providing unity to the self (by requiring all persons to conceive of their own lives as an ordered hierarchy such that their *telos*, their end in life, is embodied in, and pursued by, the political institutions which bound and circumscribe them), that leads to the potential exclusion and marginalisation of certain groups and, consequently, the domination of many members of society. For many identity theorists, that is, rules of justice (or, less controversially, ethical principles) cannot be deduced simply by identifying the overarching values of the political community

Politics of Recognition'; see also Iris Marion Young, *Inclusion and Democracy*.

because it is also important to ensure whether or not the way in which these values are determined is fair and inclusive. This is why liberals have argued – and should continue to argue – that public discourse should not merely aim at the articulation of ‘shared’ values, but also the interpretation of these values themselves, *how* they are shared, and *who* shares them.

In this, of course, identity theorists reject the moral ontology of communitarianism for precisely the same reason as do liberals (and for the same reason that many liberals reject utilitarianism); ‘justice’ cannot be merely the articulation of shared values (or the agglomeration of preferences) unless the means by which we come to know what these shared values are is premised upon the *equal* ability of *every* individual agent to contribute to debate meaningfully and fairly. For liberals, identity theorists, and difference theorists, that is, the shared values embodied in the political community cannot be determined by elites or majorities, but by common agreement within a genuinely *inclusive* system of dialogue and justification which itself enshrines certain fundamental values at its heart.⁵⁷ This is the sense in which liberals and advocates of identity politics seek the same ‘communitarian’ goal; for liberals especially, it is not the project of establishing a ‘common good’ which must be rejected, but the idea that certain persons can be excluded from the derivation of this common good by virtue of certain arbitrary factors like ethnicity, religious membership, and so on. To put it another way, shared values for the liberal – and for difference theorists and many identity theorists - are only valid as regulative principles of *justice* if, as we have already suggested, they are genuinely seen to be publicly justifiable

⁵⁷ It should be noted that Iris Young distinguishes a ‘politics of difference’ from a ‘politics of identity’. In doing so, she is making a similar point to mine, namely, that the self cannot be understood as essentialisable or wholly determined by a particular membership or group affinity over any other. The normative implication of this, however, is liberalism: a politics in which individuals work out through common deliberation the nature and content of political institutions. We have already explored a number of the parallels between Young’s argument and liberalism, and we will have cause to do so again later in this chapter. See chapter three of Iris Marion Young’s *Inclusion and Democracy*.

to all to whom they are to apply, and this is only possible if all these persons are enabled to contribute meaningfully to the process by which these 'shared values' are revealed or determined.

29.2 *Agency, Individuality, and Multiple Obligations.*

Communitarians and certain identity theorists are therefore united in the strategy of selectively elevating certain memberships or commitments as more defining of personal identity than others, just as they are united in the claim that political institutions should be constructed in such a way as to 'recognise' or 'affirm' certain traits or memberships above all others. But this is a mistake precisely because it embodies a universalising tendency to denigrate or to transcend those other communities and attachments and memberships which shape and animate one's interests and ideas about the world. Indeed, the claim that certain attachments are more important than others in the conferral of identity is as universal in intent as any made by liberals. For the communitarians, for instance, *all* persons are shaped by the shared values of the political community in which they live; for many radical feminists, *all* persons are defined by their gender; for culturalist liberals, *all* persons are defined by their ethnocultural or national group, and so on. When beginning from such foundations, it is not difficult to establish the link between these particular defining memberships and personal autonomy. If one's identity or self-understanding is understood to be inextricably tied to one's 'religious' or 'national' membership, for example, it follows logically that one's ability to reflect upon and interpret one's ends, or to make meaningful choices about one's life, will be undermined or thwarted in the event of this membership being denied, or robbed, or rendered inaccessible.

But neither the agent nor autonomy should be understood in this way. Persons will often find themselves faced with dilemmas and conflicts arising precisely out of the fact that they

draw their identity from a *multiplicity* of roles and communities and memberships at any one time, and that often no single role or value among them holds the answer to what they should do, or how they should act, in response to the specific circumstances which face them and hence, no single role or attachment in itself secures or guarantees or facilitates personal autonomy.⁵⁸

Consider members of comparatively 'conservative' or 'traditional' communities, for instance. The 'Muslim' or 'Sikh' or 'Jew', for example, will indeed understand herself as a member of a particular church (or a possessor of certain religious beliefs), but she will *also*, at the same time, often be a 'mother', a 'daughter', a 'wife', a 'friend', a 'woman', a 'citizen'; she may be a member of a particular club or social group; she may have a job, or occupy some other office or role. Now, it is still possible to argue here, of course, that one of these roles is more important than any other (depending upon our own particular view on this). However, the idea that *one* of these memberships or roles can be defined as more important, or *itself* a precondition for autonomous reflection and choice is undermined when we realise that even in such communities, persons will often find themselves forced to make decisions which cannot be resolved merely by an appeal to a *single* membership or allegiance.

We need not be a radical value pluralist to hold that success in one sphere of our lives requires us to make sacrifices in others or that it is possible to find ourselves in circumstances which force us to decide between different, and perhaps conflictual, interests and obligations. It may not be *possible* for us to be, for instance, both a 'good father' and a successful 'lawyer' (or musician, or poet, or journalist, or anything else) because we can

⁵⁸ See Ayelet Shachar, 'Should Church and State Be Joined at the Altar? Women's Rights and the Multicultural Dilemma', in W. Kymlicka & W. Norman (eds) *Citizenship in Diverse Societies* (Oxford: Oxford University Press, 2000), p. 199-223.

only do so much with the limited time and resources that we possess. Optimal success in a particular endeavour demands a certain implacability in the face of alternative demands; it requires a doggedness, a persistent willingness to forsake other ways of life and other courses of action in the interests of achieving that goal or end which motivates one above all else, as Williams' Gauguin example illustrates.⁵⁹ The virtues (or vices) required for the pursuit of divergent ends might exclude one another, entailing the need for decisions to be made between them and these decisions will often not be easy or costless.⁶⁰

The important point here is that conflicts of this kind can occur in any agent who occupies more than one role at any time, and that the dilemmas and indecisions which arise within her as a consequence cannot be merely 'reasoned away' or dissolved by an appeal to the over-arching values which prevail in the 'community' to which she belongs because, often, these values will be as much in the balance (to be weighed against others) as any other value or obligation or commitment that he feels. We can choose to subordinate certain of our ends to certain others, of course, but what we cannot do is claim that these certain ends will be the same for *all* people (or all members of a particular group) or that these attachments lie outside the deliberative process (and thus unquestionable and fixed).

As Iris Marion Young correctly states, "interests frequently conflict not only *between* agents but in the actions of a single agent."⁶¹ Or, as Berlin (who was certainly no difference-theorist) put it "values may easily clash within the breast of a single individual . . . [and when they do] we must engage in what are called trade-offs - rules, values, principles must

⁵⁹ Bernard Williams, 'Persons, Character, and Morality', *Moral Luck: Philosophical Papers 1973 – 1980* (Cambridge: Cambridge University Press, 1981).

⁶⁰ I follow Joseph Raz in calling this 'value pluralism'. See *Ethics in the Public Domain*. For other views on value-pluralism see, for example, John Gray, *Berlin* (London: Fontana Press, 1995); H. Hardy & R. Hausheer (eds.), *The Proper Study of Mankind: An Anthology of Essays by Isaiah Berlin* (London: Chatto & Windus, 1997).

⁶¹ Iris Marion Young, *Inclusion and Democracy*, p. 134.

yield to each other to varying degrees in specific situations."⁶² The Jehovah's Witness who is faced with the decision of either allowing her son a life-saving blood transfusion or letting him die, for instance, is genuinely faced with a tragic and agonising choice between (at least) two aspects of her self.⁶³ Her commitment to her religious beliefs might lead her to the conclusion that the 'ingestion' of blood is morally wrong, but she will also be a 'parent' who loves her son, who has hopes and aspirations for him, and who does not want to see him die. She might also be a 'wife' who must take into account the views and feelings of her husband, and so on. Similarly, the member of a strict religious community who must decide whether to send his child to an orthodox school which will prepare him for a life of strict religious observance (at the expense of providing the child with the capacity to compete for jobs and pursue a living of his own choice on a free and equal basis with others), or to a non-orthodox school which has a better reputation for its teaching in 'non-religious' subjects like mathematics, science, and languages, is compelled to choose between two conflicting accounts of what the 'best interests of his child' might be. Again, depending upon that individual's grasp of his or her own beliefs and ideals these various roles might all be understood in terms of her membership of her religious community. The Jehovah's Witness might, for example, conclude that acting 'in her son's best interests' requires letting him die (if she understands her son's 'best interests' are entirely determined within the context of the orthodox religious beliefs that she holds), just as the religious person might believe that his child's best interests are served by sending him to a religious school, even though this might be at the expense of him gaining certain qualifications that he might have obtained if he had gone elsewhere.

⁶² Isaiah Berlin, 'The Pursuit of the Ideal', *The Proper Study of Mankind*, p. 10-15.

⁶³ It should be noted again that Jehovah Witnesses in Britain have recently reinterpreted their doctrine so as to allow the receipt of blood transfusions in particular circumstances.

The point that concerns us here is not what these people should decide (or indeed, whether in cases such as these the choice should be left to the parents), but that the resolution of such a complex and agonising moral and personal problem arises out of a process of deliberation which pits the various roles and obligations one feels at any one time *against* one another. Such decisions cannot be simply or easily resolved by an appeal to overarching cultural or religious or moral beliefs (or, for that matter, to the shared beliefs embodied in the political community); to argue that they *can* is to underestimate the deeply complex and problematic nature of these decisions, and is to underestimate also the extent to which the agent will occupy a multiplicity of roles (and will, consequently, feel claimed by a multiplicity of obligations and commitments and loyalties) which pull him in different directions at one and the same time. One's roles and obligations need not always conflict in this way, of course. But it is not difficult to imagine circumstances in which they do, and in these circumstances our dilemmas are not easily resolved by referring to a single set of values or beliefs which wholly define the solution. In such circumstances, "[w]e are doomed to choose, and every choice may entail an irreparable loss," because the obligations in question cannot always be subsumed within a larger system of value, or be measured against a single standard.⁶⁴

If this is true of persons who live in 'traditional' or relatively homogeneous societies, of course, then it is even more obviously true of those who live in complex societies which contain a great diversity of peoples and beliefs and ways of life, as the quote from Walzer at the beginning of this chapter eloquently suggests. Inhabitants of such complex societies will be forced to confront a diversity of beliefs and ways of life on a scale that far exceeds those who inhabit smaller societies. Through experiencing diversity, by living and working beside and among others who understand themselves and the world differently, and by co-

⁶⁴ Isaiah Berlin, 'The Pursuit of the Ideal', p. 11.

operating and interacting on a formal and informal basis with others who hold different beliefs and values and ideals, many individuals will find it more difficult to maintain and perpetuate fixed barriers between 'their own' values and the values of 'others'. Groups become more diverse as their members come into contact with (and react to) the difference and diversity which exists around them. Our deliberations about value may well be rooted in our understanding of 'who we are', then (as we argued in section 28), but in complex, diverse societies – as in smaller, more homogeneous societies - our understanding of 'who we are' becomes blurred and ambiguous, as we seek to reconcile our own ideals and commitments with those which co-exist both *within* us and within the society which *surrounds* us.

This idea is embodied in the account of autonomy advanced by a number of anti-essentialist feminists including, interestingly, Iris Marion Young. Indeed, in her most recent work, Young appears to advance not only an account of *political deliberation* which is compatible with liberalism (as we saw in the previous chapter), but also an account of *autonomy* which is compatible with liberalism. An "adequate conception of autonomy," should, she claims,

promote the capacity of persons to pursue their own ends in the context of relationships in which others may do the same. While this concept of autonomy entails a presumption of non-interference, it does not imply a social scheme in which atomized agents simply mind their own business and leave each other alone. Instead, it entails recognizing that agents are related in many ways they have not chosen, by virtue of kinship, history, proximity, or the unintended consequences

of action . . . Relational autonomy consists partly, then, in the structuring of relationships so that they support the maximal pursuit of *individual* ends.⁶⁵

This is all very well, of course, but if she actually believes this then it would seem to represent final evidence of her conversion to liberalism. Young argues that liberal autonomy fails to take account of the importance of group memberships by requiring persons to abstract themselves from all such memberships in the interests of exercising choices. Her theory of autonomy requires no such thing, she says, and indeed, it presupposes that “the ability to separate and be independent of others is rare if it appears at all.”⁶⁶ But, as we have already shown, this is a presupposition shared by liberals who, like Young, argue for an institutional and constitutional arrangement which protects the ability of the individual to work out what is most important to it in the light of its other allegiances and attachments and obligations, and to pursue its own individual ends on a free and equal basis with others. For Young as for liberals, persons work out their preferences and ideals by working out how their various attachments and obligations fit together to make them who they are. Hence, liberalism – like Young’s politics of difference – seeks an open and stable political environment in which persons might explore their own identity – and pursue their ends – freely, beside and among others who are capable of doing the same. For Young and for liberals, that is, autonomy requires a rich and varied structure of commitments and attachments from which individual agents can examine particular aspects of their own lives. If persons are to reason meaningfully about politics then they must find themselves in circumstances which allow them to freely explore their own identities and commitments for themselves.

⁶⁵ Iris Marion Young, *Inclusion and Democracy*, p. 231. Emphasis added.

⁶⁶ *Ibid.*

In the next chapter, we explore the implications that the argument for multiple-embeddedness holds for our understanding of the role of 'culture' in our normative theorising about justice. For the remainder of this chapter, however, I wish to flesh out this notion of 'multiple embeddedness' in more detail by subjecting it to a number of criticisms. For example, does not our argument thus far imply that, at some deep level, the agent is irrevocably 'divided' into 'multiple selves'? That is, if - as we have suggested - 'groups' are more internally diverse than many theorists believe them to be (for the purposes of our theorising about justice) because their individual *members* are more internally-diverse than these theorists believe, then why should these individuals be any more worthy of 'protection' or priority than the 'groups' to which they belong? That is, how meaningful is it to talk about 'individuals' at all, rather than merely those experiences or memberships which 'constitute' them?

30. Multiple Attachments and the Liberal Individual.

30.1 *MacIntyre Re-Visited: Narrative Unity, and the 'Compartmentalisation' of the Self.*

The claim that we should, in the light of what we have said thus far, dispense with any notion of a unified 'self' in favour of multiple or plural *selves* would appear to be rooted in the idea that the conception of the agent thus far presented is internally and irreparably *fractured* such that its identity is entirely determined by the particular perspective it adopts at any particular time. I do not merely deliberate differently in different circumstances (as a single, multiply-constituted self) but rather I am, in a fundamental sense, a different *person* in different circumstances. My various interests and commitments do not *converge* to form a specific person that is *me*, but exist separately in the different roles that I occupy. Hence, my friends know the Phil that is their friend, my parents know the Phil that is their son,

and my students know the Phil that is their teacher, but none of them know *Phil* because there *is* no such person, only different Phils in different situations.

As we have seen, such claims are popular *both* among those philosophers and historians of thought who lament the rise of ‘modernity’ as destructive of the unified, pre-modern self of the *polis* or the village, *and* of those ‘post-modernist’ thinkers who emphasise the breakdown of those ‘narratives’ which render human personhood coherent and unified (or, more accurately, the breakdown of those *foundations* which underpin and justify these narratives). For the postmodernists, normative political theory must acknowledge the internally diffuse and changeable structure of human personhood and foreground those non-dominating, discursive forums in which persons can discover for themselves the nature and the limits of their own ideals and values.⁶⁷ For those others (for example, communitarians), however, normative political theory should not seek to accommodate or celebrate the changeability or fluidity of personal experience but should rather seek to reclaim that sense of unity of self which has been left shattered and broken in the wake of the enlightenment and its attendant notions of ‘progress’ and ‘freedom’ and universal reason which have, as MacIntyre puts it, effectively liquidated the “self into a set of demarcated areas of role-playing.”⁶⁸

Indeed, very recently, MacIntyre has extended this argument by claiming that the modern world is split (or ‘compartmentalised’) into separate spheres of activity which are conceived to exist in isolation from one another.⁶⁹ Such a world, he says, forces us to understand our

⁶⁷ For example, William E. Connolly, *Identity/Difference: Democratic Negotiations of Political Paradox* (Ithaca, New York: Cornell University Press, 1991); Seyla Benhabib, *Situating the Self: Gender, Community, and Postmodernism in Contemporary Ethics* (Oxford: Polity Press, 1992); and Anna Marie Smith, *Laclau & Mouffe: The Radical Democratic Imaginary* (New York: Routledge, 1998).

⁶⁸ Alasdair MacIntyre, *After Virtue*, p. 205.

⁶⁹ Alasdair MacIntyre, ‘Social Structures and their Threats to Moral Agency’, *Philosophy* 74 (1999), p. 311 – 329.

various memberships and embeddednesses as *so* divided and separate that they acquire an independence and autonomy of their own; different aspects of my life do not ‘converge’ to form the person I am because *I* am merely different persons in different circumstances and at different times. Indeed, it is a paradox of modernity, MacIntyre argues, that it imposes divisions upon the self while at the same time exalting a conception of the agent as ‘unified’ and ‘autonomous’. In order to understand myself as a moral agent in the modern world, he says, I

have to understand myself as and to present myself to others as someone with an identity other than the identities of role and office that I assume in each of the roles that I occupy. I have to understand myself as someone who brings with him or herself to each role a quality of mind and character that belong to her *qua* individual and not *qua* role-player . . . [T]he lives of individuals are constituted in large part by the various roles they play, although they are generally able to reflect upon their role-playing in ways that are not dictated by these same roles . . . It is characteristically, even if not only, in *how* they play out their roles that individuals exhibit their individual character.⁷⁰

So much, it would seem, represents a clear enough summary of the conception of the agent for which I have been so far arguing; an agent, that is, which derives its identity from many different sources at any one time but which “can never be dissolved nor dissolve itself entirely into the distinctive roles that it plays.”⁷¹ But MacIntyre then goes on to argue that such a conception of the agent (if it is to provide a substantive, unified basis for individual agency) requires that the agent ignore or *play down* those divergences and differences that exist within it in the interests of establishing some sense of unity within itself. “The divided

⁷⁰ Ibid. p. 315.

self of a compartmentalised social order,” that is (an order which forces us to understand our lives as composed of different aspects which share no real or necessary unity or continuity), “. . . has to have developed habits of mind that enable it not to attend to what it would have to recognise as its own incoherences, if it were to understand itself apart from its involvements in each of its particular roles in each distinct sphere.”⁷² Consequently, it would seem, self-deception (far from representing something that must be overcome for autonomy to flourish) is actually *required* if persons are to be autonomous in any real sense.

But it is not clear why this should be the case at all. If what we have said so far about the agent is viable, and if it really is capable of deciding for itself the course of action it will take (and what it believes to be true or worthwhile or valuable) on the basis of those values and attachments that it ‘discovers’ about itself then it is not clear why it must seek to impose unity on itself at the expense of acknowledging the complexity of its various obligations and roles and allegiances. Indeed, as we have already seen, it is precisely through recognising the complex and diverse demands made of us by our various memberships and roles that we are enabled to make meaningful choices about our lives.

And, as we suggested earlier, it need not be the case that our various roles and memberships will *conflict* at all. After all, a single individual may exhibit very different qualities and attitudes in different aspects of his life without rendering himself hopelessly divided or confused about his own identity or wider interests. He could be competitive while playing football, co-operative when sharing in housework, determined when pursuing his career, passive and amiable when among friends, and yet still be able to conceive himself as a single person or ‘self’. True, the various aspects of our lives often embody their own norms and

⁷¹ Ibid. p. 325.

assumptions and codes of conduct but acknowledging as much does not compel us to conceive persons as fractured or unable to understand their lives as anything more than a series of dislocated roles or commitments. Indeed, it is precisely the fact that our various roles require us to conduct ourselves differently at different times that their convergence can often cause such anxiety and confusion; when 'work' intrudes upon the realm of the 'family', for example, or when stresses or worries in our family lives encroach upon our ability to act as we might like in our 'working' lives, and so on, we might find ourselves unsure of how to act or which norms to follow. We need not 'reason away' the complexity of the relationship between our various memberships and obligations and preferences in order to understand ourselves as a single agent. True, we *might* do so as a means of rendering our decisions less difficult or painful or agonising (we might choose to live our lives in denial of our own inconsistency on certain matters), but it would be wrong to claim that such self-deception is *required* in order for us to make meaningful decisions about our lives (and in order for us to be held responsible for these decisions). Indeed, liberalism actually attempts to *mitigate* instances of self-deception or self-delusion by insisting that persons be given as much information as possible upon which to base their decisions.⁷³ 'Autonomous' choices, for the liberal, are necessarily choices made in the light of as much information as possible in the circumstances, and autonomous agency is born out of a process of deciding and acting in as 'informed' a manner as possible. Hence, the familiar liberal claim that persons should be educated to a level at which they are enabled to evaluate and assess those circumstances in which they find themselves and to take advantage of those resources that society has to offer on a free and equal basis with others.⁷⁴

⁷² Ibid. p. 326.

⁷³ Joseph Raz., *The Morality of Freedom*.

⁷⁴ Amy Gutmann, *Democratic Education* (Princeton, NJ: Princeton University Press, 1987); Eamonn Callan, *Creating Citizens: Political Education and Liberal Democracy* (Oxford: Clarendon Press, 1997); Harry Brighouse, *School Choice and Social Justice* (New York: Oxford University Press,

30.2 *Postmodernism and the Destruction of Identity.*

Postmodernists like Seyla Benhabib and William Connolly, however, are (like libertarians, classical liberals, and those liberals who argue merely for the protection of *negative* liberty) curiously silent on the issue of what conditions must exist *within* individuals if they are to be capable of reconstructing and rewriting their identity in response to the breakdown of those unifying narratives which in the past held their identities as fixed and coherent. There is, it would seem, a general willingness to assume that the collapse of such narratives as "reason, authority, trust, the sense of authenticity, sincerity, belief in leadership, depth of feeling and faith in progress" will herald the ability in persons to ". . . inscribe, erase, and rewrite their identities as the ever-shifting ever-expanding and incoherent network of relationships invites or permits."⁷⁵ But it is difficult to see exactly how persons could develop such a capacity for self-creation (through assessing and questioning the content of their own character) if all the standards to which they might appeal in doing so are entirely contingent, shifting, and inherently unreliable.

Given their general claims about the unreliability of conventional theorising and the breakdown of those metanarratives which structure our lives, it is perhaps unsurprising that postmodernists are generally reluctant to turn from *critique* to the advancement of any coherent (or, for that matter, incoherent) *alternative* to liberal normative theory. Like the pluralism that we encountered in chapter five, postmodernism is most effective (if it is effective at all) in pointing out the limits of what we can and cannot achieve through politics. But for all their talk of 'irony' and the dissolution of the self, it is striking that many postmodernists invoke a model of *politics* which shares a great deal with the kind of liberalism for which I have thus far argued. Indeed, the normative implications of

2000).

⁷⁵ K. Gergen, *The Saturated Self* (New York: Basic Books, 1991), p. 228, quoted in Ian Craib, *Experiencing Identity* (London: Sage Publications, 1998), p. 6.

postmodernism seem to rest upon the claim that identities are not fixed or immutable or essentialisable but rather are 'constructed' dialogically through shared discourses and interaction with others (both within and between particular groups and communities), and that, therefore, political institutions must facilitate a form of public discourse and deliberation which allows all persons to interpret their various memberships and commitments for themselves.⁷⁶ Liberals and postmodernists are necessarily sceptical about the nature and coherence of groups, and hence of those claims which appeal to 'shared' or 'collective' values, and consequently *both* seek to emphasise the capacity of *individuals* to engage in dialogue about substantive moral and political issues, and both, importantly, value the capacity of individuals to understand their lives in a way that enables them to engage in meaningful debate and discussion about their values and ideals and ways of life with others who may or may not share them. As we said in response to Larmore, Gray, and the impartialists in chapters four and five, 'dialogue' cannot simply mean the dogmatic assertion of the value of different ways of life or cultural practices, rather it describes a process of debating the importance and significance of these ways of life via a common medium of discourse and communication in which all persons (regardless of their particular memberships and commitments) can join. The recognition of differences among persons that they seek thus develops as a consequence of each person learning about the particular beliefs and ideals of ('concrete') others as they themselves describe them through open debate and discussion. Consequently, it would seem that postmodernists seek a system of dialogue and deliberation which is genuinely inclusive and which is capable of establishing clear and defensible principles which are publicly justifiable to all to whom they are to apply. However, in claiming as much they can be seen to be invoking precisely the ideal (or metanarrative) of individual autonomy that they seek to reject.

⁷⁶ For example, William Connolly, *Identity/Difference*, and Seyla Benhabib, *Situating the Self*.

For postmodernists, as for liberals, pluralists, and democrats, then, the 'cultural defence' is not, in itself, any defence at all because it relies on resolving and explaining the prior question of what a cultural group is, how it might be understood, and whether or not the claim 'it's a part of my culture' is actually true.

30.3 *Unity and Complex Individuality.*

It is one thing, then, to claim that our lives are 'divided' or 'distributed' among different and potentially conflictual obligations and commitments, while it is quite another to claim that these divergent commitments necessarily exist *separately* from one another (to the extent that they cannot be combined within a single agent). The first claim, as I've already said, is true of agents who live in complex, diverse societies like our own, and, conceivably, of those who live in much smaller, more traditional societies in which diversity is not as acute or as deep. The other, however, is surely an exaggeration (and certainly not an implication of the argument that I have so far presented). True, the 'modern' self *does* find itself implicated in different roles and communities and groups at any one time, but it does not follow from this that these different roles cannot (and do not) converge to form a single identity (or 'character', or 'self').⁷⁷ As we have said, when deciding how to respond to the specific circumstances which face her, the agent will sometimes find herself torn by conflicting obligations and commitments derived from the various roles she occupies, and the decision she makes will depend upon the way in which she understands and values these different aspects of herself in those specific circumstances. In doing so she inevitably "draws upon an immense accumulation of interacting memories and associations" which, I have so far argued, combine and recombine to form a "network which will not be duplicated in any other mind" and which therefore defines her *individuality*.⁷⁸ But the aspects of the self which together define the individuality of the agent in this way are not

⁷⁷ B. Williams, 'Persons, Character, and Morality' in *Moral Luck*.

easily separated or individuated because in converging to form the identity of the individual as a whole, their limits become blurred and indistinct and their structure becomes dependent upon (and wedded to) those other allegiances and roles which compose her. When confronting a particular set of circumstances, for example, we do not consciously consider which aspect of our self provides the most viable source of action. If we did, then we might be described as having 'one thought too many'.⁷⁹ Rather, we simply consider what the best (or most justifiable, or right) thing to do in that situation would be (all things considered). When reflecting on what we should or should not do in certain circumstances, we do not retreat into a realm of pure reason, rather we *advance* into the realm of lived experience (the realm of obligation, value, conflict, and membership). By occupying a particular perspective (or set of perspectives) within me, I am able to grasp the way in which this perspective fits with the wider network of preferences and commitments which make me who I am, and weigh my competing interests and inclinations and duties as a result.

It is, therefore (in an important sense), agency *itself* which brings together our various experiences. By deliberating upon the validity or significance of our particular ends and allegiances and attachments from the perspective of those other attachments that claim us, we bring the various aspects of ourselves together into a whole. By working out for myself what my various values and commitments and ideals mean to me (and how I should act in response to them) by examining them from the conjoined perspective of my *other* values and commitments, that is, the various aspects of my life are brought together through the very process of reasoning and acting in the world. Certain circumstances, of course, will reveal the incompatibility of my commitments in all their clarity and complexity. But it is

⁷⁸ Stuart Hampshire, *Innocence and Experience*, p. 123.

⁷⁹ Bernard Williams, 'Persons, Character, and Morality'. I have used this term in a different way to Williams, but I believe it fits nonetheless.

in bringing these values together, in reconciling them as best I can in order that I might decide what to do in such circumstances, that they most obviously come together to form the understanding I have of the world and of my own interests and preferences and ideals and ends. Far from displacing the 'unity of the self', then, the modern autonomy-supportive state forces us to acknowledge the complex interaction of ideals and values and obligations which occurs within us (by providing us with the resources, and the requisite 'space' in which to explore these values and obligations for ourselves), to recognise the important demands that these (impersonal and personal) claims make of us, and to bring these competing aspects of our lives together in such a way that their convergence can provide a basis for meaningful decision and action in the world.

And this convergence is visible, too, in the way in which we respond to *changes* in particular aspects of our lives. During the course of my life I will undergo many changes; my opinions will alter, my allegiances and affiliations will shift (perhaps minutely, perhaps radically) as a result of changes in my circumstances or through exposure to new ways of life or new understandings and ideas about the world. And as a result of these changes I will often find my commitments tested and questioned in ways that they have never been before. I may live the majority of my life believing one aspect of my identity to be supreme among all others only to find myself in a situation which forces me to reconsider my allegiances and beliefs in ways that throw all I have ever assumed or valued into doubt. I might suffer the affects of a personal tragedy, for example, and be plunged into doubt about my religious beliefs as a result, or I might be betrayed by someone I love or consider important to me in some other way and I might feel myself changed or corrupted or degraded as a consequence. In such circumstances, importantly, the affects of these losses or betrayals often *transcend* the boundaries between specific aspects of my life and affect me *as a whole*. The failure of a relationship or the death of a loved-one, for example, does not

simply change one aspect of who I am, it changes me as a *whole person*. The despair or sadness I feel when confronted with tragedy inevitably pervades many (if not all) aspects of my life. The death of a son or daughter, for example, will not merely affect the way I understand my role 'as a father', but may also change the way I understand my relationship to the other members of my family, my God, my friends, and the world in general. At the very least, we can say that such tragic events will often cause me to question my wider commitments and views regarding many things, just as uplifting and pleasurable events will cause me to do the same.

Indeed, it is precisely the fact that changes in certain aspects of our lives *transcend* their own boundaries and affect our lives more generally (coupled with the fact that these changes often occur gradually over a long period of time) that makes sudden change or loss so bewildering and painful in a way that only a self possessed of some unity could experience. Often without realising it, our lives (and our interests and commitments) become moulded around the social attachments and predicaments in which we find ourselves (such as a new job, or partner, or set of friends), and the sudden absence of these significant others leaves a hole in us that cannot be filled merely by going back to the values and projects that we left behind, or by pretending that that particular aspect of our lives never happened or did not exist. In re-adopting our old habits after such upsets we often find them inadequate in a way we never did before precisely because our goals and commitments and interests have changed without us realising it. Similarly, our attempts to avoid or escape personal traumas and losses by concentrating on *other* aspects of our lives (like forgetting a relationship by concentrating on our career, or getting over the loss of a job by concentrating on our personal lives and our families) is often thwarted by the pervasive sadnesses arising from the aspect of our lives that we are trying to forget. With the disappearance of important others, that is (and the extended social frameworks that

they bring with them), and as a consequence of changes and disruptions in our private lives, we may (as Taylor, Sandel, Walzer and Young argued) often find our capacity for reasoned thought, or judgement, or agency *itself* threatened or, perhaps, rendered suddenly groundless or lacking in coherence. And this occurs not only in response to events that happen *to us* (and which lie outside our control), but of events that we *initiate*.

Once we realise that we can and should commit ourselves to the idea that individuals are (and should be) able to deliberate upon their ends - and upon the nature, content, and status of justice - *without* committing ourselves to the subsequent claim that this presupposes a radically disembodied self, or a realm of abstract consciousness, then we are left with a conception of the agent which is genuinely capable of judging what it ought to do, and what it believes acceptable against the background of its own particular experiences, beliefs, and desires “in a way that does not merely flow from those desires and beliefs but operates on them.”⁸⁰ This “step back, this opening up of a slight space between inclination and decision [through the adoption of a different perspective within the self] is the condition that permits the operation of reason with respect to belief as well as with respect to action.”⁸¹ By examining a particular ideal or belief or course of action from the perspective of my other values and beliefs and ideals, that is, I am able to decide on the validity or significance of these beliefs and values for myself, *not* from a separate and dislocated plateau of pure reason, but from the perspective of those other commitments and perspectives which shape my deliberations and make me who I am.

⁸⁰ Thomas Nagel, *The Last Word*, p. 109.

31. Liberalism, Deliberation, and the Politics of Multiple-Embeddedness.

Our various attachments, therefore, can be seen to genuinely *interact* by the fact that changes or actions or events in *one* area of our lives often change or affect our lives *as a whole*. Changes or losses in one or more of our attachments or roles (and the understanding of ourselves, of the world, and of justice that we derive from them) causes the general structure of these roles and attachments to change as a consequence. Changes in one part of our lives alters - perhaps imperceptibly, perhaps radically - the way in which we understand ourselves and the world (and our relationship with others) and so, consequently, it alters not only the outcomes of our deliberations, but the way in which we *conduct* these deliberations themselves. The bigger the change to our particular view of the world (the more significant the upset or loss or gain) the more difficult it becomes to deliberate or decide anything at all, precisely because our motivational structure (our 'evaluative system', or framework of values, or narrative unity) becomes dislocated from us, its content rendered confusing and ambiguous and ill-defined. In circumstances of deep crisis, when many of our attachments are affected, our capacity to decide between conflicting values is undermined; in such circumstances we may lose the perspective(s) within us from which we can make sense of our particular goals and values, and (consequently) we might lose our grasp of what these goals and values mean to us (and how they conflict), and thus we might lose any clear sense of 'who we are'.

In such circumstances, that is, we might not only lose our capacity to work out for ourselves what we take to be right or wrong, or just or unjust, but - as we saw in chapter three - the capacity to engage in public justification and discourse *itself*.⁸² It is precisely the fact that we do not draw our view of the world from a single attachment or membership

⁸¹ Ibid.

that enables us to reason from different perspectives as appropriate. We are not ‘fractured’ because our various commitments affect and shape one another and overlap. We are capable of occupying different perspectives in different circumstances as appropriate. We will not resolve disputes among family members in the same way that we resolve disputes between work colleagues, for example. We will invoke different rules and we will think and act and justify our actions differently. Among family members, for example, we will invoke sentiments and sympathies which have no place or relevance in business meetings. Among friends we will resolve conflicts by appeals to bonds of loyalty and trust which do not apply in the same way among people with whom we are differently associated. The fact that we are differently constituted therefore allows us to use those methods of reasoning which are appropriate to the situation at hand, in a way that is not allowed by communitarianism or essentialism. The consequence of MacIntyre’s suggestion that we derive our identity from our political community above any other is, as we have already suggested, that we must necessarily reason in all circumstances in the same way. We must view all our relationships and resolve all our conflicts through the lens of the political community. We must always resolve conflicts, and always make decisions, *as a citizen* of a particular community.

But if we subscribe to a liberalism which acknowledges our multiple-embeddedness and which does not seek arbitrarily to elevate one of these attachments above all others as necessarily most defining of our identity, then we need do no such thing. Liberalism of the kind I am outlining captures something important about persons, namely, that they will not always reason in the same way, but will instead reason differently depending on who they are talking to and what outcomes they desire. The argument for multiple-embeddedness makes it possible for individuals to deliberate according to the different

⁸² This is discussed more fully in the next chapter.

contexts in which they find themselves, but because their attachments and perspectives are linked, the ideals and concerns embodied in their other memberships will always remain in the back of their mind, perhaps constraining them, or perhaps animating or facilitating them. And here again, there may be conflict. No-one can just reason 'as a father' or 'as a citizen' because one's understanding of what these attachments mean will be shaped and affected by those other memberships and groups in which one finds oneself. What is – or should be – important for liberals is that persons have the ability to adopt the perspective of a citizen when considering certain questions about justice and politics and that this perspective is located within us and not some abstract and disembodied realm of consciousness.

At first sight, this may contradict the argument advanced in chapter one of this thesis, which claimed that political liberalism is rendered untenable by its commitment to the idea that persons can and should deliberate in different ways in different circumstances. It is, after all, the normative core of political liberalism that persons should be able to engage in public reasoning about justice as and when they need to, but that the way in which they do so should not necessarily apply to those other, 'non-political' aspects of people's lives. But the problem with political liberalism is not its claim that we can and should reason differently about politics to the way in which we reason in other areas of our life. Rather, the problem is that political liberals underdetermine (and misunderstand) the preconditions of such public reasoning. They believe that one's 'political' autonomy (i.e. one's ability to engage in public reasoning about justice) can be secured independently of one's 'full' or more substantive autonomy, and argue that one can simply engage in the necessary deliberations about politics regardless of one's wider attachments and beliefs. But our attachments interact and overlap, they affect and shape and intrude upon one another, and

hence they will constrain and animate our more specific deliberations in the political sphere and other spheres too.

What we are arguing for is a middle ground between communitarianism and political liberalism which recognises the importance of – and is rooted in – the comprehensive principle of individual autonomy. Communitarians argue that we are defined primarily by our political community (and hence, by those ideals and commitments which arise out of political deliberations with others). Consequently, they argue, our political community necessarily shapes, circumscribes, and determines our grasp of those other, more personal, attachments which constitute our identity. Political liberals argue the opposite: they claim that we are able to engage in the appropriate form of public reasoning about justice and politics regardless of what we believe and feel in other aspects of our lives, and regardless of the constraints placed upon us in these other, more personal, areas of our lives. For the political liberal, reasoning about politics in the way demanded by liberalism is possible and necessary regardless of what is happening in our lives as a whole.

The account of public reason for which we have argued thus far, however, recognises that persons will (and should) reason differently in different circumstances – depending on who they are talking to and what they are trying to achieve – but that these deliberations presuppose and require the agent to be autonomous in the sense that they are able to genuinely reflect upon their various ends and attachments, and to explain and justify their position in a way appropriate to the circumstances. Whether they are reflecting upon their religious beliefs, their ascribed social roles, their career choice, their responsibilities as a father or friend, or the rightful character of the state, persons will need to be able to examine the content of its life in the light of their various other attachments and the

attachments and concerns of others. And as such, they must do so as multiply embedded, autonomous individuals.

There is a sense, of course, in which this position could be said to require one's identification with a single community, namely, a *liberal political community*. That is, it could be argued that in presenting the argument in the way I have thus far, and in requiring all persons to deliberate according to constraints imposed by liberal principles, I am as guilty of 'selectively elevating' the value of certain memberships as any of the other theorists that I have thus far criticised. This is not true in any sense that undermines my argument, however. Liberalism embodies a 'thin' theory of the good – a framework of second-order principles which allows persons to deliberate meaningfully upon the content of their ends and to discuss these ends, and justify them, across various spheres depending upon the circumstances at hand. It therefore represents the overarching framework of principles which encompass those smaller, 'thicker' groups governed and regulated by first order claims about the world and which seek accommodation or toleration from the wider society. The 'liberal community' to which an individual belongs will therefore be diverse and will include the ideals and ends and customs of many different individuals and groups. To be 'defined' by one's membership of a liberal community is therefore to be defined by the various cultural, religious, ethnic, and social groups that it contains.

A liberal community is open and inclusive; it draws its character from the actions and interactions of the various groups and individuals which exist within it. Hence, to be defined by a 'single' liberal community is in fact to be defined by many communities at once. While it may be true that liberalism requires persons to deliberate in a way that is determined and constrained by their membership of a 'liberal community', this merely represents another way of arguing that our deliberations about ends (and the content of

justice) will be shaped and animated and constrained by the many and various groups with whom we share society. Liberalism does indeed presuppose an open, inclusive and free society governed and regulated by particular second-order principles. This does not undermine or contradict the liberal aim of encouraging individual autonomy and equality, however. Rather, it facilitates it. I discuss this issue in detail in the final chapter.

32. Conclusion.

We have made a number of claims in this chapter. The first is that it is an error to conflate ‘individualism’ - to which liberalism is necessarily committed - with ‘abstract’ individualism (or ‘atomism’) - to which it is not. This is because it is precisely the fact that one is *not* abstracted from others and from the various ends and ideals and commitment which together distinguish one from others that renders it an ‘individual’ in a substantive (and not merely a formal, physical) sense. And it is also as a consequence of our embeddedness in multiple and diverse allegiances that we are able to examine our particular goals and ideals and projects from within the context of those other allegiances and memberships and commitments which together constitute the sum of “our total experience, our whole course of life up to now,” and which, consequently, provide the standard against which we come to know for ourselves what is valuable to us and what is not, and what is worth pursuing and what is not.⁸³

Consequently, our choices (and our identity) can be seen to be importantly shaped and animated by the attachments we share with the world in which we find ourselves, but not *determined* by them in the sense that we are unable to reflect upon their content and significance. Because autonomous agency is both a voluntarist and a cognitivist process,

⁸³ John Rawls, ‘The Domain of the Political and Overlapping Consensus’, *John Rawls: Collected*

that is, our argument stands opposed to any claim that our lives are inevitably and inescapably determined for us by our social, cultural, or political environment (as pure cognitivists or relativists or pluralists might claim), or that our lives are necessarily defined by a particular membership or commitment over and above all others (as communitarians and certain identity theorists believe). Instead, it emphasises the capacity of persons to contribute to the way in which their life unfolds - and to interpret and order the various memberships by which one is constituted - by making genuine and meaningful decisions about their lives in the light of those attachments and capacities that they already possess. In doing so, therefore, we are emphasising the capacity of the agent to make its “actions and values . . . wholly,” and *authentically*, its “own” without invoking an account of the self as radically disembodied, or dislocated, or ‘unencumbered’ of its various attachments and ideals.⁸⁴

The only person truly capable of grasping what is of highest importance to them, or what they find valuable, or worth pursuing, or most definitive of their deepest feelings and values and notions about the good, then, is that individual him or herself and, as a consequence, liberal institutions should be concerned above all else with providing those individual freedoms, and encouraging those conditions, in which each individual is enabled to interpret and to reconcile their various commitments and allegiances and obligations for themselves within a wider moral and institutional framework which respects them as independent beings, capable of participating in the development and conduct of their own lives. Liberal institutions should not seek to ‘protect’ communities or groups from change, rather they must provide all persons (regardless of their particular religious or cultural values) with the capacity to live a life that they themselves have endorsed as worthwhile

Papers (Cambridge, MA: Harvard University Press, 1999), p. 473-496, pp. 477.

⁸⁴ Susan Wolf, *Freedom Within Reason* (NY: Oxford University Press, 1990), p. 65.

(by interpreting and assessing the content of their ends and values within the context of those other allegiances which claim them and which make them who they are).

Persons *can*, of course, understand their interests and projects as rooted in one or more attachment or goal or membership, and they *can* conceive their lives (and consequently, their more specific projects and aims) as given content by some over-arching set of beliefs derived from a particular membership or role; we are not claiming, that is, that a person, given the freedom and resources to reflect upon the content of their ends and to determine for themselves their relative importance, could not come to think of *one* of these as more important to him than any other.⁸⁵ Rather, we are simply pointing out the folly in attempting to make generalisations or assumptions about which of a persons particular roles and memberships will be most important to him, and questioning the idea that what a person conceives to be most important to him will remain unchanged throughout his life. Persons experience crises of faith, for instance; they experience disruptions and changes in their lives which force them to understand themselves (and their commitments) differently. Individual identity cannot be understood to be derivative of a single community in the way communitarians and certain identity theorists believe (and hence it cannot be 'essentialised' in the way that some, but not all, of these theorists claim) because circumstances will often force or encourage us to reinterpret the way in which we understand our lives and the values which give it shape, especially when we find ourselves members of different and perhaps conflictual communities at once.

And because we do not draw our identities from a single source, the location at which our deliberations about value and identity take place will be multiple and diverse. Sometimes our deliberations will take place among our family members, sometimes among our

⁸⁵ K. Anthony Appiah paper to Bentham UCL seminar.

friends, sometimes among our fellow church members, or work colleagues, or members of a particular club or association. Wherever these deliberations take place, they will be affected and shaped by our other attachments and the obligations we believe they confer. Our memberships overlap. They encroach upon and affect one another, for just as I am a member of several groups at once, so the persons with whom I am deliberating will be multiply-embedded too. Despite what the communitarians and identity theorists claim to the contrary, then, our identities are not determined by our actions and interactions in the 'political' sphere, but by our deliberations and experiences in many other (more 'private') areas of our lives too. Hence the political liberal aim of 'politicising' autonomy actually shares the central failure of communitarianism, namely, that it fails to acknowledge the complexity and inter-relatedness of our particular attachments and memberships. Hence, it fails to acknowledge the extent to which a person's deliberations about politics and justice (and everything else) will take place at many and various levels of his or her experience and at different locations and that, therefore, autonomy must be protected and encouraged at all these levels and in all these locations. Consequently, the political sphere should not be conceived as wholly constitutive of our identity in the way communitarians believe, but as the arena in which our other, more personal (yet no less important or complex) interactions and deliberations take place.

Chapter Seven

Cultural Politics and the Political Culture: Comprehensive Liberalism, Nationalism, and Diversity

Think how much we owe in history and heritage - in the culture or the cultures that have formed us - to the international communities that have existed among merchants, clerics, lawyers, agitators, scholars, scientists, writers, and diplomats. We are not the self-made atoms of liberal fantasy, certainly, but neither are we exclusively products or artefacts of single national or ethnic communities. We are made by our languages, our literature, our cultures, our science, our religion, our civilization - and these are human entities that go far beyond national boundaries and exist, if they exist anywhere, simply *in the world*. If, as the communitarians insist, we owe a debt of provenance to the social structures that have formed us, then we owe a debt to the global community and civilization, as well as whatever we owe to any particular region, country, nation, or tribe . . .

We may pretend to be self-sufficient atoms, and behave as we are supposed to behave in the fantasies of individualistic economics; but the pretense easily is exposed by the reality of our communal life. And similarly - though we may drape ourselves in the distinct costumes of our ethnic heritage and immerse ourselves in an environment designed to minimize our sense of relation to the outside world - no honest account of our being will be complete without an account of our dependence on larger social and political structures that goes far beyond the particular community with which we pretend to identify ourselves.

Jeremy Waldron, 'Minority Cultures and the Cosmopolitan Alternative', p. 103-104.

If the foregoing discussion of embeddedness, agency, and political deliberation is coherent - and if we are right that particular ways of life, customs and practices can be legitimately constrained by the prior liberal commitment to personal autonomy - then we are faced with a number of important questions about the role and status of 'culture' in our normative theorising about justice. After all, if we are constituted by many and various commitments at any one time, then what particular significance, if any, does our *cultural* membership hold over and above our other allegiances and attachments? Does culture represent a single attachment among many? Or is it a collection of several - or all - of our particular memberships? We have already encountered the concept of culture in the context of justification, and have argued that an appeal to the existence of culture represents merely one factor to be considered among many others when determining the character of political institutions and constitutional arrangements, and the outcome of

specific questions of justice. Similarly, I argue in this chapter that – contrary to claims made by culturalist liberals like Kymlicka and Raz – cultural membership represents *either* one attachment among many which *together* compose one’s ‘view of the world’ or ‘context of choice’ (and consequently does not in itself represent a structural pre-condition of freedom and meaningful choice in the way they think it does), *or* it refers to the more general social or political community in which one lives (in which case it adds little or nothing to our understanding of the way in which we should understand liberalism, or our normative theorising more generally).

As I said in the introduction to this thesis, the multiculturalist debate is characterised by an overwhelming antipathy toward providing any kind of philosophically coherent or compelling explanation of what ‘culture’ is (and thus, how we might recognise a ‘cultural’ group as distinct from any other kind of group or association to which one might belong). I argue that it is precisely this unwillingness to define the normative and ontological content of culture that explains the popularity of recent culturalist and liberal-nationalist theory. As soon as the notion of culture is subjected to any kind of rigorous analysis, it quickly becomes clear that it does little or no work in liberal theory at all. Consequently, I argue, rather than contributing anything meaningful or new to continuing debates about the role and responsibility of liberal institutions, culturalism (and liberal-nationalism) simply represents an unnecessarily complex and contrived way of arguing for a liberal state circumscribed by the conventional principles of equality, individuality, and autonomy.

I begin in section 33 by analysing closely the liberal-culturalist definition of culture. This is difficult because, as I said, such definitions are scarce. I therefore concentrate on the most thoroughgoing attempt which is found in the work of Will Kymlicka, thus building on what we have already said about Kymlicka in chapters five and six. I link this discussion to

recent debates about liberal-nationalism. I argue that the move by certain liberals to ground liberal principles in the value of nationhood is fallacious, and that the nation (like culture) is too underdetermined in the literature to tell us anything meaningful about the nature of freedom, or the preconditions of meaningful choice. I then, in sections 34 and 35, discuss two further arguments which have been made in defence of liberal-nationalism, and find them both untenable. Section 34 discusses the claim that a developed national culture provides the criteria by which we can work out the limits of toleration within a particular polity. And section 35 picks up the autonomy argument again and links it to the claims we made in chapter six. I argue that our conclusions thus far lead us to adopt an account of agency and embeddedness which acknowledges the internal complexity of individual identity and which does not seek to place arbitrary limits on where we draw our self-understandings from. I argue – like Waldron in the quote with which we began this chapter – that the sources of our deliberations about ends and ideals, and about politics and justice, may – and often do – extend beyond national or cultural borders and connect with communities and groups existing in other countries and communities. I argue that, if correct, this argument holds a number of important implications for our understanding of politics, justice, and the accommodation of cultural and social diversity. I argue that if the multiculturalists are right, and that as a consequence of migration and movement between nations modern societies now contain an unprecedented diversity of cultural, religious, and ethnic groups, then the nature and importance of existing national boundaries are now more blurred and ambiguous and questionable than ever before. As different individuals and groups interpret the history and content of their ‘nation’ differently, it becomes increasingly difficult to discern exactly what one’s nation embodies, and where its boundaries lie. In the face of such diversity, it becomes difficult to maintain that it is one’s nation – as opposed to any other group or association – which affords one the resources to choose meaningfully and act freely in the world. The fact that many people identify with

this or that nation does not render nationhood a fundamental pre-requisite of freedom, especially when the conception each person has of their 'nation' need bear little or no relation to the conception held by anyone else.

33. Liberal Culturalism.

33.1 *Culture as a 'Context of Choice'.*

The elevation of 'culture' as the aspect of ourselves which renders our more particular values and projects intelligible can be seen in the work of many (primarily liberal) theorists who have, like us, sought to reject the conventional polarity between liberalism and communitarianism in favour of a liberalism which takes difference and embeddedness seriously. But like those who seek to selectively elevate one's gender, or sexuality, or any other aspect of one's identity over and above all others, culturalists concede too much to the communitarians by sharing their mistaken claim that persons derive their understanding of the world (or their identity) from a single community, or a particular set of values that are 'shared' by the group or 'culture' to which they belong. For example, Kymlicka argues that it is only through knowing our place in the history of the *cultural* community into which we were born, and only through understanding ourselves as cultural beings, that we "come to an awareness of the options available to us, and their significance."¹

Similarly, for Raz, one's "individual freedom and well-being [depends on] unimpeded membership in a respected and prosperous cultural group" because it is through being a member of a such a culture that one gains one's understanding of the world and one's interests and ideals and commitments, and it is only through being a member of a cultural

¹ Will Kymlicka, *Liberalism, Community, and Culture* (Oxford: Clarendon Press, 1989), p.

group that one is able to *pursue* these ideals meaningfully.² Furthermore, he states (in an article written with Avishai Margalit) that one's 'group culture' will affect one's tastes and options as well as the "types of career open to one, the leisure activities that one . . . is able to choose from, the customs and habits that define and colour relations with strangers and with friends," and a great many other factors which affect and regulate our dealing with others, and which inform and animate our understanding of ourselves and the world in which we exist.³ And Dworkin too, claims that our ability to make meaningful choices depends upon our rootedness within a particular 'culture'.⁴ For Kymlicka, then, as for Raz, Dworkin, and Margalit, our membership of a unique and individuated culture is what makes individual choice, and thus individual autonomy, possible.

Paradoxically, however, these theorists appear to believe that our culture is 'constitutive' of our identities in a way that renders it largely unquestionable and inseparable from the people we are. As we have seen, for example, Dworkin argues that culture represents the 'spectacles through which we identify experiences as meaningful' and hence cannot itself be questioned.⁵ Kymlicka concurs, claiming that "someone's upbringing cannot be erased, it is, and will remain, a constitutive part of who that person is. Cultural membership," he tells us, "affects our very sense of personal identity and capacity."⁶ From childhood – from the moment of birth itself – cultural symbols and motifs are presented to us through socialisation and education. We assume roles and learn of our place in the history of our culture in accordance with accepted practices and norms, and consequently, he claims, our 'culture' provides the medium through which we come to understand ourselves and the

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² Joseph Raz, 'Multiculturalism', *Ethics in the Public Domain* (Oxford: Clarendon Press, 1996), p. 178.

³ J. Raz & A. Margalit, 'National Self-Determination', *Ethics in the Public Domain*, p. 129.

⁴ Ronald Dworkin, 'Liberal Community', *A Matter of Principle* (London: Harvard University Press, 1985).

⁵ *Ibid.*

⁶ Will Kymlicka, *Liberalism, Community, and Culture*, p. 175.

world we inhabit.⁷ It provides not only our 'reasons' for choosing certain ways of life over others, it also constrains and determines the 'options' open to us.⁸ Hence, cultural membership represents a basic 'need' that we all possess,⁹ or a 'primary good' that each of us requires in order to live an autonomous life.¹⁰

But how can culture provide us with the capacity to 'revise and reject' our current ends autonomously if it represents a constitutive aspect of our self that lies beyond criticism or scrutiny? Do our cultures provide us with the capacity to change our minds about the validity of those beliefs and ends that they present to us or not? If cultures anchor us in the world, and provide the lens through which we come to understand ourselves and our environment, then how are we able to question or interpret this culture *itself*? Culturalists seem equivocal. Certainly, as we have already said, cultures will not facilitate autonomy (at least, to the degree that Kymlicka and the liberal-culturalists demand) unless they are embedded within - and impelled to constrain their actions and customs according to - a wider normative framework of autonomy-supportive measures. But what about the more fundamental point: if our 'cultural' membership is so 'constitutive' of our identity that we cannot subject it to criticism and revision, then it would seem that culture is anything *but* a prerequisite of autonomy. It would seem, rather, to preclude the possibility of revising those ends embodied in the community of which we are constituted (and hence, the ends and commitments we currently pursue).

33.2 *Kymlicka's Changing Definition of Culture.*

In many respects, Kymlicka's work on minority rights can be understood as a sustained attempt to resolve this dilemma. There is, however, like Rawls, an 'early' and a 'late'

⁷ Ibid. See especially chapter three, and part three.

⁸ Ibid.

⁹ David Miller, *On Nationality* (Oxford: Clarendon Press, 1995).

Kymlicka and it is important that we chart the ways in which his initial definition of culture – and hence, his response to the dilemma – has changed in the years between *Liberalism, Community, and Culture*, and *Multicultural Citizenship*. In *Liberalism, Community, and Culture*, Kymlicka argues that if we are to protect and stabilise culture without slipping into conservatism, we must “distinguish between the *existence* of a culture from its *character* at any given moment.”¹¹ That is to say, he argues, it is not sufficient to “refer to the *character* of a historical community” and to assume that this character represents the culture *itself*.¹² Kymlicka argues that the “norms, values, . . . and attendant institutions” which characterise the way a particular culture looks at a particular moment in history is not constitutive of culture, and hence changes in these norms or values or institutions does not threaten our sense of self or undermine our capacity for freedom. Kymlicka equates culture with the factors and conditions which lie *behind* these norms and institutions, namely, the ‘historical’ narratives in which individuals root themselves, and the language that articulates and describes these narratives. By equating ‘culture’ with the language and history which lie behind (and give substance and shape to) norms, values, and institutions, Kymlicka wants to emphasise the “cultural community or cultural structure *itself*. On this view,” he says, “the cultural community continues to exist even when its members are free to modify the character of the culture, should they find its traditional ways of life no longer worthwhile.”¹³

This distinction between cultural *character* and cultural *structure* is crucial to Kymlicka’s argument – at least, in his early work – because it embodies his commitment to personal autonomy and the rejection of what he later calls ‘internal restrictions’ on group members.¹⁴

¹⁰ Will Kymlicka, *Liberalism, Community, and Culture*.

¹¹ Will Kymlicka, *Multicultural Citizenship*, p. 104.

¹² Will Kymlicka, *Liberalism, Community, and Culture*, p. 166. Emphasis added.

¹³ *Ibid.* p. 167.

¹⁴ Will Kymlicka, *Multicultural Citizenship*, especially chapter three. See also John Tomasi,

After all, if culture is understood to represent the accepted norms, values, and institutions which compose the community at any given time, then any commitment to the protection and perpetuation of culture would necessarily represent a commitment to preserving or conserving established roles and values and institutions. It is this understanding of culture (this unwillingness to separate the *character* of the community from the cultural *structure* which lies behind it), Kymlicka argues, that leads groups like Islamic fundamentalists to claim that “without restrictions on the freedom of speech, press, religion, sexual practices, etc. of its own members, their culture will disintegrate, thus undermining the self-respect individuals derive from cultural membership,”¹⁵ or Devlin to argue that the moral structure of a community will be endangered if those within it are afforded the freedoms needed to question and challenge existing norms, institutions and roles.¹⁶ On such an understanding, any notion of cultural progress or evolution or renewal is to be feared because of the irrevocable and damaging effects that such renewal could cause to the culture (and to the identity of those within it). Indeed, ‘renewal’ in this sense, is nothing less than a *dilution* or a *destruction* of culture (and thus of the individual’s understanding of itself and the world).

Kymlicka rejects this understanding of culture because it entails an overtly communitarian and conservative conception of the self and politics; it necessarily entails the need to protect the community from the “eroding effects of our own individual rational scrutiny.”¹⁷ Persons belonging to a community which denies individuals the ability to interpret and revise the values and ends arising from their social and cultural roles are, he says, effectively imprisoned within a historically unchangeable, static structure of coercion. While it is crucial that one’s

‘Kymlicka, Liberalism, and Respect for Cultural Minorities’, *Ethics* 105 (1995), p. 580 – 603.

¹⁵ *Ibid.* p. 168.

¹⁶ Peter Devlin, *The Enforcement of Morals* (New York: Oxford University Press, 1965). Kymlicka points out that Devlin later “made it clear that he simply meant to say that one could never rule out the possibility that such freedoms could undermine the very existence of the community” (*Liberalism, Community, and Culture*, p. 166) however this does not change the fact that Devlin makes no distinction between the cultural structure and the way in which this structure embodies itself in practice at any given moment in history.

culture (i.e. one's language and history) be secure and stable, he argues, it is not justifiable for a group to impose restrictions on what its members may think or decide in the course of deciding the course of their own lives in the name of prevailing values. A community which seeks above all to maintain its existing character by denying its members the resources they need to question the value of the roles they inhabit, stands in contradiction to what Kymlicka rightly sees as the fundamental liberal commitment to personal autonomy. For Kymlicka, 'culture' simply must mean something other than 'the social and political community in which one lives' because if this is what culture is, then we could not protect it (or make sure that it was 'secure' and 'stable' in the way Kymlicka believes it must be) without slipping into conservatism. Kymlicka argues that our language and history are *prior* to the 'norms, values, and institutions' that they animate and describe in that they shape and determine the nature of our cultural *character*. It is for this reason that we do not lose the capacity to make choices about our lives, or the capacity to revise and reject our ends and values, in the event of changes in the character of our community. While changes in the values and institutions of the community will affect our understanding of our particular social roles, it is our language and history which provide us with the ontological and normative tools we need in order to act autonomously.¹⁸

While Kymlicka's motives for invoking the character/structure distinction are clear, there are fundamental problems with it. Indeed, he actually drops this distinction in his later work, as we will soon see, but it is instructive to discuss it nevertheless as it provides the context in which we might discuss several crucial issues about culture, language and community more generally. For example, what are we to make of Kymlicka's claim that a community's *language* is a part of culture (and hence, is important to autonomy) but that a

¹⁷ Will Kymlicka, *Liberalism, Community, and Culture*, p. 62.

¹⁸ In *Multicultural Citizenship*, Kymlicka talks of language "underlying a flourishing culture" (p. 78). Emphasis added.

community's norms, values, and institutions are not? How can language be isolated normatively from the community in which it is used in this way? If language is the medium through which we come to understand the world and our communities, and if this understanding comes to us through linguistic motifs and references and symbols which refer to our communities and the roles we inhabit, then changes in our community and in the social roles which compose it will alter the way in which we use language.

That is, language changes as it attempts to articulate and describe the changes in the social, political, and cultural community in which it is used, just as the wider society changes in response to public discourses and the way language itself is used. With this in mind, it is difficult to support Kymlicka's desire to understand language as separable from the character of the community in the way he does. If language articulates (and gives form to) the values and norms and institutions of the community, then how can he relegate one to contingency while exalting the other to constitutive, cultural status? No doubt, Kymlicka would argue that what gives language its constitutive status is that it continues to exist in some form even in the event of massive upheavals in the character of the community. Despite radical changes in the norms and values and institutions of a community, he might say, the existence of language is never really threatened in any substantive sense, because it stands apart from – and prior to – the community itself. Yet we can surely imagine a great many cases in which changes in the institutional and normative circumstances of the wider community has a profound – and inevitable – effect on the way in which languages are used. Kurds living in Turkey, for example, are required to give their children Turkish names or else be prosecuted; they are not permitted to claim that Kurdish is their mother-tongue or speak Kurdish in public.¹⁹ In Canada, the debate over independence for Quebec stems largely from

¹⁹ Tove Skutnabb-Kangas & Sertac Bucak, 'Killing a Mother Tongue: How Kurds Are Deprived of Linguistic Human Rights', in S. Skutnabb-Kangas & Robert Phillipson (eds.) *Linguistic Human Rights: Overcoming Linguistic Discrimination* (New York: Mouton de Gruyter, 1994).

fear among many Quebecois that the public use of French would be undermined and marginalised by English-speaking institutions.²⁰ And in many other countries like Belgium, for example, we can witness the attempts that institutional reforms have had upon the way in which persons converse, the language they speak, and the way they understand themselves and their relationship to others. Kymlicka must concede that imposing a normative separation between language and the community in the way he does is severely problematic and raises complex issues concerning the nature of language itself.

Take Kymlicka's example of the change in the English homosexuality laws, for instance. Kymlicka argues that "liberalizing the homosexuality laws in England changed the character of the cultural structure" without jeopardising or altering the nature of culture *itself*.²¹ This is because, according to the character/structure distinction, changes in the *wider community* are contingent to *cultural* change; changes in one need not entail changes in the other. But Kymlicka fails to realise that these changes in law represented *both* a change in the community *and* in the way in which we understand our language and history. He fails to realise the extent to which homophobia (in this example) was prevalent in both the character of the community and in its language and history. *Laws* were homophobic certainly, and hence the institutions which upheld these laws were rendered exclusionary and dominating. But homophobia was also entrenched within much of England's cultural *history*; it was assumed in religious orthodoxy, it was handed down implicitly (and often explicitly) through generations of socialisation. It was represented in the character of the community because it was part of the cultural structure itself (that is, it was embodied in English history

²⁰ See C. Michael Macmillan, *The Practice of Language Rights in Canada* (Toronto: University of Toronto Press, 1998); Jeremy Webber, *Reimagining Canada: Language, Culture, Community and the Canadian Constitution* (Kingston: McGill-Queen's University Press, 1994); Richard Y. Bourhis (ed.) *Conflict and Language Planning in Quebec* (Clevedon: Multilingual Matters, 1984). See also Charles Taylor, *Reconciling the Solitudes: Essays on Canadian Federalism and Nationalism* (Montreal: McGill-Queen's University Press, 1993); Will Kymlicka, *Finding Our Way: Re-Thinking Ethno-cultural Relations in Canada* (Toronto: Oxford University Press, 1998), and Will Kymlicka, *Multicultural Citizenship*.

and in the language one used to understand oneself and one's political environment). So the liberalisation of the homosexuality laws in England represented far more than a transient, contingent change in the 'norms, values, and institutions' of the community, rather it represented a change in the way in which individuals interacted and in the way they understood their own cultural values, norms, ideals, and in the way in which they understood the responsibilities of state institutions.

And it is for precisely this reason that other marginalised groups have increasingly sought to instigate social and political reforms by advocating changes in the way persons use language. Contemporary feminists, blacks, and gay rights activists, for example, have often sought to show the extent to which language is not a neutral medium of communication, but an important tool for the setting of agendas and debates, and the passing on of dominant (often discriminatory) ideas and hegemonies within society. Hence, social reformers and minority pressure groups have increasingly lobbied for a change in the use of language – for example, through the censoring of what is often termed 'hate speech' - in order that derogatory and prejudicial ideas and images are not given currency in society. What is particularly interesting to note here is that these groups and activists are striving to change language for exactly the same reason that Kymlicka wants to protect and stabilise it (i.e. that it is laden with entrenched and partial cultural understandings).

Kymlicka's distinction also appears to underestimate the extent to which an individual's ability to *choose* and genuinely to *pursue* a particular way of life (or to change its mind about the worth of the life that he or she currently leads) will be constrained and limited by the prevailing norms and values and institutions of the wider social, political, cultural, and economic community in which she exists. Kymlicka argues that it is an individual's language

²¹ W. Kymlicka, *Liberalism, Community, and Culture*, p. 169.

and history which provides her with the requisite tools to form life-plans and to live a valuable life. However, while it is true that one's language and history have a certain role to play in providing a full and varied range of options to choose from, the individual's actual ability to *choose* certain options (let alone *act* upon them) will be constrained by the social and political roles it inhabits (and by the wider framework of roles, values, and norms of which they are a part). That is, it could well be true that individuals gain a sense of 'who they are' from the set of values and ideals that they call their 'cultural' heritage, and it might also be true that these 'cultural' values enable them to envisage a particular way of life for themselves, but – as we suggested in chapter three - their ability to uproot themselves from their current way of life and from the social roles that they currently occupy and to actively pursue new and different goals will rely upon their present circumstances providing them with the requisite political, economic, and intellectual resources to do so. As we saw in chapters two and three, the pursuit of certain ends may be denied by circumstances beyond the individual's control; for example, they might be blocked by deeply entrenched social or political values, or by financial considerations or as a consequence of a denied access to important power structures, or a lack of education. Autonomy in this sense will be constrained by objective factors existing in the wider society such as a lack of money or time, but will also be constrained by the subjective norms and social conventions which characterise the community in which the individual lives its daily life and which affects and shapes its identity, by the constitutional provisions which regulate and animate public institutions, and by the specific legislation that these institutions enact. 'Cultural' communities will be held together and regulated by a myriad of moral and political assumptions which may well constrain and deny the ability of the individual to pursue new ways of life; they might deny certain (or all) of their members the education necessary to determine what they believe to be valuable, for example, or they might seek to discourage certain or all of its members to think too deeply about the ends that they are told they must

follow, or they might embody formal punishments for disobedience, as in the case of shunning among the Amish.²²

In all these cases it is not our language or history in and of itself which provides us with meaningful options but rather the diverse alternative understandings and ways of life which exist *outside* our particular sub-group or community which our community may prefer us to ignore. In all these cases, that is, the choices that we feel able to make are often made at the interface between what our culture tells us to choose and what we are encouraged to choose or explore in the light of other, different and perhaps conflictual, understandings and explanations. And the resources we need to make these choices are often provided by our confrontation with ways of life which exist in the world *outside* of the life we know, and cannot be understood simply by reference to the ideas about the world handed to us by the sub-group or community into which we were born. As different persons from different 'groups' confront one another, as they witness and internalise the actions and interactions of those with whom they share society, they will be forced to assess their feelings toward those others and their different practices, and hence they will be forced to look again at their own values and ideals and customs. Responding to social diversity therefore requires one to develop a reflective, reflexive attitude toward one's own commitments and to the commitments of others. Consequently, the 'context of choice' that we consult when deliberating on our ends and values necessarily incorporates those wider factors and conditions in society and the world at large which shape our understanding of ourselves and the world we inhabit.²³

²² See John A. Hostetler, *Amish Society* (Baltimore: Johns Hopkins University Press, 1968); and Donald B. Kraybill (ed.) *The Amish and the State* (Baltimore: Johns Hopkins University Press, 1993).

²³ We will return to this point in section 35.

Finally, what are we to make of Kymlicka's claim that 'culture' can be understood independently of those *norms* and *values* to which its members subscribe? Is there not *some* truth in the notion that culture makes certain (often powerful) demands of its members not only to participate in its shared history and to speak its language, but to accept the values and norms which characterise it at any given time? Surely, an important factor in determining whether or not an individual is speaking from within a certain distinct *culture*, is the extent to which that individual subscribes to the values and norms and principles embodied in the cultural community. For instance, is a 'Catholic' who has sex before marriage and encourages the use of contraception still a 'Catholic' in any meaningful sense? Is their Catholicism, their membership of the Catholic community, diminished in some important way? What if she also argues in favour of abortion? Or believes that suicide is not a mortal sin? What if he or she is gay?

Kymlicka would perhaps argue here that the fact that the individual makes these decisions even within a relatively strict religion such as Catholicism, is testament to the notion that individuals are capable of achieving the requisite distance from their social and cultural roles (and from the ends which accompany them) to choose new ways of life that they believe to be more valuable.²⁴ It shows, he might argue, the extent to which the individual is capable of changing the character of the community by revising and rejecting its ends against the background of its shared language and history. But what language do Catholics speak? Italian? Latin? And what history do they share? Catholics from different parts of the world will speak different languages and have different histories. Does this mean that Catholicism is not a 'culture' in the way that, say, Englishness is? And if not, then is the reason for this the fact that different individuals from different places, with different histories and different languages interpret their history – and use language – differently and that they therefore do

²⁴ This is not to imply that one's sexuality is a 'decision' or a 'choice' in any simple sense however,

not share the same identity? If so, then are we to assume that all English people understand 'their history' in the same way? Quite apart from the fact that Kymlicka claims that this is not true, and that members of a particular nation or culture will understand their culture differently, such a claim would appear to contradict Kymlicka's pivotal contention that 'national' or 'societal' cultures are becoming increasingly populated by immigrants who do not 'share' the language or history of their host nation in any real sense at all. And even after a number of generations, when immigrants come to identify with the host nation as their own, their understanding of what it means to be a member of such a nation will be shaped and affected by their own particular histories and those experiences which arise as a consequence of their own complex heritage and the interwoven legacies of those who have gone before them.

33.3 *From 'Culture' to National Culture'*

The thrust of the foregoing discussion, then, is that we deliberate in a certain 'context' and that when making decisions about how to live our lives or what we believe to be valuable, our deliberations begin in our particular understanding of who we are and what we currently value. If our language and history are important to this (and I believe they are) then so are those norms, institutions, and roles which necessarily shape and effect the way I understand this history and the way I use language. If 'culture' provides the 'context' in which we come to understand the world and our ends, and in which we make our decisions about value, then 'culture' must be understood more widely than merely a single, particular group or community. No single culture (defined in terms of a specific language and history) can exist in isolation from all those other cultures which exist among and beside it. The desire by a group to protect its historical and linguistic purity when it is surrounded and affected by others will be thwarted by the fact that the way in which its members understand their

having stated this, I cannot discuss it further here.

culture will change and evolve and develop in response to the perceptions and understandings of others. One's understanding of one's particular allegiances and commitments will be refracted through the understandings and views and ideals of others, and by the way in which one relates to others who understand themselves and the world differently. Changes of language and history will change the normative and institutional framework built upon it, just as changes in the institutional and normative structure of the wider political community will affect the way people understand their own history and use their own language.

So culture, if it is to be at all helpful in our normative theorising, must be conceived in terms of the wider political community in which different, multiply-embedded, complex individuals exist. Just as individuals cannot be understood to be isolated from one another as pure and singular unities with their own identities and interests which have been formed, once and for all, independent of the context in which they find themselves, neither can cultures be understood to embody values and norms which are determined in abstraction from the world in which they exist. This is because the people who determine these values, and who discuss and interpret and perpetuate them, do so in response to the values and ways of life that exist around them and which animate and shape their own deliberations about value. Groups must be understood as changeable structures embedded in the wider community, and hence subject to the pressures, changes, and understandings of others in this community.

Interestingly, this is exactly the conclusion that Kymlicka offers in his later work. In *Multicultural Citizenship*, Kymlicka claims that religious groups and other sub-national groups are not, in fact, cultures in the sense in which he is interested (i.e. as the kind of communities we need in order to be autonomous) precisely because they do *not* possess their

own specific values and norms and institutions. After experiencing what appears to be a staggering change of heart, Kymlicka argues in *Multicultural Citizenship* that cultures must be 'institutionally complete' and that language and history must be "institutionally embodied – in schools, media, economy, government, etc."²⁵ And after everything he said in his early work about the character/structure distinction, he now defines culture as not only in terms of a shared language and history, but as a system of substantive values, norms, and principles which provide "members with meaningful ways of life across the full range of human activities, including social, educational, religious, recreational, and economic life, encompassing both public and private spheres," and rooted in a particular territory.²⁶

This is a major leap, and it confirms once and for all what we should have suspected all along, namely, that the kinds of culture that he is interested in are not the kind of 'cultures' we discussed in chapter two. They are not religious or gender groups, for example, but *nations*, or *national cultures*. As he himself says in *Multicultural Citizenship*, he is using the term 'culture' as "synonymous with a 'nation' or a 'people – that is, as an intergenerational community, more or less institutionally complete, occupying a given territory or homeland, sharing a distinct language and history."²⁷ It is membership in such a 'societal culture' – as opposed to any other group or community – that we need in order to be autonomous in a liberal sense, and "societal cultures . . . tend to be national cultures."²⁸ Hence, it is our national membership, above any other, which provides us with what Yael Tamir calls the 'evaluative criteria' against which we measure what is valuable and what is not.²⁹ It is our *national* culture, argue Raz and Margalit, which, through tacit conventions and implicit understandings, imparts to us our ideas regarding "what is part of this or that enterprise and

²⁵ Will Kymlicka, *Multicultural Citizenship*, p. 76.

²⁶ Ibid.

²⁷ Ibid. p. 18.

²⁸ Ibid. p. 80.

²⁹ Yael Tamir, *Liberal Nationalism* (New Jersey: Princeton University Press, 1993), p. 29.

what is not, what is appropriate and what is not, what is valuable and what is not. Familiarity with a culture,” they argue, “determines the boundaries of the imaginable. Sharing in a culture, being a part of it, determines the limits of the feasible.”³⁰

Importantly, however, while Tamir, Raz, Margalit, and Kymlicka all believe that it is our *national* membership above any other which provides us with the conceptual and normative tools to be free, they do not believe that nations *necessarily* contribute to – or facilitate – individual autonomy. Rather, they believe that a national or societal culture only facilitates autonomy if the values which prevail in it are liberal. So the argument is not in favour of nations *per se*, but nations which are defined in a particular, narrow way (i.e. as governed by liberal institutions and founded upon liberal principles). But this is hardly instructive or new. In fact it is a tautology: it suggests that liberal principles are best defended by institutions which aim to defend liberal principles.

Indeed, the more we examine the account of the nation to which liberal-nationalists subscribe, the more we notice that it looks very much like the kind of open and inclusive (and not necessarily national) state that liberals have always sought to encourage in the past, and which non-nationalist liberals still rightly seek to encourage. For Kymlicka, and for liberal-nationalists more generally, a nation should “not be defined by race or descent”.³¹ Rather it is, in the words of Tamir, a “communal domain . . . construed not only as an arena for co-operation for the purposes of securing one’s individual interests, but also a space where one’s communal identity finds expression . . . [without undermining] the cultural, religious, and linguistic identity of minorities.”³² It is a ‘civic’ nationalism rooted in a general loyalty to the social and political institutions which afford persons

³⁰ J. Raz & A. Margalit, ‘National Self-Determination’, in J. Raz, *Ethics in the Public Domain*, p. 125 – 145, pp. 134.

³¹ Will Kymlicka, *Multicultural Citizenship*, p. 22.

citizenship and which bind persons together within a polity which protects individual freedom, autonomy, rights, and equality. It describes a “public sphere in which individuals can share a language, memorise their past, cherish their heroes, [and] live a fulfilling national life.”³³ Therefore, Kymlicka concurs, it should be understood as a political community which “not only allows people to pursue their current way of life, but also gives them access to information about other ways of life (through freedom of expression), and . . . requires children to learn about other ways of life (through mandatory education), and makes it possible for people engage in radical revision of their ends (including apostasy) without legal penalty . . . [A liberal nation] does not compel such questioning and revision, but it does make it a genuine possibility.”³⁴

Quite clearly, then, it is not the liberal-nationalists’ aim to offer an account of ‘nations’ as they exist in the world, but rather it is to describe how they would *like* them to be. Or, indeed, if they *are* trying to provide some generic and universal account of what a nation is, then they are certainly guilty of ignoring all those existing nationalisms which do not fit their culturalised, liberal account of the nation as liberal community. It is doubtful, for example, how many Palestinians, Israelis, Serbs, or Kurds would share Kymlicka’s view that what defines a nation is that they “provide a meaningful context of choice for people without limiting their ability to question or revise particular values or beliefs.”³⁵ Indeed, it would be difficult to find any self-confessed nationalist outside the Academy endorsing anything like the sanitised, cultural definition of nations advanced by the likes of Tamir, Kymlicka, and Miller.³⁶ These theorists, it is crucial to remember, are not seeking to define or defend ‘nations’; they are defending ‘liberal nations’. Their definitions are not meant to

³² Yael Tamir, *Liberal Nationalism*, p. 74 – 76.

³³ *Ibid.* p. 8.

³⁴ Will Kymlicka, *Multicultural Citizenship*, p. 82.

³⁵ *Ibid.* p. 92 –93.

³⁶ Brian Barry, ‘Statism and Nationalism: A Cosmopolitan Critique’, in I. Shapiro & L. Brilmayer

capture some universal or generic idea of nationhood, rather they are intended as *normative* descriptions of the kind of nations that are congruent with liberal principles of freedom, autonomy, and equality.

But this leaves their argument for nations hollow. The more we examine the claims made by the liberal-nationalists, the more it becomes clear that they spend a great deal of time outlining the importance and desirability of 'the nation' only to define this nation in a way that is almost entirely congruent with the kind of non-nationalist state that liberals have always supported and should continue to support. In asking us to be 'nationalists', Tamir, Miller, Kymlicka, Raz, and Margalit are asking us merely to be liberals, to value liberal principles, and to support social and political institutions which defend these liberal principles. A loyalty to the liberal nation does not appeal to blood ties or a deep ethnic identity, rather it simply implies a loyalty to the principles and institutions which govern us (and which are, in turn, publicly justifiable to us in the way we outlined in part two of this thesis). But how is this different from what liberals have always argued? How does calling a liberal political community a 'nation'³⁷ or a 'societal culture'³⁸ or a 'pervasive culture'³⁹ shed any new light on what the purpose of liberal institutions are, or how persons might be encouraged to be loyal to these institutions? After all, liberals have always been concerned to establish those conditions under which persons can pursue their own lives according to values and ideals that they themselves have endorsed as worthwhile (within limits which protect individual freedoms and the structure and stability of the society as a whole), and consequently, they have sought to establish and perpetuate precisely that 'context' in which all persons are able to know for themselves what is

(eds.) *NOMOS 41: Global Justice* (New York: New York University Press, 1998), and *Is Social Justice Obsolete?* (forthcoming).

³⁷ See Yael Tamir, *Liberal Nationalism*, and David Miller, *On Nationality* (Oxford: Clarendon Press, 1995).

³⁸ Will Kymlicka, *Multicultural Citizenship*.

valuable to them and what is not, and to pursue these goals and projects on a free and equal basis with others. Calling this context a 'nation' as opposed to a 'state' or 'society' fails to take the debate into new or instructive territory, and ultimately leaves the argument for the importance of the nation redundant.

33.4 *Liberal Nations and Liberal Communities.*

Kymlicka clearly believes that the need for a national identity is clear in the history of the liberal tradition. In an attempt to show as much, he cites Mill's claim that "among a people without fellow-feelings . . . the united public opinion necessary to the working of representative institutions cannot exist" and Dworkin's claim that one's 'community' provides the context in which one comes to understand oneself and the world in which one lives, and Mill's claim that "the boundaries of governments should coincide in the main with those of nationalities."⁴⁰ But again, it is not clear in any of these claims exactly how the term 'nation' is being used and what its priority is, and hence it is not clear what Kymlicka can actually draw from them. Much is revealed, I think, by Dworkin's reticence in calling the political community for which he argues a 'nation'. Quite clearly, Dworkin's 'liberal community' embodies and enshrines almost everything that Mill, Green, and the more contemporary liberal-nationalists call 'the nation', and rejects everything that 'blood and soil' nationalists would support. There is, in Dworkin's argument, no appeal to racial purity or blood ties or ethnic hatreds, just as there are no such appeals in the arguments advanced by Mill or any other contemporary liberal-nationalists. What there is instead is a general commitment to common and inclusive institutions which defend the ability of each and every individual to work out and pursue their own ends and cherished ideals for themselves

³⁹ Joseph Raz & Avishai Margalit, 'National Self-Determination'.

⁴⁰ Ronald Dworkin, 'Liberal Community', quoted in W. Kymlicka, *Multicultural Citizenship*, p. 81.
John Stuart Mill, 'Considerations on Representative Government', in H. Acton (ed.) *Utilitarianism, Liberty, Representative Government* (London: J.M. Dent, 1972). Quoted in W. Kymlicka, *Multicultural Citizenship*, p. 52.

in an environment of freedom and equality. Instead of a privileged set of partial and exclusionary historical truths which serve merely to justify the dominant national identity, there is a commitment to the idea that all individuals are embedded in an unfolding and evolving history which they each have an equal capacity to interpret and contribute to on their own terms free from arbitrary constraint. There is a commitment to the idea that persons understand themselves by understanding the history of their community on their own terms.⁴¹

Like Mill, then, Dworkin does not understand 'the nation' or, in his words, the 'liberal community' as wholly or substantively constitutive of one's self or identity or understanding of the world, rather he sees it as that political environment in which persons explore and pursue their various interests and ideals for themselves. Indeed, he concurs with the central argument made in the previous chapter and the rest of this thesis; persons, he says, will, or may, "belong to a *variety* of communities and most people can belong to many more if they choose. They belong – or may belong – to families, neighbourhoods, alumni groups, fraternal associations, factories, colleges, teams, orchestras, ethnic groups, expatriate communities, and so forth."⁴² Consequently, he argues, what we need are liberal institutions that afford people the freedom to belong to these different groups – and to explore their identities and interests and aspirations freely – and which does not claim that one of these attachments is necessarily or inevitably more important or defining of one's interests and self-understandings than any other (and therefore worthy of protection). What we need is an institutional arrangement which does not privilege a particular history or a particular account of what is true or valuable about a polity (of the kind Galston and Salins advocate), but which instead equips persons with the ability to contribute to the way in which the

⁴¹ Ibid. See also Ronald Dworkin, *Sovereign Virtue: The Theory and Practice of Equality* (Cambridge, MA: Harvard University Press, 2000), especially chapter 5.

⁴² Ronald Dworkin, *Sovereign Virtue: The Theory and Practice of Equality*, p. 230.

history of the polity - and all their other group allegiances - unfolds, and to understand for themselves how these various histories overlap, conflict, and evolve.

It is often said that liberal societies harbour greater diversity than they once did. This is indeed true, but not as instructive as is often thought. Liberal societies – like any other – have long harboured diversity. They have long been populated by complex, multiply-embedded individuals who understand the world differently from one another. The difference is that liberal societies have become progressively more ‘liberal’ such that this latent diversity is now more obvious and public than ever before. With advances in women’s rights, gay rights, and rights for blacks, ethnic minorities, and different religious groups, liberal societies have become progressively more open to the diversity that has always existed within them and as such their very nature – the way in which we understand and define these societies – has become more open and affected by the previously silenced and marginalised voices of the excluded. As we saw in section 33.2 with regard to the liberalisation of the British homosexuality laws, and in chapter four with regard to the women’s movement and the campaign for equal rights for blacks, the struggle for greater equality among marginalised groups represents in large part a struggle by these groups to free themselves from ascriptive labels and constraints – and the language that reifies and perpetuates these labels - and to articulate their needs and aspirations in a genuinely open and inclusive environment which respects their distinctive experiences and listens to their particular demands.

This is why liberalism is so committed to finding a common and inclusive politics, why it is (or should be) concerned about social unity, and it is why it must shun the strategy of selective elevation, of essentialism, and of holding group identities over and above the individuals who belong to them. What liberalism must do, and what it has always done, is

create and perpetuate an environment conducive to all individuals working out for themselves – in the light of their own unique experiences and motivations and understandings – what memberships they find most valuable, which allegiances most define them, and how these self-understandings and self-definitions are challenged in the particular circumstances in which persons find themselves. This is the political environment or ‘liberal community’ that Dworkin seeks, and it is the kind of ‘nation’ sought by Mill, Kymlicka, and other liberal-nationalists. It is a political community in which different persons, with different ways of life, can live among one another under a history that truly reflects the complex, often ambiguous, sometimes problematic, development of their diverse polity. It is not a community which must be painted in the kind of conservative, nostalgic hues envisaged by the likes of Salin and Galston. It is an open society which – rather than attempting to obscure or misrepresent its history in the name of national pride or civic loyalty - lays even its most cherished historical traditions and guiding principles open to the scrutiny of each and every individual who chooses to look. And consequently, it is a community governed by institutions which defend and encourage those virtues and capacities that all persons need if they are to interpret, debate, and engage meaningfully in these discussions. What liberalism seeks is the empowerment of the individual to understand clearly and truthfully the groups to which it belongs (even if the elites within these groups would prefer otherwise) and the obligations and commitments that these memberships confer. Hence, it seeks to encourage in all individuals the ability to understand clearly and truthfully their own ends and commitments and self-understandings, and to debate them openly and coherently with others (who may or may not share them) in an open and inclusive deliberative process which is carried out not only in what political liberals choose to call the ‘political sphere’, but in all other areas of their lives too.

The allies that Kymlicka seeks from the history of the liberal tradition, therefore, are indeed united in their aim of establishing a liberal polity, governed by liberal institutions charged with the defence of individual autonomy and equality. But again, it is not clear how helpful it is – in normative terms – to call this society a ‘nation’. All those liberals to whom Kymlicka turns are clear about the ends of a liberal state, namely, that it should aim to provide all persons with the capacity to reflect meaningfully upon their ends and ideals, to interpret and question the groups to which they adhere, and to question (and hold to account) those institutions which govern them. Some choose to call this autonomy-supporting environment a ‘nation’, others a ‘community’, others still a ‘state’ or an ‘ethical community’ or a ‘societal culture’ or a ‘pervasive culture’; some non-liberals call it a ‘democratic polity’ or a ‘public sphere’.⁴³ But what ever they choose to call it, there cannot be said to be great disagreement about what its central aims and commitments should be. Once again, then, it must be said that, given this (and given also what we have said in previous chapters), it is not clear what the supposed debate surrounding nationality and culture adds to our understanding of how liberals should theorise normatively about politics and justice.

34. Culture, Social Unity, and the Limits of Toleration.

The argument for autonomy is not, of course, the only claim made in defence of the link between liberalism and nationalism. Two further – apparently quite separate – claims have been put forward in the literature. The first is that a developed national culture binds people together into a political community better than any other, non-nationalist form of loyalty, and that, therefore, it establishes much clearer and more substantive parameters for judging

⁴³ For example, Iris Marion Young and Nancy Fraser, respectively. Iris Marion Young, *Inclusion & Democracy*, and Nancy Fraser, ‘Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy’, in B. Robbins (ed.) *The Phantom Public Sphere* (Minneapolis:

what can and cannot be *tolerated* in a particular society. The second is that a shared national culture provides the criteria by which we can - and should - set the *boundaries* of a political community itself. I will discuss the first argument in the remainder of this section before going on to discuss the second in section 35.

What, then, of this claim that a national culture encourages and perpetuates social unity? Different nationalist thinkers conceive the limits of toleration - that is, the level of diversity that can be permitted in society without endangering national unity - differently. David Miller, for example, appears more sceptical than Kymlicka or Tamir about the compatibility of encouraging minority ways of life to flourish while at the same time defending a wider (and more important) *national* culture. "Radical multiculturalism [of the kind advocated by the likes of Young and Kymlicka]," he says, "wrongly celebrates sexual, ethnic, and other such identities" at the expense of national identities.⁴⁴ In marginalising our national identity in this way, he says, 'radical multiculturalists' actually erode those bonds which hold the political community together.

There are two things to be said about this. The first is that, if indeed it is against Kymlicka and Young that Miller is arguing here, his argument fails on both counts. It fails against Kymlicka because the identity that Kymlicka wishes to exalt above all others is, as we have seen, precisely one's *national* identity. And it fails against Young because, as we saw in the previous chapter, the account of agency and the self to which she subscribes is one in which no particular allegiance is elevated above any other. Young's argument for relational autonomy could - like mine - fully accommodate the claim that one's national identity may represent *an* aspect of one's identity. What it rests upon is the notion that national identity may be felt as a defining aspect of identity by some people, and that for these people issues

University of Minnesota Press, 1993).

regarding national sentiments and customs will loom large in their sense of self, but that they need not and, indeed, many will not consider their membership in a particular national group to be important at all. For Young, however, this is not something to be all that worried about. It will not necessarily undermine one's autonomy or sense of self because persons draw their sense of self (and their capacity for autonomy) from various different groups at one and the same time. As Young rightly points out, "[e]veryone relates to a multiplicity of social groups . . . [and] every social group has other social groups cutting across it."⁴⁵ When examining groups and group memberships, that is, it is important to stress the significant effect that "individual modulation, multiple memberships, and degrees of identification" have upon the way in which members and non-members understand these groups and their relation to them.⁴⁶ Young's argument therefore highlights an important aspect of my own, namely, that we should be sceptical of essentialist definitions of groups because no outsider – be it Miller or anyone else – is in a better position to know what aspects of a person's identity are most important to him than that individual himself, and that it is possible for a person to be an autonomous agent without feeling any thick national sentiments at all (or, at least, no attachment which could not be described just as accurately in terms of a non-nationalist 'civic' loyalty or 'citizenship').

The second point to be made about Miller's argument here is that, again, it is not clear how invoking the term 'nation' renders our deliberations about *toleration* any clearer than conventional, non-nationalist liberal theorising. In expressing his fears about the effect that 'radical multiculturalism' will have upon national sentiments, Miller is simply voicing very familiar worries about the capacity of the wider community to accommodate diverse claims and ways of life. Miller's worry is that multiculturalism – understood as the politicisation of

⁴⁴ David Miller, *On Nationality* (Oxford: Clarendon Press, 1995), p. 135.

⁴⁵ Iris Marion Young, *Inclusion and Democracy*, p. 88.

⁴⁶ *Ibid.* p. 253.

sub-national identities – undermines the stability and the legitimacy of those institutions and practices in which the national culture is embodied. Radicalised political movements rooted in sub-national identities threaten the ‘national culture’ by casting into doubt the common values or shared understandings which afford legitimacy to the state. For Raz, too, the fear is that “[w]ithout a deep feeling of solidarity, a political society will disintegrate into quarrelling factions.”⁴⁷

But this is as much a worry for non-nationalist liberals as it is for nationalists. Indeed, one of the most widespread criticisms of multiculturalist policies are that they lead to the ‘tribalisation’ or the ‘balkanisation’ of society, whereby society is split into a series of culturally specific enclaves more concerned with their own ‘difference’ than their membership of a common, unified community.⁴⁸ It is not clear how the response to this concern provided by Miller’s watered-down nationalism would differ from the kind of response advanced by a liberal who was concerned that the ‘affirmation’ or ‘recognition’ of group memberships might lead to the breakdown of those sentiments of reciprocity and common citizenship that sustain liberal principles of equality and autonomy.

Indeed, it is not clear how the appeal to a common national identity would necessarily bring about the kind of social unity that Miller supports. As Iris Marion Young points out, the “position that obligations of justice are limited to co-nationals is often taken to legitimise rejection of redistributive policies perceived to benefit groups with whom many citizens do not identify. White Anglo-Americans,” for example, “appear increasingly reluctant to support redistributive policies, partly because many of them erroneously believe that these

⁴⁷ Joseph Raz & Avishai Margalit, ‘National Self-Government’, p. 187.

⁴⁸ See Nathan Glazer, *Ethnic Dilemmas 1964-1982* (Cambridge, MA: Harvard University press, 1983). For an alternative argument – which claims that social disunity is not the problem that many liberals believe it to be – see Chandran Kukathas, ‘Cultural Toleration’. Kukathas’ argument is discussed in detail in part two of this thesis.

policies primarily benefit African-Americans and Latinos, with whom they feel few ties of a common culture and shared history.”⁴⁹ Miller would no doubt argue that this simply illustrates the need for stronger national sentiments than currently exist in the US, and the need for greater integration on the part of the Latinos and African-Americans. Quite apart from asking how this might be achieved, we are forced to ask exactly what it is that these different groups are being ‘integrated’ into. Again, it is certainly not a deep ethnic identity. But even if it was, it is by no means clear that such a national identity would promote or encourage social unity. After all, as Michael Ignatieff has argued, the “fact, for example, that two Serbs share Serbian ethnic identity may unite them against Croats, but it will do nothing to stop them fighting each other over jobs, spouses, scarce resources, and so on. Common ethnicity, by itself, does not create social cohesion or community, and when it fails to do so, as it must, nationalist regimes are necessarily impelled towards maintaining unity by force rather than consent.”⁵⁰

The national identity for which Miller and other liberal-nationalists argue, however, is one rooted in one’s allegiance to a set of principles and ideas which encourage unity by addressing precisely these more limited sources of conflict to which Ignatieff points. It is, as we have said, a nationalism which is able to be expressed and worked out through fairly derived and publicly justifiable liberal institutions. Citizens are therefore required to be loyal to those liberal principles which allow them to resolve political conflicts fairly, and which

⁴⁹ Iris Marion Young, *Inclusion and Democracy*, p. 243. It is not clear exactly how many of the problems that arise between African Americans, Latinos, and many Anglo-Americans in the US actually stem from a ‘lack of shared culture and history’. As Kwame Anthony Appiah states,

it is not black culture that the racist disdains, but blacks. There is no conflict of visions between black and white cultures that is the source of racial discord. No amount of knowledge of the architectural achievements of the Nubia or Kush guarantees respect for African-Americans. No African-American is entitled to more respect because he is descended from a people who created jazz or produced Toni Morrison. Culture is not the problem, and it is not the solution. (K. Anthony Appiah, ‘Multicultural Misunderstanding’, *New York Review of Books* 44, 9 October 1997, p. 36.)

underpin and perpetuate the virtues of reciprocity and trust necessary for stability and social cohesion in a liberal state. The 'nation' is, in the words of Yael Tamir, a "communal framework [of free and autonomous individuals] who conceive of national membership . . . as a daily plebiscite."⁵¹ Such a civic nationalism, rooted in a loyalty to and a support for political principles as opposed to blood ties or race, therefore creates the appropriate conditions for the survival of state institutions, and the forms of public dialogue and deliberation which justify and sustain them, while avoiding the kind of inequalities and exclusions implied by appeals to deep ethnicity.

Critics may claim here that I have rendered Miller's nationalism too empty of content, and that Miller is in fact committed to a much thicker, more *ethnified* nationalism than I have thus far suggested. The problem with this view lies again in this inability of ethnic nationalism to provide, in and of itself, a coherent response to conflicts arising from differences *among* co-nationals. Miller requires all persons, regardless of their particular ethnic identities, to resolve political conflicts in a way that is congruent with liberal principles of fairness, civility, and reasonableness. He is therefore committed to encouraging in all persons those virtues which allow this to happen; without these virtues, the social unity that Miller seeks (like the liberal institutions he invokes to protect and defend it) is left hopelessly unstable and fragile.

And this is important, too, because, as we have already suggested, Miller does not merely envisage a nation unified by a shared sense of identity and belonging, rather he defends a nation of autonomous and equal individuals who are capable of reflecting meaningfully upon their ends and engaging in public reasoning about the content of the institutions that govern

⁵⁰ Michael Ignatieff, *Blood and Belonging: Journeys into the New Nationalism* (London: Vintage Books, 1994), p. 5.

⁵¹ Yael Tamir, *Liberal Nationalism*, p. 33.

them. If Miller does indeed defend an ethnic nationalism, he certainly does not believe that this ethnicity necessarily determines the structure of political institutions. Miller's institutions are *liberal* in the sense that they must gain the genuine consent of the governed, on the basis of formal equality. But, as we have already argued, the ability to reason publicly about justice and politics in this way presupposes certain virtues and capacities and self-understandings among those who are to be involved.

Miller's argument for nationalism is therefore subject to the same inconsistencies as Rawls' argument for political liberalism. If he defends liberal institutions and argues that these institutions should be justifiable to all individuals through some form of public deliberation and debate, as he does, then he must also defend those virtues and conditions in the wider 'background culture of daily life' which this public reasoning requires. The claim that it is possible to have a thickly ethnic national culture at the same time as liberal institutions and dialogue is only coherent if the ethnic identity to which the 'nation' appeals is congruent with, and incorporates, the liberal principles of individual autonomy and equality. And this would appear to be precisely the kind of 'ethnic' identity that Miller defends. Consider his claims about individual identity, for example, and how they fit with what we have claimed thus far. Again, we find the claim that we belong to many groups and associations at once. As Miller himself states, one may be born into a particular community or group but discovering as much still leaves a great deal of my identity undetermined. Discovering that one was born a Jew, for example, leaves a great deal for one to work out for oneself, such as "whether to be practising or non-practising; if practising, whether to be orthodox or liberal, etc., in general, how much importance to attach to one's Jewishness, whether to make it a central feature of one's identity, or only a minor aspect."⁵² Consequently, then, for Miller like so many others, agency is both a 'cognitivist' and a 'voluntarist' process; a process both

⁵² David Miller, *On Nationality*, p. 43-44.

of discovering the attachments and roles into which one was born, and of working out for oneself what these attachments and roles mean, what they imply, and how they fit together to make one the person one is.⁵³ Miller argues, therefore, that persons should be allowed to work out for themselves which of their various memberships and attachments are most important to them, how they overlap and affect one another, and how they fit together. And this, Miller argues, is as true of the *national* community to which one belongs as any other. We should be free, he says, to balance “competing demands upon us” and establish “our own scale of priorities between [those] different values” which shape us *including* the importance of the nation.⁵⁴ These decisions should be left to the individual alone, Miller says, and there is “no predetermined outcome of this process.”⁵⁵ Consequently, the ‘nation’ that Miller defends must – like that defended by Kymlicka, Tamir, Raz, and Margalit – be organised around principles which conceive this self-exploration and internal questioning of one’s values to be important and valuable.

But again, this simply appears to equate the ‘nation’ with a conventional liberal political community. After all, as we have already seen, liberals argue that all persons must be provided with a rich and varied set of options, coupled with the requisite self-confidence and self-knowledge to conceive these options as realistic and attainable, such that they might understand and explore the various commitments and obligations which constitute their identity. Consequently, liberalism demands that social, political, and legal institutions be structured in such a way as to encourage and allow individuals to develop their preferences and ideals in response to their own understanding of their various beliefs and commitments, and in response to the circumstances in which they find themselves. It is for this reason, of course, that liberals conceive such goods as education and welfare to be

⁵³ See chapter six.

⁵⁴ David Miller, *On Nationality*, p. 44-45.

⁵⁵ *Ibid.* p. 44.

accessible to all members of society as a matter of right which cannot be denied or undermined in the name of any particular, more ethically substantive, conception of the good. If Miller is indeed committed to providing all persons with the ability to ‘balance the competing demands upon them’ in the light of their various commitments and ideals and interests, then he must be committed to putting in place all the various autonomy-supporting institutions and measures advocated by comprehensive liberals. And, similarly, if he is committed to individual autonomy in the way he suggests, then he is surely committed to establishing the limits of toleration at the same point as liberals like Kymlicka and Tamir, namely, at the point at which individual autonomy is jeopardised. If he is not, and if he believes that persons will be able to retain a thick, non-liberal ethnic identity in private while endorsing liberal principles in public, then his defence of liberal-nationalism is as incoherent and as unstable as political liberalism, for all the same reasons.

35. Wider Contexts of Choice? Culture, Nation, World.

35.1 *Drawing Political Boundaries: Cultural, National, or International?*

What, then, of the second argument for liberal-nationalism, namely, that nations provide the criteria by which we might determine the legitimate boundaries of the state? This claim embodies the “aspiration to have an independent and separate political community coincide with one and only one distinct people or nation. [It is a call] for an independent state for every nation and one nation for every state.”⁵⁶ Therefore, any group which can show that it has a genuine claim to being a nation should be allowed to establish its own institutions, which protect and embody their particular national customs, history, and

⁵⁶ Iris Marion Young, *Inclusion and Democracy*, p. 254.

language, and can claim “sovereign and exclusive control over a contiguous and bounded territory.”⁵⁷

But what is the *liberal* justification for such a claim? What justification do *liberal-culturalists* offer in support of affording political authority to cultural groups in this way? Some, like Miller, offer what is basically a pragmatic argument not unlike that made on the basis of national unity. States, they argue, require a degree of social unity which is best encouraged in bounded, sovereign communities. But quite apart from what we have already said about this claim, there is no reason to believe that these bounded communities should be drawn along ‘national’ lines, as opposed to any other. Of course, it may make more intuitive sense to conceive political boundaries to be drawn on these terms as opposed to, say, one’s membership of a particular city or village or regional district. But we do not need to go far back in history to find a time in which the appropriate boundaries to a political authority were not thought to be provided by nations, but were indeed provided by smaller communities like cities and villages.⁵⁸ And we need look no further than the UK to witness the increasing devolution of political authority to regions defined in both national and non-national terms.

There is, of course, a great deal of truth in the claim that institutions are best at providing public services and tracking the needs of citizens when the community over which they claim jurisdiction is of a manageable size. But there is nothing in this argument which shows that this community must be bound by a common national identity. The claim that Scotland and Wales, for example, should be afforded their own institutions and governing

⁵⁷ Ibid.

⁵⁸ See Quentin Skinner, *Foundations of Modern Political Thought* (2 vols., Cambridge: Cambridge University Press, 1978) and *Liberty Before Liberalism* (Cambridge: Cambridge University Press, 1998); Richard Bellamy, *Liberalism and Modern Society: An Historical Argument* (Oxford: Polity Press, 1992); and Robert D. Putnam, *Making Democracy Work: Civic Traditions in Modern*

powers was as much based on the pragmatic argument (for the manageable and representative administration of local needs and interests) as it was on a claim for national self-determination. And we can see that now, the same argument is being used increasingly to justify the establishment of regional assemblies and elected mayors in England (London and Birmingham being two examples). But this only goes to show that the pragmatic argument for the establishment of nation states (i.e. that national communities provide the size and unity necessary to sustain redistributive principles and the welfare state) is not necessarily an argument for *nations* at all. It is merely an argument for the establishment of political communities which are manageable, stable, and able to track the needs of their members effectively. The drawing of political boundaries along national lines need not be ruled out entirely (that is, to put it in philosophical terms, the appeal to a national culture need not be ruled out of our public reasoning as *a priori* unreasonable) but it should not be considered in itself more important or persuasive than an appeal to any other form of attachment or allegiance, and hence the validity of such an appeal should be weighed and considered in the course of our public reasoning about justice in the same way as any other. And, as we suggested in the previous chapter, it is precisely the fact that one does not draw one's self-identity or understanding of the world from a single source, but rather from many different sources, that one is able to debate, interpret, and argue about one's national membership meaningfully with others.⁵⁹

For the defence of liberal nations to stand up, then, liberal nationalists must go further than offering merely a pragmatic argument: they must offer a genuine reason as to why *nations*, as opposed to any other kind of community, are the best and most appropriate means of drawing national boundaries. They must offer a compelling justification for the normative importance of nations. So what do they suggest?

Italy (Princeton, NJ: Princeton University Press, 1993).

Once again, it is the claim that culture – and national culture most explicitly – is a necessary, structural pre-condition of *individual autonomy*. When reflecting upon the worth or validity of particular practices, customs, or ways of life, they argue, we do so by consulting the understandings and commitments afforded to us by our culture (i.e. our national culture). But what this claim ignores is, as we have already argued in the previous chapter, that when called upon to decide how to act or what to do in response to the circumstances which face us, or when called upon to decide what is ‘right’ or valuable or worthwhile in a particular situation, we will often be required to weigh the value of our ‘cultural membership’ against many *other* commitments which claim us at any one time (not least, against claims made of us by the wider moral framework in which we find ourselves, and by our role as a citizen within a social and political environment which surrounds and circumscribes our more particular allegiances). That is, our membership of a particular cultural or religious group might be important to us, but in many circumstances it will represent merely *one* attachment among many others which affect and constitute our view of the world, and as such it must be understood and compared and interpreted in the light of these other attachments. A man who is forced to decide whether to fight in a war for the good of his ‘nation’, or to stay at home to look after his sick child, for example, is confronted with a decision which cannot simply be resolved by consulting the values embodied in the nation to which he belongs. In such a circumstance, his *national* identity conflicts with certain other roles (as a father, as a husband, as a Christian) which he may well hold to be as important, if not more important, to him than his membership of a particular nation. And this will hold true in countless other, less dramatic circumstances too – where the dilemmas involved are not matters of life or death, or great life-altering

⁵⁹ See chapters four and six.

moments, but simple choices in which the appeal to particular 'national' identity does not hold the answer, but in fact represents part of the problem.

This is not to say that these comparisons and interpretations must be conducted *asocially* (as a number of writers have alleged); rather, it simply means that our 'cultural membership' will often represent a single value (or cluster of values) in a much wider 'context of choice' which incorporates many other considerations and perspectives which will shape, and which must be included within, our deliberations about our various ends. If I am truly 'autonomous' in the way that liberals require, that is, I must be able to reject the demands made of me by my national membership if I conceive other demands more important or urgent or persuasive.

Culturalists, however, would no doubt object on the grounds that it is impossible to conceive 'cultural membership' in such a way because our membership of a particular culture represents not merely our commitment to a single value among others in the way we have suggested, but rather a kind of 'meta-value' which binds our diverse experiences together and which provides the background against which our more particular roles and commitments are rendered intelligible. Indeed, this is precisely the way in which the majority of culturalists justify the elevation of culture as the most important of all personal attachments, and precisely explains why culturalists equate 'culture' not primarily with sub-national groups (in the way that Young does, for example), but with a substantive, diverse national or societal culture. Our experience of the world, they claim, is mediated through eyes that have been shaped and enlivened by the shared beliefs of the cultural group in which we are implicated; for most people, that is, "membership in their cultural group is a major determinant of their sense of who they are; it provides a strong focus of

identification⁶⁰ and represents a conglomeration “of interlocking practices which constitute the range of options” open to them.⁶¹ By listening to stories and histories “from childhood on, we become aware both that we are already participants in a certain form of life . . . and that there are other ways of life which offer alternative models and roles which we may in time come to endorse⁶² by consulting the ‘cultural structure’⁶³ or ‘pervasive culture’⁶⁴ or ‘cultural environment’⁶⁵ in which we are embedded.

But if the agent really is embedded in a *multiplicity* of roles in the way we have thus far suggested, then our own personal understanding of this ‘cultural structure’ – its boundaries, its nature, and the values and practices and ideals which compose it – will, like our understanding of the world in which it is located, be conceived from the combined perspective of all those other aspects of our lives which converge to form our identities. Consequently, the understanding that one person has of their (or any other) particular culture will not be (or, at least need not be) the same as anyone else’s. And this is as true of one’s *national* culture as it is of those other, smaller, groups to which one belongs. If what we have argued thus far in this and the previous chapter is coherent, then cultures and groups – including national groups - are genuinely ‘imagined communities’ in the sense that their content and shape are determined by the individual according to their more general understanding of themselves, their roles, and obligations.⁶⁶ The specific conjoining of our various ideals and memberships and obligations forms our own view of the world and thus it embodies the lens through which we come to understand the world as a whole, *including* the nature and content of the cultural or religious or ethnic or national group to which we belong, and hence, the boundaries of this national group are – like those of any

⁶⁰ Joseph. Raz, ‘Multiculturalism’, p. 178.

⁶¹ Ibid. p. 177.

⁶² Will Kymlicka, *Liberalism, Community, and Culture*, p. 165.

⁶³ Ibid.

⁶⁴ Joseph Raz & Avishai Margalit, ‘National Self-Determination’.

other group – open to discussion, debate, and interpretation by those who conceive themselves as belonging to it (and by those who do not).

National and sub-national groups are not internally homogeneous precisely because their members understand themselves (and their membership of the group in question) in the light of many other affiliations and roles and commitments which shape them and which set them apart from everyone else (as substantively *separate individuals*). Because individual identity (and the understanding one has of oneself) is not rooted in a single membership or affiliation but rather in the way that affiliation fits with all the others which shape one's view of the world at any one time, it is inevitable that the 'core values' or 'shared ideals' embodied in the cultural, religious, or ethnic group to which an individual belongs will (or, at least, may) be interpreted and understood differently by each member of that group. As Miller points out, "social mobility, cultural mixing, and intermarriage mean that for increasing numbers of people, their self-ascribed ethnicity depends on choosing which of several possible lines of descent to highlight."⁶⁷ Within a religious community, for instance, different individuals will interpret the depth and significance of their beliefs in subtly different ways to those around them as a result of the way in which they understand the other commitments which claim them (and the way their religious beliefs fit with these other claims). They will cherish different aspects of their faith; they will possess different reasons for believing, or worshipping; they may disagree over the way in which worship itself should be conducted, or whether or not certain aspects of the prevailing orthodoxy should be changed or reformed. And within a national group, different persons will conceive the nature of their membership, and the boundaries and limits and content of the nation differently, depending upon how their national identity fits within their wider self-

⁶⁵ Yael Tamir, *Liberal Nationalism*.

⁶⁶ Benedict Anderson, *Imagined Communities* (London: Verso, 1991).

⁶⁷ David Miller, 'Identities and Democratic Politics', in S. Mendus & J. Horton (eds.) *Tolerance*,

understanding, and depending upon their own unique circumstances and experiences. They may emphasise different aspects of the 'national culture' as more significant than others, they may disagree entirely with others about which values define the nation, and the way in which its history should be understood and interpreted. They may prioritise their national membership very highly or not at all. They may even refuse to acknowledge that such a thing as 'their nation' exists.

Within every community (religious, national, or otherwise) there will exist a diversity of individuals who may or may not share common goals (and acknowledge the importance of certain shared practices or customs) but who may, nevertheless, interpret these goals and practices differently in the light of the often powerful and contradictory claims made of them by their other memberships and obligations. The same is true of the way in which individuals understand the meanings and implications of the particular gender, racial, sexual, and national groups to which they belong. What it means to me to be 'a man', 'a lesbian', or 'black' will depend upon the context in which I learn what these labels mean for me and what implications and connotations they import. And the context in which I come to understand these labels – the set of motivations and preferences and ideals which together constitute my starting point for meaningful decision and reflection – will not be, or at least need not be, the same as anyone else's, either from another 'culture' or within my own.

Consequently, diversity is an individualist phenomenon. It manifests itself at the level of groups in the sense that persons cohere around labels and common systems of value. We say things like 'I am a Sikh', or 'I am a Christian', or 'I am a member of a bowling team', and in doing so we acknowledge our general acceptance of a particular set of 'shared'

practices. But more philosophically engaging – and more politically and normatively significant - is the diversity that exists within these groups as a consequence of the way in which these values or attachments fit with the overall set of commitments and ideals and obligations which constitute the individual's view of the world in its entirety.

When I appeal to 'my culture', I appeal to that understanding of it that I myself have derived in the light of all my more specific interests and aspirations and affiliations, which, as we argued earlier, is precisely why justification cannot end with a brute appeal to culture. There is no definitive or concrete definition or conception of the culture that is being appealed to, only that individual's own interpretation of what that culture is (and what it stands for). Hence, there is always a need among members and non-members to work out exactly what a culture or group represents, and what its core values and claims are, and consequently the need for institutions to encourage the conditions appropriate for such deliberations and interpretations at all the various levels of one's life and in all the various locations in which they might take place.

Consequently, the wider society invades the cultural sphere by first invading the individuals who compose it, and vice versa. As we saw in part one, individuals bring their (own interpretation of their) culture to the wider society through the practices in which they engage, the shared values they espouse, and the various forms of dress they wear. They also bring their 'cultural' groups into political discourses via the arguments and discussions that they have, and the agreements that they are willing to enter into, based on these memberships. Consequently, society is compelled to reflect anew upon those values and principles which constitute and regulate it in order that it can respond to these new values and concerns. It is forced to reflect anew on the nature and limits of toleration, for example, and the extent to which persons should be exempted from particular laws on the

basis of their cultural or religious beliefs; or whether or not particular laws should be abolished or rejected entirely on account of their offensiveness to certain ideals or ways of life. And this is an ongoing process, as the membership of the polity changes as a result of migration, immigration, and the movement of persons around the world. Society must be prepared to re-examine its most fundamental commitments in the context of these changes and developments, and to question whether or not the institutions designed to deliver on these commitments are capable of doing so. But at the same time, and just as importantly, persons bring the wider society (in all its richness and complexity and diversity) into their *culture* as a consequence of learning about other ways of life to their own, and through their daily experience of meeting and living and working among persons who understand themselves and the world differently.

35.2 *International Contexts and the Ambiguity of Borders: Where Does My Culture End?*

In many ways, of course, this account might be described as ‘postmodernist’, given that it emphasises and acknowledges diversity at all levels of society and human experience in a way that makes the drawing of boundaries between *groups* at best confusing and complex and, at worst, merely arbitrary. Borders cannot be ‘drawn’ by outsiders, it suggests; they can only be negotiated through a process of inclusive dialogue and interaction between individuals who each bring their own individual interpretations and understandings to the debate. As a consequence, borders between different cultures, communities, nations, and groups shift and become permeable and ambiguous. They exist in the sense that persons *hold* them to exist and so we can, at least at some level, speak meaningfully of ‘group membership’, but they often exist in different places for different people. From a philosophical point of view, then, “cultures are not internally homogeneous. They are continuously contested, imagined, and re-imagined, transformed and negotiated, both by their members and through their interaction with others. The identity, and so the

meaning, of any culture is aspectival rather than essential . . . cultural identity changes as it is approached from different paths and a variety of aspects come into view. Cultural diversity is a tangled labyrinth of intertwining cultural differences and similarities, not a panopticon of fixed, independent, and incommensurable world views . . . As a consequence . . . the experience of cultural difference is *internal* to a culture.”⁶⁸

Whether or not this view is postmodern, however, it does illustrate a fundamental problem at the heart of liberal-culturalism. It shows that the appeal to nation or culture represents an appeal to a shifting, evolving, and ambiguous association which is defined by the various multiply-embedded and complex individuals who conceive themselves to be members of it, in relation with those who do not. What we have argued thus far is that persons are multiply-embedded and shaped by a diversity of commitments and allegiances, and that, therefore, the lens through which they understand the world and which frames their deliberations about their own ends and the content of justice cannot be assumed to be the same as anyone else’s. To understand persons in this way is “not to *deny* the role of culture in the constitution of human life” but to join cosmopolitan liberals in questioning “first, the assumption that the social world divides up neatly into particular distinct cultures, one to every community,” which can be ‘protected’ and which are internally homogeneous, “and secondly, the assumption that what everybody needs is just *one* of these entities - a single, coherent culture - to give shape and meaning to its life.”⁶⁹ Persons come to understand their beliefs and attachments in the context of the specific circumstances in which they find themselves. Being a ‘Christian’ or a ‘Sikh’ or a ‘Muslim’ means different

⁶⁸ James Tully, *Strange Multiplicity: Constitutionalism in an Age of Diversity* (Cambridge: Cambridge University Press, 1995), p. 11.

⁶⁹ Jeremy Waldron, ‘The Rights of Minority Cultures: A Cosmopolitan Alternative’, Will Kymlicka (ed.) *The Rights of Minority Cultures* (Oxford: Oxford University Press, 1995), p. 105. See also Jeremy Waldron, ‘What is Cosmopolitan?’, *Journal of Political Philosophy* 8 (2000), p. 227 – 243; and Martha Nussbaum, *For Love Of Country: Debating the Limits of Patriotism* (Boston: Beacon Press, 1996).

things to different people depending upon their own personal circumstances and their own ideas about the way in which their beliefs can be reconciled with other important aspects of who they are (their sexuality, for example, or their or their opinions on gender inequality inside and outside the church, or their commitment to the Sabbath, and so on), and as they move, as they emigrate, as they form new opinions and confront new circumstances, their grasp of their own beliefs (their sense of 'who they are') will change.

The fact that persons *do* sometimes conceive themselves to be shaped by particular groups makes the accommodation of these groups an acute and pressing issue for political theory and practice (as we saw in part one). But the fact also that the nature and content of these groups will be determined and interpreted by those individual members who belong to them means that our normative theorising must be focused upon the needs and freedoms of individuals over and above those groups to which they belong.

This is why liberalism is – and should be – committed to a programme of *individual* rights over *group* rights. The only kinds of groups acceptable to liberalism – and hence, the only kind of groups which can be tolerated by liberal institutions – are those which allow their *individual members* to make sense of the world for themselves, and to pursue those ends that they themselves believe to be worthwhile, without arbitrary restraint. As Yael Tamir argues, the “fate of a culture, a language, or a religion ought to be determined by its members. For that purpose one must grant . . . rights to individuals rather than the community as a whole.”⁷⁰

No authority or elite can assume to know which of a person's particular allegiances are most important to him, or which membership figures most prominently in his

⁷⁰ Yael Tamir, 'Siding with the Underdogs', in *Is Multiculturalism Bad For Women?*, p. 47–52, pp. 51.

understanding of the world. Consequently, any set of institutions or regulative principles which seek to enshrine the ability of all persons to act freely, and to pursue ends that they themselves have endorsed as worthwhile, must acknowledge and protect the ability of individuals to interpret and understand their own allegiances (and hence, their own ideals and ends) for themselves, in the light of those other commitments which shape them. True, every person needs a 'context of choice' (some set of values, some framework of meanings and ideas which constitute their understanding of the world) from which to select the life they believe to be worthwhile and also the requisite political freedoms which allow them to pursue these ends once they have 'selected' them. But it does not follow from this that our understanding of the world will be wholly defined by a *single* "cultural framework in which each available option is assigned a meaning . . . [M]eaningful options may come to us as fragments from a variety of sources" both within our own 'nation' or 'culture' and beyond it, in different nations, contexts, and places.⁷¹ Persons will indeed be constituted by 'cultural materials', and they may well conceive their ends and projects to be affected by the values embodied in the 'cultural' community in which they are implicated, but it is a mistake to claim that they *must* do so, or that they *must* conceive their culture as the most significant of their various memberships, or that this 'cultural' community will present itself in the same way to all its members. Given this, and given the extent of diversity in contemporary liberal societies arising from migrations and movements of peoples throughout the world, borders between 'nations', as much as between other 'groups' or 'cultures' will be ambiguous and subject to change and reinterpretation.

⁷¹ Jeremy Waldron, 'The Rights of Minority Cultures: A Cosmopolitan Alternative', p. 103.

36. Conclusion.

If what we have argued thus far in this and the previous chapter is coherent, then, the claim that liberalism is structurally committed to defending particular ‘cultures’ or ‘nations’ is a good deal less convincing – or, at least, a good deal less instructive – than the liberal-culturalists and the liberal-nationalists would have us believe. We have not sought to deny the importance of social, political, and group-based attachments to people’s lives. We have claimed throughout this thesis that persons require a ‘context of choice’ in which to work out their particular aims and commitments, and that one cannot deliberate or reflect on particular ends or ways of life, or to reason meaningfully about justice and politics, in a vacuum. One can only do so from within the context of all those various allegiances and attachments which together make one the person one is.

What we have called for, then, is greater clarity among liberal-nationalists and liberal-culturalists about what a culture *is*, and hence, exactly what kind of ‘context’ we need in order to be autonomous in the way liberals demand. If culture is understood in a narrow sense (that is, as representing a largely homogeneous set of beliefs or ideals located around a particular shared religious or ethnic identity, embodied and perpetuated in certain traditional customs) then the culturalist argument for the ontological and normative significance of culture is simply mistaken. Persons do not merely act and understand their lives within a ‘context of choice’ defined by such a group because this group will itself be internally diverse and rooted within a much wider political community, the borders of which are changeable, ambiguous and permeable. Individual persons hold their own ideas about what their ‘culture’ embodies, what it means to them, and how it constrains other (perhaps important, perhaps trivial) aspects of their lives, and these ideas are drawn from their experiences with other peoples and other groups which exist around them.

If, however, culture is viewed more widely, namely, as that over-arching structure of values and ideals which, in Kymlicka's words, "provides its members with meaningful ways of life across a full range of human activities, including social, educational, religious, recreational, and economic life, encompassing both public and private spheres . . . [which] tend to be territorially concentrated and based on a shared language . . . [and] institutionally embodied in schools, media, economy, government, etc." then it would appear to offer little or nothing to existing debates about justice and freedom.⁷² As soon as we conceive culture as not so much a homogeneous group or community (which can be isolated within the political community as a whole), but as embodied in the wider, diverse, liberal social and political environment described in the previous chapter, then it becomes unclear as to the way in which 'culture' should affect our deliberations about justice in liberal states, or about the way in which we should conceive the liberal commitment to freedom and autonomy.

Liberal-nationalists and liberal culturalists converge with conventional 'non-culturalist' liberals (and many of those non-liberals that we have thus far discussed) in defending individual autonomy. We have seen as much in the work of Miller, Tamir, Margalit, Raz, Kymlicka, and Mill, just as we have seen it in those 'non-nationalist' liberals who nevertheless argue for free choice and publicly justifiable institutions. Kymlicka, Tamir, Miller, Raz, and Margalit, believe that "the world is a world of nation-states, and it is one in which liberalism prevails to the extent that those states represent and protect [liberal principles of] individual autonomy, sustaining a 'societal culture' of equal individuals."⁷³ Hence, for all their claims to the contrary, their 'culturalist' liberalism is necessarily as

⁷² Will Kymlicka, *Multicultural Citizenship*, p. 76.

⁷³ Chandran Kukathas, 'Multiculturalism as Fairness: Will Kymlicka's *Multicultural Citizenship*', *Journal of Political Philosophy* 5 (1994), p. 406 – 427, p. 426.

inhospitable to 'deep cultural diversity' as all those non-nationalist accounts that we have discussed throughout this thesis. Furthermore, it is no more able to accommodate or tolerate cultural diversity than its non-nationalist, impartialist variants. After all, if "cultural communities are to be regarded as having the same basis as the state – as [Kymlicka] repeatedly suggests – then they must in the end be, or be made into, *liberal communities*. If a liberal describes a nation state governed by principles of liberal justice, then the liberal state cannot condone practices or cultures which run contrary to these principles."⁷⁴ Miller, Tamir, Kymlicka, liberal-nationalists and non-nationalist liberals are therefore necessarily united in their claim that toleration must be limited and circumscribed by the prior commitment to individual autonomy.

Consequently, our rejection of liberal-culturalism is two pronged. Firstly, it seeks to undermine the claim that persons must be understood as defined primarily by their membership in a particular cultural group, although it does acknowledge that certain persons will conceive themselves in such a way. However, the second (and crucial) claim embodied in our account is that those who do appeal to culture in this way will not in fact be appealing to a reified, static, or homogeneous set of values or traditions, but to an 'imagined community' which is defined differently in the eyes of each of those who compose it, and which is itself shaped and affected by the wider social and political context in which it is implicated. The nature and content of cultural groups, and the structure of the values embodied in these groups, alter as individuals confront new experiences and encounter new and challenging ways of understanding the world. They are challenged by developments in science, in the way persons communicate with one another, and by changes in the economy. They change as persons emigrate and settle in new nations and cities, and as they confront the values and the assumptions implicit in the social and

⁷⁴ Ibid.

political structure which surrounds them. What persons need is the ability to adapt and to interpret for themselves their ends and motivations in response to these developments, not to be protected or insulated from them.

The account we have thus far presented therefore endorses liberal institutions which encourage individuals to understand the world on their own terms and to pursue ends and values that they themselves have endorsed as worthwhile in the light of all their various memberships and commitments. It protects and encourages the ability of persons to come to their own conclusions about their ends and ideals, and about the relative significance of their cultural values, rather than protecting the particular cultural groups to which they belong. Liberalism therefore protects and encourages a diverse, inclusive, and open society in which different and complex individuals can work out for themselves what they believe and what they wish to pursue. If certain liberals wish to call this society a 'culture' then so be it. But doing so adds nothing to the debate concerning liberalism and freedom. The only way in which the use of the term 'culture' could possibly add anything new or challenging to the debate about toleration or diversity is if it was conceived as something smaller and more localised than society, and if it could be shown that individuals draw their identity and character from this sub-social group and nothing else. If they managed this, then the claim that we should protect the sub-social groups in the name of securing personal autonomy would be coherent. But persons do not draw their identity entirely from such groups, and in any case - following close examination - it becomes clear that culturalist liberals and liberal nationalists actually endorse the protection of a rich and diverse political community which allows people to access and interpret the various aspects of their lives for themselves. Consequently, the culturalists would appear to be either guilty of selectively and arbitrarily elevating particular memberships over others, or simply engaged in the very familiar liberal endeavour of creating a political community which foregrounds

and protects individual autonomy and self-expression, and it is not at all clear why calling this community a 'culture' takes the debate into new or instructive territory.

Conclusion

It has not been my aim in this thesis to offer a defence of liberal principles from the ground up. Rather, it has been to explore, clarify, and, where necessary, dissolve those disagreements *among* liberals about what liberalism should be committed to, and *between* liberals and certain of their critics about the implications of these commitments. I have tried, therefore, to make sense of those claims made by liberals and non-liberals regarding the role of culture and personal autonomy in normative theorising about justice and politics. In looking at the claims made by the most prominent theorists in this debate, I have attempted to clear up some of the confusion that exists among liberals and non-liberals regarding the toleration or accommodation or 'recognition' of cultural, ethnic, and religious diversity.

In the introduction to this thesis I suggested that debates in contemporary political theory are all too often conceived in terms of radical dichotomies that serve to mask the real issues at stake and hinder the resolution of complex moral and political problems. This is nowhere more visible than in the debate regarding how institutions and members of a polity should respond to cultural, religious, and ethnic diversity. It is manifest, for example, in the debate between 'political' and 'comprehensive' liberals; between liberals who defend the encouragement and protection of diversity and those who defend the principle of personal autonomy; between those liberals who commit themselves to autonomy and those difference-theorists republicans, pluralists, and deliberative democrats who do not; and between those culturalist liberals who argue in favour of defending and protecting the integrity of cultural groups and those conventional or non-culturalist liberals who do not. Close analysis reveals these dichotomies to be unnecessary, oversimplifying, and a hindrance to real and genuine debate about the way in which political institutions should respond to diversity.

Having hopefully cleared away much of the obfuscation and confusion characteristic of the multiculturalism debate, a clear and widely-shared normative project presents itself. This project

is to ensure and perpetuate those conditions in which all individuals – regardless of their wider commitments, memberships, and allegiances – are able to interpret for themselves the legitimacy of those structures of political, cultural, and religious authority which govern them. For all those theorists that we have discussed in this thesis, the exercise of authority over an individual is rendered legitimate by that individual's consent, either explicitly or tacitly (through their continued membership of the group in which this authority is claimed and exercised).

For example, all of the liberals discussed herein reject (in principle, at least) the idea that individuals should be compelled to live in oppressive conditions that they do not endorse, that they do not consent to, and which they cannot leave. None of the liberal theorists we have discussed thus far seek to condone the unconsensual oppression or ill-treatment of certain groups or individuals within particular cultural or religious communities (of the kind, for instance, that consequentialists might condone in the interests of achieving some higher, common good), just as they all support the idea that those forms of *political* authority under which they live should also be subject to their consent. Even those liberals that we discussed in chapters three and four who claim to support the existence of illiberal groups argue that such groups must provide their members with the capacity to leave if they so desire, and all argue that normative claims and proposals must be justifiable to each individual that is to be bound by them. And this notion of consent and justifiability applies not merely to political institutions of the state, but those social institutions of marriage and the family too. The reason for this (and despite what they may say to the contrary) is that they all conceive liberalism to be a doctrine which seeks to emancipate individuals from imposed authority and tradition.

The mistake these theorists make, however, is that they seek to protect the individual from imposed authority while stripping liberalism of the very principle which allows them to do so. And this, as we saw in chapter five, is a problem they share with *non-liberals* who seek a greater accommodation or 'inclusion' of cultural, religious, and ethnic diversity. Those liberals who seek to confine their commitment to individual autonomy to either the 'political' or the 'non-political'

realm, or who reject it altogether, fail to acknowledge the inevitably comprehensive nature of these principles and the way in which these principles are inevitably embodied in the structure of liberal politics and dialogue. Liberalism, we have shown, is necessarily premised upon the idea that all persons should possess the ability to interpret, revise, and potentially reject their particular ends and to “defend their preferred understandings of the public interest or common good on the basis of moral or ethical *reasons* which are acceptable to all participants” rather than merely the blind assertion of certain truths or beliefs as necessarily worthy of toleration or immune from any form of questioning or debate.¹ The normative requirement of reasonableness, that is - which we find in different forms in contractualist and discourse theories, *as well as* in theories of deliberative democracy, pluralism, republicanism, and the politics of difference – requires that all persons must be capable of understanding their ends and projects from a standpoint which transcends their brute particularity. For our particular claims and arguments to be accepted by others who do not share our particular views about the good, they must be “aimed at what is *common* rather than what is particular to individual or group. We . . . [cannot] make appeals to divine authority or to controversial understandings of human nature as the ultimate ground of our claims on other citizens” because this merely pushes disagreement to a different, and more fundamental, level.² For the purposes of deriving principles of justice and determining the shape and content of political institutions, then, contractualists, discourse theorists, deliberative democrats, republicans, and pluralists are all *united* in their requirement that persons voluntarily constrain their deliberations (and their pursuit of the good) in order that some resolution might be found to those concrete political and ethical questions which arise in circumstances of ethnocultural and religious diversity.

Consequently, if subjectivists are right in their claim that justification simply represents the articulation of ‘shared values’ or collective understandings within the ‘group’ to which one belongs (and that we cannot go further than this, even if we tried) then this represents not merely

¹ Melissa S. Williams, ‘The Uneasy Alliance of Group Representation and Deliberative Democracy’, *Citizenship in Diverse Societies*, W. Kymlicka & W. Norman, eds. (Oxford: Oxford University Press, 2000), p. 124-152, p. 127.

a critique of 'liberal' dialogue, but all forms of dialogue which aim at resolving questions of justice, or which seek to provide some set of principles capable of regulating the actions – or defining the structure, or purposes, or duties – of political institutions. However, once we acknowledge that all these theorists necessarily invoke an account of deliberation which is constrained by the principles of individuality, autonomy, and equality, and that these principles are inextricably interwoven into the structure of the contract or the discourse itself (and hence, the politics born out of it), then we can begin to see that the account of toleration that they would endorse is in fact more stringent than they claim.

Consequently, the 'cultural defence' cannot in and of itself represent a justification for our actions or claims because the appeal to culture can – and must – *itself* be subject to interpretation and scrutiny. The appeal to culture is indeed *a* reason (and, perhaps, an important reason) for the toleration of certain customs or traditions, but it is not the *only* reason, or a reason which is in itself able to trump any other. Persons should be able to articulate their own beliefs and values in dialogue with others, and they should be able to persuade others about the need to tolerate these beliefs and values, but in turn, these others can force them to explain themselves and they are entitled to offer alternative reasons as to why these values should not be tolerated in particular circumstances. Dialogue cannot end with the appeal to culture; if it did, then dialogue itself would come to an end and with it any chance of resolving those very real, very complex, very political questions which arise out of cultural diversity. If we are to have publicly justifiable institutions – which is to say, institutions which are justifiable to each and every member of the public - rather than institutions which are held in place by intimidation or imposition, or which are thought to be only justifiable to a chosen few, then we need common and inclusive dialogue about what these institutions should look like, what they should do, and how they should do it. And for liberals – as for deliberative democrats, agonists, and pluralists – despite what they may say to the contrary, this requires that persons be understood as equal and autonomous individuals.

² Ibid. p. 128.

So individuality and autonomy are fundamental to liberal political theory, just as they are fundamental to many of those theories which seek to challenge liberalism. Only by adopting a 'reasonable' standpoint with regard to their own ends and values and, hence, establishing a politics rooted not in the affirmation of ends but in the protection of those background freedoms and conditions which allow us to pursue our own ends freely and meaningfully, can we construct a stable politics in response to diversity. Through its commitment to reasonableness, liberalism leaves the truth of particular ways of life to individual conscience and hence *privatises* them, while enshrining in both public and private (and at all levels of one's life) the ability to make up one's own mind (and therefore to exercise one's freedom of conscience) about what they find valuable or worthwhile or admirable.

By progressively emptying liberalism of its commitment to autonomy, then, toleration-based liberals undermine their own capacity to provide persons with the resources they need to escape imposed authority as surely as do those non-liberals who reject autonomy but seek to retain some notion of dialogue or agreement. Individuality and autonomy do not represent substantive 'conceptions of the good' or 'ends' in themselves as they are so often thought to; rather, they represent those values which frame and circumscribe and facilitate our deliberations about value itself, at whatever level, and whichever context, is most appropriate.

Hence, liberalism – like its various 'alternatives' – must be committed to the normative project of providing all individuals with the freedom to reflect upon, question, and justify their particular ends and attachments. And, if what we have said in part three is coherent, then this does not require the defence or the protection or 'affirmation' of group identities. Liberalism should not be understood to be committed to 'group rights' or 'community specific rights' in the way that culturalist liberals like Kymlicka and Raz believe it to be. This is because their justification for the protection of cultural groups through the allocation of group-rights – namely, that membership in a specific, individuated, and flourishing cultural group is a structural prerequisite of individual

autonomy – is false. Individuals will be shaped by many attachments and commitments, and their view of the world – their understanding of themselves, their values, allegiances, and obligations – will come to them from many sources at once. Quite often, no single attachment or membership will provide the agent with a final and ultimate answer to what he or she should do in the circumstances at hand. Hence, while individuals will indeed understand their lives, the ends that they pursue, and practices in which they engage in a particular ‘context of choice’, it is not true to say that this context is necessarily provided by one’s cultural or national group alone, or by a particular allegiance above all others.

Persons may often draw the various aspects of their character from many sources at a local, national, and international level. They may identify with a cause or a movement in a country to which they have never been, and held by people they have never met. Groups and communities within and between particular societies do not exist independently of one another; their members will live among and beside members of other groups, and beside members of their own groups who understand this group (and the responsibilities of being a member) very differently to them. They will witness and internalise ideas and ways of life very different to their own. The opinions they form about these ways of life will not necessarily be tolerant or accommodating, of course, and the way in which persons understand their relationship to others (and to their ends and commitments and beliefs) will be dependent upon the virtues and attitudes which have been encouraged within them. National and international politics is becoming increasingly characterised by the widening of discourse among different groups and communities via developments in communication and the exchange of information. If we take the issue of globalisation even vaguely seriously, for example, we might want to point out that international communities are closer now (in terms of what they know about one another or, at least, what they can *find out* about one another) than ever before. With the expansion of technologies which facilitate communication and exchange among groups and nations separated by hundreds or thousands of miles, the claim that different groups, different *cultures*, stand in isolation from, or in

mutual incomprehension of, one another, or that they define themselves independently of one another, has never been so tenuous.

But whether or not this is true at an international level (and it has not been my intention to discuss this here), it is more obviously true at the level of particular societies, especially Western liberal democratic societies which are characterised by a huge and complex diversity of ends and beliefs and what subjectivists would call 'cultural groups' or 'whole ways of life'. Hence, as we saw in part three, what liberalism must encourage is an open and inclusive social and political environment which supports the ability of each and every individual to explore their own identities and interests for themselves and to determine for themselves what they value and what they do not against the background of their lives as a whole, in all their unique complexity. Cultural groups will be internally diverse and changeable because the persons who compose them will be internally diverse and changeable through their experience of living in a society (in a world) in which cultures co-exist, evolve, and define themselves in terms of the diverse contexts in which they are embedded, and the real decisions of those who live in and among them.

Our ability to live a life in pursuit of genuinely valued ends is not, therefore, structurally or necessarily dependent upon our membership in a particular cultural or national group, and hence, the claim that these groups should be protected via group rights or legal exemptions in the interests of defending the autonomy of their members collapses. Indeed, it may well be the case that one's membership in a particular cultural group actually *inhibits* or *thwarts* one's ability to lead an autonomous life. Liberals and non-liberals alike are united in denying 'group rights' to such communities. But, as we saw in chapters one and two, once we get clear exactly which practices a liberal state can permit and which it must reject as intolerable, then the idea of *group* rights simply becomes anathema. Given their wider commitment to the ideal of individual autonomy, liberals and non-liberals alike can only legitimately afford *group* rights to groups which already support and encourage *individual* rights. But what would such a *group* right look like, and how might it help to protect ways of life which are, in the end, already compatible with *individual* rights?

This thesis has attempted to show that liberalism – like any other form of politics which invokes an account of legitimacy rooted in public justification via some process of agreement or dialogue or public deliberation – is, in the end, necessarily committed to individual autonomy, that the limits of liberal toleration are necessarily circumscribed and set by this prior commitment to individual autonomy, and that this commitment does not endorse the protection or recognition of cultural groups via the application of groups rights because membership in an individuated cultural group is not a precondition of individual autonomy in anything like the way culturalist liberals believe it to be. The exercise of one’s autonomy is dependent upon one’s ‘membership’ of a political community which supports their individual right to pursue ends that they themselves have decided are valuable in the light of all those commitments and allegiances and attachments which together make them who they are. The liberal account of autonomy does not, therefore, presuppose an atomised or unencumbered self, and neither does it presuppose a self inescapably trapped by its current commitments and attachments. It does not require persons to understand their most deeply-held values as contingent or unimportant, and it does not imply that they cannot understand their lives, their place in the world, and their actions to be bounded and animated by their religious or cultural beliefs. And it does not presuppose that every decision or choice will be made after a coldly rational process of deliberation and deep reflection. Rather, it merely represents the claim that one’s values should be open to question and that persons should be provided with the freedoms they need in order to make genuine decisions about what they believe, what kind of lives they wish to lead, and what roles they wish to occupy, given their wider ideas about the world. Autonomy does not destroy our capacity to understand ourselves as rooted in a particular history, or engaged in ends which to some extent ‘define’ who we are. Rather, it merely proposes that we should not understand ourselves as trapped by these ends, or the forms of political, cultural, or religious authority which confer them upon us to the extent that we cannot question them. Groups cannot seek to deny or thwart their members in deliberating meaningfully upon the validity and worth of their attachments and ends and

practices by, for instance, denying them the requisite education or freedom or legal rights that they need to do so.

In deciding how to respond to the particular circumstances that face us, we consult a varied set of understandings and ideas drawn from all aspects of our lives including the particular 'cultural' group to which we belong. Liberal institutions must establish and protect a stable and cohesive society, circumscribed by the principles of individual autonomy and equality, in which we might work out for ourselves what we believe to be valuable, and pursue lives based upon these values. Others may reject these beliefs, and might think that the ends to which I strive are false or pointless, laughable or tragic. They might think them worthless or even dominating. But they are only worthless or dominating if they are imposed from without. If *choose* to submit to a particular form of inequality, or if I *choose* to live a life in pursuit of ends that others find tragic or ridiculous, then there is nothing in liberalism which says that I must be persuaded otherwise.

A state which encourages to reflect upon our ends – and hence, enables us to reflect upon the content of politics and justice more generally – does not free us from the claims of our pasts, and neither does it emancipate us from the burdens of our choices. Political institutions must enable us to confront the world on our own terms, and not the terms dictated to us by arbitrary authorities. They must therefore, encourage those intellectual, psychological, political, and economic resources that we need in order to question not only those structures of political authority which govern us, but those structures of authority embodied in the religious, cultural, and ethnic groups to which we belong. But once I have made my decisions, the state should respect them and should not seek to undermine or deny them. The aim of liberalism is not, after all, to ban or rule our practices and ways of life out of a desire to correct people's opinions or to dissuade people in their belief in certain gods or ways of living; rather it is to protect individuals from having to live lives that are imposed upon them by external and arbitrary authorities which deny their ability to question or escape these ways of life. Liberalism therefore embodies a regime of toleration that requires all groups to enable individuals to make genuine decisions about their

lives and to pursue ends on the basis of these decisions within a wider framework of rules and constraints which are themselves justifiable to each and every individual to whom they apply.

And this, it must be said, is an aim necessarily shared by liberals, difference theorists, pluralists and deliberative democrats alike. Once we realise that one's ability to deliberate about politics, justice, and the limits of toleration is dependent upon one's ability to reflect upon, interpret, and justify one's beliefs and actions on 'reasonable' terms – and once we agree that all persons should be able to question the value of their current roles and memberships and reject them if they so desire (and that this applies to social, familial, and personal memberships as much as any other) - then we must acknowledge that all those theorists who invoke some notion of 'public reason' (and who argue that legitimate authority is derived from an appropriate process of deliberation, agreement, and justification) must necessarily invoke and defend the protection of personal autonomy in the policies and laws enacted by the state. And they must do so even if certain elites in certain groups argue otherwise in the name of their particular cultural or religious beliefs or ways of life.

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