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Practising Culture: The Concept of a Practice and the Critique of Reductionist Conceptions of Culture

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Practising Culture:

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ABSTRACT

This thesis has two main aims. First, to argue that the concepts of culture used by a range of post-communitarian liberals in their political theory can be characterized as reductionist or essentialist, and to show the various difficulties such conceptions are prone to. Secondly, to try and outline a more useful conceptual tool for understanding the characteristic issues and conflicts of contemporary multiculturalism.

Within contemporary liberalism one can distinguish an increasing willingness to contemplate the importance of cultural pluralism for political theory. I have chosen to examine three representative thinkers who have all attempted to integrate fundamental liberal principles with a newly developed sense of the significance of culture. As these attempts are in part a response to the communitarian critique of liberalism, I have designated these thinkers 'post-communitarian liberals. Chapters two, three, and four, explore the respective approaches of Charles Taylor, Will Kymlicka, and John Rawls. I argue that the conception of culture that each of these thinkers rely on is prone to the critiques of reductionist conceptions of culture, and this causes significant difficulties for their theories. After examining the post-communitarian liberals, chapter five explores the political philosophy of three exponents of the critique of reductionist conceptions of culture: Brian Barry, Joseph Carens, and Seyla Benhabib. While in each case there are problems with the approaches these thinkers take, I argue that Carens' emphasis on context, and Benhabib's appeal to deliberative democracy are aspects of those theories that are beneficial for political theories structured around non-reductionist approaches to culture.

This thesis argues that political theory should focus on the concept of a 'practice' instead of culture. The concept of a practice is a revised version of that presented by Alasdair MacIntyre. While the concept of a practice has useful implications for political theorizing in diverse societies, the larger philosophical framework in which MacIntyre situates this concept is susceptible to many of the critiques of reductionist conceptions of culture. Thus it is necessary to show that the concept of a practice can be disentangled from the rest of MacIntyre's political theory. The conclusion of the thesis is that the best manner in which to address the characteristic conflicts and issues of diverse societies is a deliberative democracy whose debates are structured around the concept of a practice rather than that of a culture. This thesis argues that the concept of a 'practice' is more helpful for conceptualizing these debates and less prone to inaccurate generalizations regarding the citizens of modern societies.

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CHAPTER ONE

The Critique of Reductionist Conceptions of Culture.

> "In the critic's vocabulary, the word "precursor" is indispensable, but it should be cleansed of all connotations of polemic or rivalry. The fact is that every writer *creates* his own precursors. His work modifies our conception of the past, as it will modify the future."
>
> J.L. Borges - "Kafka and his Precursors"[1]

1.1.1 Introduction

The concept of "culture" has come to play an increasingly prominent role in recent political philosophy. This thesis examines and critiques the content and use of this concept in contemporary political theory, with a particular focus on issues surrounding liberal approaches to cultural pluralism. These approaches often rely on concepts of culture that can be called essentialist or reductionist. The critique in its broadest outlines suggests that some contemporary liberal political theorists structure their theories around a concept of culture that fails to reflect the reality of modern social life. These theorists rely on a concept of culture that does not match the lived experience of individuals in modern Western societies and worse, fails to provide an adequate basis for resolving difficulties and conflicts in contemporary multicultural nations. Because these theorists assume that cultures are discrete entities that are clearly recognizable, they fail to perceive appropriately the diversity of forms of living that are subsumed within these groups. Further, because of the manner in which such a concept of culture obscures the actual diversity of and interactions among cultural elements, this concept fails to provide a manageable

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[1] Jorge Luis Borges, *Labyrinths*, New York: New Directions, 1964, p.201

framework for dealing with conflict among historical practices. What is needed is a new concept that can both reflect the heterogeneity of practices in Western societies, the particularity of the identities of individuals within those societies, and yet also reflect the social relationships which create traditions and historical patterns of behavior. I argue that a revised version of Alasdair MacIntyre's concept of a practice best fills this role, though to do so it must first be dissociated from other aspects of MacIntyre's work.

The critique of this traditional understanding of culture draws primarily on the work of philosopher Seyla Benhabib, but also appeals to the recent work of political theorists Joseph Carens and Brian Barry. Benhabib represents the clearest statement of the critique of reductionist conceptions of culture. She argues that reductionist accounts of culture have lead to "an-all-too quick reification of given group identities," and "a failure to interrogate the meaning of cultural identity."[2] Examining these theorists will clarify how the liberal accounts of culture fail to adequately reflect the actual lived experience of culture, and thus how these accounts of culture prove inadequate as tools or grounds for group-rights or special measures to protect group cultures.

Chapters two, three, and four apply the critique of reductionist conceptions of culture to the theories of three contemporary political theorists: Charles Taylor, Will Kymlicka, and John Rawls. In each case I argue that these thinkers can be considered post-communitarian liberals and examine the notion of culture that is involved in their work. I then point out how their understandings of culture fall prey to the non-reductionist critique and how this causes

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[2] Seyla Benhabib, *The Claims of Culture: Equality and Diversity in the Global Era*, Princeton: Princeton University Press, 2002, p.viii

problems for the rest of their political theory. Chapter five examines Barry's, Carens', and Benhabib's own prescriptions for appropriate responses to the critique of reductionist concepts of culture. I outline what I feel to be the shortcomings of their approaches, and how they fail to meet the challenges presented by a non-reductionist sociology of culture, while retaining those aspects that are beneficial; for instance, Benhabib's notion of deliberative democracy as the ideal forum to negotiate and address conflicts between cultural practices.

In chapter six I outline a more effective way to approach some of the issues that arise in multicultural societies. I argue that one way to avoid relying on inaccurate generalizations, when it comes to addressing issues of culture, is to focus on 'practices' as I define them. This process of outlining the concept of a practice requires that I examine the work of Alasdair MacIntyre, as he appeals to a precisely defined concept of "a practice" in his work. After discussing the merits and drawbacks of MacIntyre's approach, I retain much of MacIntyre's definition of a practice while disagreeing with what he feels to be the larger framework in which practices are situated. MacIntyre situates practices within the context of "traditions" and the concept of a tradition plays much the same role for MacIntyre as culture does for the post-communitarian liberals. As a consequence the concept of a tradition falls prey to many of the same difficulties that beset the their definitions of culture. I argue, however, that the concept of a practice can provide a useful conceptual tool without requiring reference to MacIntyre's notion of a tradition.

My thesis ultimately shows that a focus on practices enables a better understanding of the difficulties that arise in pluralist societies, and helps to minimize the difficulties to which approaches that rely on reductionist accounts of culture are susceptible. A focus on practices

allows for a framework that can better reflect the reality of social complexities, constant flux, and cross pollination of contemporary Western cultures. Although my approach comes with its own attendant difficulties, they are less acute than those that arise from the reductionist account. The practice approach also avoids many of the dangers of reifying and promoting inaccurate group identities. The thesis is thus, finally, a comparison of approaches to justice in a pluralist state, and is an attempt to determine which of them more accurately reflects reality, are least problematic, and more helpful for conceptualizing conflict between social practices and identities.

1.2.1 Contemporary Liberalism.

The core of many foundational principles of liberalism is the protection of the liberty of the individual to live one's life as one sees fit by appropriately defining and limiting the role of government. John Gray in his book on liberalism describes it as being individualist, "in that it asserts the moral primacy of the person against the claims of any social collectivity."[3] Nigel Rapport agrees and notes that it is a form of justice that "circumscribes the power of all groups over their individual members."[4] Given its emphasis on the individual this may seem an unhelpful framework for dealing with the problems of cultural pluralism. However, this basic conception of liberalism finds it origins in the work of John Locke and Thomas Hobbes who devised political structures that would mitigate the violence and insecurity of the state of nature.

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[3] John Gray, *Liberalism*,
Minneapolis: University of Minnesota Press, 1986, p.x.

[4] Nigel Rapport, "'Culture is No Excuse'. Critiquing Multicultural Essentialism and Identifying The Anthropological Concrete." *Social Anthropology,* 11, (3) 2003, p.375.

This conception is thus crucially about relations among individuals with different interests. While the historical origins of liberalism can be found in concerns for human liberty, contemporary liberal thinkers exhibit a wider range of concerns. Chandran Kukathas notes that in contemporary times "liberalism comes not only in 'classical' and 'modern' variants... but also in American, British, and European styles. And this is not to mention the numerous adjectival forms taking their names from famous political thinkers: Lockean liberalism, Millian liberalism, Rawlsian liberalism, Hayekian liberalism, and even socialist liberalism."[5] With this in mind it is still possible to point to John Rawls as the dominant figure in modern political liberalism. Christopher Wolfe writes. "Most contemporary liberal theorists are either trying to develop and apply the basic approach of *A Theory of Justice* or devote considerable attention to criticizing it as a preliminary to the presentation of alternative views."[6]

Rawls exemplifies the liberal position that governments should remain as neutral as possible among competing conceptions of the good.[7] This is sometimes referred to as an anti-perfectionist political theory. The state should not endorse any particular vision of what a good

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[5] Chandran Kukathas, "Two Concepts of Liberalism," in *The Liberal Tradition in Focus*. Carlos Espanda, Marc Plattner, and Adam Wolfson (eds.), Lanham: Lexington Books, 2000, p.97

[6] Christopher Wolfe, *Liberalism at the Crossroads*, Oxford, Boulder, New York: Rowman and Littlefield, 2003, p.xvi

[7] In a *Theory of Justice,* Rawls derives two fundamental principles from the 'original position' thought experiment. It is the first of these – which concerns the right to equal basic liberties – that is most relevant to this thesis. The other principle requires that "social and economic inequalities satisfy two conditions, that is, they must be open to all under conditions of equality of opportunity, and they must be to the greatest benefit of the least-advantaged members of society." However, most of this thesis is concerned with the positions put forth by Rawls in his later work *Political Liberalism.* Ibid., Christopher Wolfe, *Liberalism at the Crossroads*, p.xvi

life consists in; it should only provide the means to negotiate conflicts among citizens when their chosen paths conflict.[8] While there are common legal frameworks that citizens can agree on (the 'right'), they will not be able to agree on what constitutes the best ways to live a life (the good). In later works Rawls revised this contemporary strain of liberalism to sharpen the point that these various ways of living are nonetheless rational and therefore, the state cannot choose to support one of these forms over any other.[9] Individuals should have the ability to choose their own conception of the good life without undue interference from the state. It is in this respect that contemporary liberalism places an emphasis on protecting the autonomy of the individual to choose and revise his or her goals, beliefs, and attachments. I shall explore in greater detail the political liberalism of John Rawls in chapter four. My immediate task is to elucidate the type of liberal theorist who is the focus of my critique in this thesis.

1.2.2 Post-Communitarian Liberals or Liberal Nationalists

As it is not feasible to address all variants of liberalism in this dissertation, I have chosen three thinkers who are united in their attempts to introduce the relevance of culture for liberal theory. While these theorists are united on the importance of culture for political theory, their positions range from strongly liberal to pronouncedly communitarian. These are liberal political

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[8] Joseph Raz is one of the more well known political philosophers who argues for a perfectionist state. Mulhall and Swift note that "Raz argues that it is legitimate for the state to seek to promote the well-being of citizens in a way that involves it in the business of judging the value of particular ways of life." Mulhall, Stephan and Adam Swift. *Liberals and Communitarians*, Cambridge: Blackwell Publishers, 1996, p.309

[9] John Rawls, *Political Liberalism*,
New York: Columbia University Press, 1996.

philosophers who have attempted to respond to what might be called 'the communitarian critique of liberalism' by integrating the importance of culture or community in their political theory. Mulhall and Swift argue that the communitarian critique was initiated by the publication of Michael Sandel's *Liberalism and the Limits of Justice in* 1982, and cite Sandel, Alisdair MacIntyre, Charles Taylor, and Michael Walzer as its chief representatives.[10] They note that each of these thinkers present particular and distinctive arguments, but they all ultimately present an approach that "specifies several concrete ways in which it might be thought that one's understanding of the concept of a community (and of the relation of the individual to the community) must play a central role in any political theory." Further, each of these communitarian theorists argues that Rawls' liberal theory fails to understand the importance of this role.

The post-communitarian liberals are political theorists who have attempted to counter these criticisms by arguing that one can understand and incorporate the role of community in liberal political theory while still maintaining its basic liberal foundations. I choose these theorists because they represent attempts to find a new middle ground between the original poles of the liberal/communitarian debate. The three liberal thinkers that I focus on are Charles Taylor, Will Kymlicka, and John Rawls. I have chosen these three because they represent a broad spectrum of post-communitarian liberals.[11] Each of these thinkers presents concepts that

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[10] Mulhall, Stephan and Adam Swift. *Liberals and Communitarians*, Cambridge: Blackwell Publishers, 1996, p.40

[11] Yael Tamir in her work *Liberal Nationalism,* identifies a similar group of theorists and calls them 'liberal nationalists.' See, Yael Tamir, *Liberal Nationalism*. Princeton University Press: Princeton, 1993.

can explain the manner in which individuals are situated in particular societies, thus avoiding criticisms such as Sandel's worry that liberalism presents an "asocial individualism." He is concerned that liberalism presents individuals as "unencumbered" rational beings who choose their commitments and actions on the basis of abstract reason rather than beings fundamentally constituted and shaped by the community to which they belong.[12] For Sandel, political theory has placed too much emphasis on the self's capacity for choice, and not enough on its constitutive commitments, as these are what ultimately shape and form the actual choices individuals make. While they appreciate the role of community in citizen's lives, and take Sandel's concerns seriously, each of the post-communitarian liberals nonetheless attempts to retain a basic liberal framework in their political theory. The role that culture plays in the theories of these thinkers varies, but for each the diversity of cultures in contemporary Western society is a fact that liberal political theory must address.

Charles Taylor is the most straightforwardly communitarian of the post-communitarian liberals, and in fact was a crucial participant in the original communitarian critique of liberalism. John Rawls, on the other hand is the most traditionally liberal of these three, and as noted earlier is the author of one of the foundational texts of contemporary liberalism. I shall argue that both can be seen as post-communitarian liberals because of their emphasis on both the autonomy of individuals and the importance of culture for the shape of contemporary political theory. As exemplars of two divergent variants of liberalism they do, however, have a very different understanding the relation of culture to the political realm. These thinkers thus

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[12] See, Sandel, Michael J. *Liberalism and the Limits of Justice*, Cambridge University Press, Cambridge. 1982.

serve as two poles of possible responses to cultural pluralism. Finally, Will Kymlicka provides an example of a theorist who represents a middle ground between these two extremes. He is a theorist fundamentally concerned to protect autonomy, but also offers some very robust defenses of group-differentiated rights. All these thinkers get to the heart of that strand of liberalism that has as its goal the resolution of disagreements that result from the diversity of different practices in a society.[13] They all aim to provide a liberal theory which is capable of responding to the disagreements and conflicts resulting from a diversity of individuals living autonomously with one another in a society. The basis of this framework is a liberalism which sees as its foundation what William Galston calls *expressive liberty*, that is "a presumption in favor of individuals and groups leading their lives as they see fit, within a broad range of legitimate variation, in accordance with their own understandings of what gives life meaning and value."[14] Thus each of these thinkers can be seen as subscribing to at least this basic tenet of traditional liberalism. A detailed examination of the content of the theories of Taylor, Kymlicka, and Rawls will be found in Chapters two, three, and four. In general terms these theorists present a liberalism which outlines 'just' relations between individuals, while preserving their

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[13] These theorists provide three representative examples of liberal responses to cultural pluralism. For other specifically liberal responses see; for instance, William Galston's *Liberal Pluralism,* which presents a comprehensive theory (in that it takes a substantive position on the good life) that prioritizes the tolerance of diversity. Alternatively, see Stephan Macedo who presents a liberal theory that prioritizes autonomy, and with whom Galston has had an ongoing debate. William Galston, *Liberal Pluralism: The Implications of Value Pluralism for Political Theory and Practice*, Cambridge: Cambridge University Press, 2002. Stephen Macedo. *Diversity & Distrust: Civic Education in a Multicultural Democracy*, Cambridge: Harvard University of Press, 2000.

[14] William Galston, *Liberal Pluralism: The Implications of Value Pluralism for Political Theory and Practice*, Cambridge: Cambridge University Press, 2002, p.3

autonomy, and the conditions for a wide range of diverse cultural production and transmission.

1.3.1 The Contemporary Debate: Multiculturalism.

Most Western states are today commonly called 'multicultural'. This describes a condition where within the state, a wide diversity of cultures exist, each with their own systems of values and traditions. Gerard Delanty, describing the history of community, argues that "the nineteenth century – but going back to the Christian tradition – was the century of community, the discourses of the twentieth century have on the whole been ones of the crisis of community. From the final decades of the twentieth century and the beginning of this century community has been revived, as is reflected in communitarianism, recent post-modern thought, and theories of cosmopolitanism and transnationalism."[15] Some theorists suggest that the resurgence of the importance of culture is a reaction to an increasingly interconnected world. Nigel Rapport argues that perhaps "notions of culture that emphasize belonging and collectivity might reflect widespread anxieties about people's ability to grasp and influence the global forces that threaten to overwhelm their life-worlds."[16] Anthony Appiah points out that the effects of these forces seem to be already upon us, and asks, "how much does an Italian name tell you these days, about church attendance, or knowledge of Italian, or tastes in food or spouses?"[17] Some see these

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[15] Gerard Delanty, *Community*,
London and New York: Routledge, 2003, p.4-5

[16] Nigel Rapport, "Culture Is No Excuse. Critiquing Multicultural Essentialism and Identifying the Anthropological Concrete." 11, (3) 2003, p.382.

[17] Anthony Appiah, *The Ethics of Identity*,
Princeton: Princeton University Press, 2005, p.115

developments as the products of the intellectual and technological character of contemporary times, and Delanty suggests "an influential view is that modernity destroys community which must be recovered and realized in a new form."[18] Charles Taylor makes a similar assessment and presents "two changes that have made the modern preoccupation with identity and recognition inevitable." For Taylor the first change is the "collapse of social hierarchies, which used to be the basis for honor." These were replaced by "the modern notion of dignity, now used in a universalist and egalitarian sense, where we talk of the inherent "dignity of human beings," or of citizen dignity."[19] The second change was "a new understanding of individual identity that emerges at the end of the eighteenth century," an identity that is "particular to me, and that I discover in myself."[20] Thus, even on the part of those arguing for the importance of community and culture, there is a sense that in modern times culture does not exist in the simple and stable forms it once did. Do these concerns regarding the content of traditionally accepted cultural groupings mean that we merely need to re-evaluate the content of those groups, or does it lead us to the deeper problem of the salience of the category of a cultural group itself? This forms the wider context of the questions addressed by this thesis; a field of debate regarding the value and role of culture in determining 'just' political structures.

The main issues for multicultural theorists are the forms of justice and types of institutions that should govern the relationships among the different cultures that are present

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[18] Delanty, Gerard. *Community*,
London and New York: Routledge, 2003, P.25

[19] Taylor, Charles. *Multiculturalism and the Politics of Recognition*,
Princeton: Princeton University Press, 1992, p.26-27

[20] Ibid., P.28. A conception that Taylor sees arising from the German Romantics.

within the state. Debates often focus on the relation between majority and minority cultures. Adam Kuper suggests that while there is a great divergence among such theorists, the closest one might get to a "common purpose" is the attempt "to replace the ideology of the American melting pot with what is in effect an ideology of anti-assimilation."[21] Amartya Sen suggests that there are "two basically distinct approaches to multiculturalism, one of which concentrates on the promotion of diversity as a value in itself; the other approach focuses on the freedom of reasoning and decision-making, and celebrates cultural diversity to the extent that it is freely chosen by the persons involved."[22] For post-communitarian liberals it is most often the latter of these approaches that dominates. For instance, one position within this debate asserts that majority cultures inevitably suppress or make difficult the continued existence of minority cultures. Will Kymlicka, one of the post-communitarian liberals, frequently makes this point,[23] which is connected to the argument, as Peter Caws puts it, "that a culture of one's own (that is, one not imposed from without) is one of the conditions of authentic identity."[24] This question of authenticity is also crucial for Charles Taylor in his work *Multiculturalism and the Politics of Recognition*, wherein he argues that a just society will be concerned to properly recognize

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[21] Adam Kuper, *Culture: The Anthropologists Account,*
Harvard: Harvard University Press, 1999, p.233

[22] Amartya Sen, *Identity and Violence,*
New York, London: W.W. Norton & Company, 2006, p.150

[23] Will Kymlicka, *Politics in the Vernacular,*
Oxford: Oxford University Press, 2001, for instance, p.38

[24] Peter Caws, "Identity: Cultural, Transcultural, and Multicultural," in,
David Theo Goldberg, (ed.), *Multiculturalism: A Critical Reader,* Cambridge: Blackwell, 1994, p.372

cultural groups, as mis-recognition of such groups can be damaging.[25] This 'damage' results because, as Taylor puts it, "the projection of an inferior or demeaning image on another can actually distort and oppress, to the extent that the image is internalized."[26] These worries lead to questions regarding the degree of diversity that liberal states can support, a central theme of Rawls' *Political Liberalism*.[27] And this, in turn, relates to the further question of citizenship: what is the proper degree of commonality that members of a nation need to share so as to make for an effective and functional state?[28] These arguments will be examined in greater detail in the next three chapters, and their various concerns brought out more fully. While they do differ in the scope and nature of their diagnoses and solutions, these theorists share a common concern with the role of culture in political theory. As Allen Patten suggests, "the one point of consensus emerging from the liberal-communitarian debate is that the success of free institutions depends crucially on the degree to which citizens are animated by certain dispositions and solidarities."[29] From the above debates, it is clear that the post-communitarian liberals find themselves solidly enmeshed in the multicultural debate. The basic problem for most contemporary liberal

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[25] Charles Taylor, *Multiculturalism and the Politics of Recognition*, Princeton: Princeton University Press, 1992.

[26] Ibid., p.36

[27] John Rawls, *Political Liberalism*, New York, Columbia University Press, 1996.

[28] For instance much of Rawls' *Political Liberalism* argues that citizens of liberal states will share just enough basic principles of justice to make for a justice system that all citizens will be able to affirm.

[29] Allen Patten, "Liberal Citizenship in Multinational Societies," in, *Multinational Democracies*, Alain Gagnon and James Tully (eds.), Cambridge: Cambridge University Press, 2001, p.279

political theory is to determine how far, if at all, liberal theory needs to deviate from a policy of individual rights and the protection of autonomy in order to treat fairly the various ethnic, cultural, and other minority groups.

As the above outline demonstrates, all these questions depend crucially on how one defines culture and thus cannot be successfully addressed until a proper interrogation of the concept of culture itself is undertaken; an examination lacking in much political theory. Hence this thesis has as one of its primary aims the explication of the concepts of culture used by the post-communitarian liberals and the difficulties that these understandings are prone to.[30]

1.4.1 The Communitarian Critique.

The central exponents of the communitarian critique are Michael Sandel, Alasdair MacIntyre, Charles Taylor, and Michael Walzer.[31] These and many other commentators' main

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[30] At times this will involve the explication of analogues for the concept of culture used by these theorists, as often they appeal to concepts that have a similar content to traditional notions of culture, but are not explicitly designated as culture.

[31] Some of the primary works associated with this critique are: Sandel, M., *Liberalism and the Limits of Justice*, Cambridge: Cambridge University Press, 1982. Taylor, Charles. *Sources of the Self*, Cambridge: Cambridge University Press, 1989. Taylor, Charles, *Multiculturalism and the Politics of Recognition*, Princeton: Princeton University Press, 1992. MacIntyre, Alasdair, *After Virtue*, Notre Dame: University of Notre Dame Press, 1981. MacIntyre, Alasdair, *Whose Justice? Which Rationality?,* Notre Dame: University of Notre Dame Press, 1988. Walzer, Michael, *Spheres of Justice*, New York: Basic Books, 1983. Walzer, Michael, *Interpretation and Social Criticism*, Cambridge Mass: Harvard University Press, 1987. Walzer Michael, *Thick and Thin: Moral argument at Home and Abroad*, Notre Dame: University of Notre Dame Press, 1994. Naturally there are also a great number of important papers and journal articles by the above theorists that are also important to this debate.

target, as we noted above, is John Rawls' paradigmatic work, *A Theory of Justice*.[32] As a result many of the criticisms of liberalism have focused on and referenced this work and it in particular was the catalyst for a great number of critical responses that quickly became clustered under the title "Communitarian." While Rawls' work does not exhaust the full range of liberal theories, it was his approach that often bore the brunt of the communitarian critique. The communitarian critics of liberalism argue that this work, and by extension, liberalism in general, does not take into account the degree to which individuals' identity and beliefs are a product of the society in which they find themselves. Further, liberalism, unaware of its own cultural commitments, is thus unable to see how these commitments make the continued existence of certain cultural forms difficult. Because of its hidden cultural bias it causes harm to some cultural groups and cannot properly understand the importance of certain practices within those cultures. This bias causes liberalism to ignore the fact that certain public institutions are structured in a way that makes it difficult for some to engage in the activities and practices of their social group. Certain practices will be more difficult to continue or sustain if important features of public life and government are incompatible with them. The response of liberal theorists has involved attempts to accommodate more satisfactorily ideas concerning the importance of groups affiliation and tolerance for divergent cultural practices and values.

The first of the post-communitarian theorists that I examine is Charles Taylor, as he represents one of the clearest critics of the 'atomism' implicit in liberalism. Consequently, Taylor argues that political theory needs to take into greater account the importance of

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[32] John Rawls, *Theory of Justice*,
Cambridge: Cambridge University Press, 1971.

community in shaping the identity and values of individuals in a society. Of the three post-communitarian thinkers examined Taylor is the farthest removed from a straightforward liberal position. But neither can he unconditionally be called a communitarian. His arguments regarding the tolerance of diversity, and the importance of the cultivation of identity (found, for instance, in his essay, "Multiculturalism and Politics of Recognition") show the role of traditional liberal values in his political thought.[33] Ruth Abby notes that, "as a political theorist, [Taylor] rejects the supposed antagonism between liberalism and communitarianism and strives to retain the best features of both approaches to social life and politics."[34] Taylor's insights are well appreciated by philosophers such as Will Kymlicka, who, in works such as *Multicultural Citizenship* and the more recent *Politics in the Vernacular*, attempts to provide justifications for group-differentiated rights for ethno-cultural groups based on the value of cultural membership. Kymlicka hopes to explain how the justification for group-differentiated rights can be derived from foundational principles of liberal democracy, which, according to Kymlicka, include

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[33] Taylor's communitarian background does not disqualify him from being a valid target of the critique of reductionist accounts of culture. In fact in many cases the original communitarian theorists present what appear to be reductionist accounts of culture. This thesis does not want to return to those earlier debates however. The debate between communitarians and liberals has been somewhat superceded by new hybrid positions (hence the term 'post-communitarian liberal'). The development of the questions first raised in the communitarian debate is, however, ongoing and many new voices and positions are bound to emerge. Nonetheless, while each of the theorists considered here has a unique position, each also places a crucial importance on the tolerance of diversity and the importance of autonomy. Taylor, Charles. *Multiculturalism and the 'Politics of Recognition'*. Princeton: Princeton University Press, 1992.

[34] Ruth Abbey, *Charles Taylor*,
Princeton and Oxford: Princeton University Press, 2000, p.4

"individual freedom, social equality and democracy."[35] Other theorists such as Michael Walzer argue that "the best political arrangement is relative to the history and culture of the people whose lives it will arrange," He also claims that this arrangement is compatible with a pluralist liberal democracy.[36] John Rawls, in contrast to Taylor, represents the most liberal of the post-communitarian liberals. Thus the mirror image of the charge that Taylor is too communitarian can be laid at Rawls' feet; is Rawls too liberal to be considered a post-communitarian liberal? While in later works such as *Political Liberalism* Rawls does present an approach more strictly liberal in its essence, culture, of a sort, has a role to play in his theorizing. For Rawls, as we shall see, recognizing the significance of culture in shaping the lives of citizens will result in it being almost completely excluded from the realm of public political deliberation. Nonetheless, citizens will still need to be able to affirm public political structures on the basis of their own cultural frameworks. There is a role for culture in his framework, albeit quite a different one than that of Taylor or Kymlicka. This response to the communitarians will be explored in greater detail in chapter four. For all of these theorists cultural membership is a good which requires certain kinds of support or protection from the state, and is a vital aspect of life in a plural society on which to ground political structures and decisions.

The communitarian critics and others who asserted the importance of social groups and cultures were in turn criticized as not recognizing the dangers presented by excessive reliance on, and conformity to, social groups. Attempts to recognize and defend broad identity groups

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[35] Will Kymlicka, *Politics in the Vernacular*,
Oxford University Press: Oxford, 2001, p.18

[36] Michael Walzer, *On Toleration,*
New Haven and London: Yale University Press, 1997, p.5

run the risk of limiting the autonomy of members of those groups. Amy Gutmann points out that these critics emphasize "how much group identities constrain rather then liberate individuals." This argument claims that, "when people are identified as black or white, male or female, Irish or Arabic, Catholic or Jew, deaf or mute, they are stereotyped by race, gender, ethnicity, religion, and disability and denied a certain individuality that comes from their own distinctive character and freedom to affiliate as they see fit."[37] This critique claims that if one is to remain true to the liberal value of autonomy individuals cannot be too closely identified with particular cultures. This might lead to situations where cultural identity is enforced in ways which run sharply counter to the liberals defense of individual liberty. Special protections, rights, or exemptions for cultural groups may give those groups powers over their individual members that have the potential to constrain the choices of those individuals. Thus, the communitarian and liberal debate finds itself part of a larger debate of 'identity politics' which examines the role and conditions of identity in the lives of individuals, a debate vitally concerned with the relative importance of cultural identity and personal autonomy.

However, despite the important role culture plays for all these theorists, their focus, and the bulk of their arguments tend to be on what sorts of obligations and rights can be ascribed to cultural groups, and less attention is paid to the nature of those groups themselves. This leads to a reliance on overly abstract, and unproblematic conceptions of cultural groups. Seyla Benhabib calls this the "reductionist sociology of culture."[38] This is the starting point for this

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[37] Amy Gutmann, *Identity in Democracy*, Princeton: Princeton University Press, 2003, p.1

[38] Seyla Benhabib, *The Claims of Culture: Equality and Diversity in the Global Era*, Princeton: Princeton University Press, 2002, p.4

thesis. First one must be clear about the concept of culture before one can determine what consequences flow from it for political theory. A careful examination of Taylor, Kymlicka, and Rawls in Chapters two, three, and four will lay out how these thinkers are susceptible to the problems that arise from reductionist conceptions of culture.

1.5.1 Definitions of Culture.

There is a confusing proliferation of terms relating to ideas of culture and community. In this field of study in particular, different theorists will often understand the same term in different ways or use different terms in the same way. This may be the result of the number of disciplines that undertake work related to understanding culture. Philosophy, Anthropology, Sociology, Cultural Studies all have their respective approaches to culture. Adam Kuper in his history of the concept of culture notes that two influential anthropologists, Alfred Kroeber and Clyde Kluckhohn, in their frequently referenced work *Culture* (1952), "tabulated and classified 164 definitions of culture."[39] While my focus will be quite sharply on the term as used by modern liberal political philosophers, my criticisms of those approaches will be drawing on a wide range of theorists in diverse fields. Most modern political theorists have varying understandings of what the term "culture" refers to, and each of the three I am examining have their own particular approaches to the concept. So a more refined critique of the concept of

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[39] Adam Kuper, *Culture: The Anthropologists Account*, Harvard: Harvard University Press, 1999, p.56. See, A.L. Kroeber and C. Kluckhohn, *Culture: A Critical Review of Concepts and Definitions*, Papers of the Peabody Museum, Cambridge: Harvard University, 47 (1) 1952.

culture will be elaborated in subsequent chapters that explore the precise manner in which Taylor, Kymlicka, and Rawls understand the concept. What they do share, is an *ideational* approach to culture, that is, the belief that culture primarily involves the transmission of meaning and values. In this introductory discourse, I present an outline of the critique in general with regard to the shared features of the concept of culture as generally understood by these thinkers.

Perhaps the most common definition of culture is simply a collective way of life shared by a defined group of individuals. This leads us to ask, what constitutes a collective way of life? The history of the concept of culture has two general branches: Materialist and Idealist. The Materialists focus is on the products and institutions of a society, while the Idealists focus on its meanings and values.[40] It is the second of these strains that has risen to prominence in modern multicultural discourse. One of the earliest systematic exponents of the idealist position on culture was Max Weber, who defined culture as "the endowment of a finite segment of the meaningless infinity of events in the world with meaning and significance from the standpoint of human beings."[41] Out of this basic position evolved the idea that the meanings of a culture formed an interrelated whole. Raymond Williams in his important work *Culture and Society* claims that in cultures "one element of a complex system can hardly be changed without

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[40] One of the most famous materialists is of course early Karl Marx. Adam Kuper notes that "the materialists...treated culture as a set of tools, a technology for the rational exploitation of nature. It followed that the history of mankind could be divided into a succession of stages that were marked by technological advances and consequent changes in the modes of production." Adam Kuper, *Culture*, Harvard: Harvard University Press, 1999, p.165

[41] Cited in, Ralph Schroder, *Max Weber and the Sociology of Culture*, London: Sage, 1992, p.6

seriously affecting the whole."[42] Other crucial figures in the history of the concept like Talcott Parsons called the interdependence of the parts of a culture "organicism," which refers to "the subordination of the unit to the whole."[43] Kuper notes that the next major figures in the history of the concept, Alfred Kroeber and Clyde Kluckhohn, too felt that "culture had to be treated as an integrated and structured whole, made up of connected parts."[44] Margaret Archer agrees that this notion of an integrated culture was dominant in anthropological accounts and comments, "Despite definitional wrangling over the term 'culture' there was substantial concord among anthropologists about its main property – strong coherent patterning. The central notion of culture as an integrated whole, grounded in German Historicism (Historismus), echoes down the decades."[45] These ideas led to the work of Clifford Geertz, who placed the transmission of meaning at the forefront of this conception of culture. In his work *The Interpretation of Cultures*, Geertz defines culture as "an ordered system of meaning and symbols...in terms of which individuals define their world, express their feelings and make their judgements."[46]

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[42] Raymond, Williams. *Culture and Society*,
New York: Columbia University Press, 1983, p.vii

[43] Talcott Parsons, *The Structure of Social Action*,
New York: Free Press, 1937, p.485

[44] Adam Kuper, *Culture*,
Harvard: Harvard University Press, 1999, p.56

[45] Margaret Archer, *Culture and Agency, The Place of Culture in Social Theory*,
Cambridge: Cambridge University Press, 1996, p.2-3

[46] Cited in, Adam Kuper, *Culture*, Harvard: Harvard University Press, 1999, p.98
While there is variation in the degree to which each of these definitions circumscribes the boundaries of cultures and the simplicity or complexity of the structures involved, each believes that there are single cultures there to be demarcated, and that the elements of these cultures form a "system" as Geertz notes. While the post-communitarian liberals each

These approaches come more and more to reflect the model of language, with its system of rules and meanings.

This definition of the concept of culture became the dominant one for political philosophy. The post-communitarians liberals appeal to a concept of culture directly related to this tradition. For them culture is an integrated system of meanings and values that guides action. The life choices of individuals are in an important way structured by the culture of those individuals. The similarity of this understanding of culture to the structure of language is apparent, and Charles Taylor and Will Kymlicka, in particular, exemplify approaches to culture based on the model of language. Charles Taylor is in fact quite explicit about his debt to the German conception of culture that Archer mentions, and frequently cites Herder as an important influence. The members of a culture accept the values that culture provides and there is a unity to the structure which makes it an interrelated whole. Thus, despite the idiosyncratic definitions and understandings of the concept of culture of each of these philosophers, they all draw from this idealist understanding of culture as a system of meanings and values that forms an integrated whole. Rawls' conception of culture presents a more complicated case as it is considerably less elaborated than the concepts that Taylor and Kymlicka appeal to. That vagueness however results in its own attendant difficulties. This legacy of idealist notions of culture has infiltrated and shaped much of the multicultural discourse, and led to the ascendance of conceptions of culture that see it as an integrated totality, thus obscuring the complexity and diversity of contemporary Western societies and hindering the ability of that discourse to

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present their own particular variations on this understanding of culture, it will be shown that their definitions fall prey to at least one or more aspects of the critique. Further, when they do not it is often at the expense of theoretical usefulness.

produce viable and appropriate responses to this diversity.

1.5.2 Cultures, States, and Societies: Some Definitions.

This thesis begins with the argument that the traditional definition of culture as presented above is fraught with problems and therefore should be avoided in certain political deliberations. When I use the term "culture" in this thesis I will be referring to the traditional concept that sees cultures as discrete determinable entities. It is still however necessary to refer to such social groups as 'states', with their national boundaries, which while they have clear boundaries and conditions of membership, do not necessarily constitute single integrated cultures. Further, the multicultural debate requires that one be able to talk about the population groups under consideration, but the critique of reductionist accounts of culture implies that one cannot call these sets of individuals cultures, nor mark their boundaries in the clear manner that reductionist accounts would suggest. Therefore, more often I will refer to a society rather than a culture. For my purposes the totality of social relations in a defined geographical location is a 'society'. This totality of relations need not have any intrinsic structure or coherence and is a mere aggregate of all the relations among that arbitrarily defined group.[47] These social relations are the entirety of all the direct relations and interactions that individuals have with one another. They are often categorized as political, civic and social. The use of the term society provides a means for referring to population groups without the theoretical baggage of the term culture.

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[47] Often these references are made necessary by the prior demarcation of cultural groups in reductionist accounts. Thus it is necessary to refer to these groups as an entity without ascribing to them the cultural continuity that is presupposed on the reductionist accounts.

Unless there are particular geographical or social boundaries that completely inhibit contact with other populations, a society will not have any clear or stable boundaries. There will always be another individual the next individual has contact and interaction with, in ever expanding horizons. Thus the boundaries of societies in the modern Western world are un-defined. A chain of relations of ever decreasing effect and influence could be made among all individuals who have contact with each other. This is the sense in which the entirety of the earth is a society. It is thus difficult to define boundaries of societies. Any contact with different practices and beliefs will have inevitable influence and effects. That is why the modern age with its increasing ease of communication and travel has made traditionally clear cultures less susceptible to precise demarcation. Another important feature which separates the all encompassing society from the more specifically determined 'culture' is time. A culture often refers to elements of society transmitted from generation to generation, while society is the totality of relations transmitted or not.

1.6.1 The Critique of Reductionist Conceptions of Culture.

The starting point of the critique of the use of the concept of culture in contemporary political theory is that this concept fails to reflect accurately the lived reality of individuals. As such this jumping off point is based on an empirical claim. The defense of this claim consequently depends partially on the ability of actual examples to be convincing representations of typical individuals. In order to present such an example I begin with a prominent debate for multiculturalists – the case of the province of Quebec in Canada. This is a debate Kymlicka frequently addresses in his work. Kymlicka's arguments, and in fact much

of the common discourse of Canadian multiculturalism, suggest that the citizens of French Quebec share a common culture. If we look at representative individuals of French speaking Quebec and English Canada it seems that there are cases where the demarcation of culture are not so clear. For instance, take the example of a philosophy professor and a construction worker in Quebec and their counterparts in English Canada. If culture is settled patterns of behaviors, activities and values, then it would seem that the French speaking professor shares a greater number of these with the English speaking professor than he does with the French construction worker. The profession of philosophy comes with its own attendant values and patterns of behavior and these are commonly shared amongst philosophy professors regardless of whether they fall into different ethnic groups as traditionally defined. The French professor does, of course, share certain practices with the French construction worker, very importantly the speaking of the French language. Any viable attempt to address cultural pluralism must be able to both recognize the degree of commonality shared by the two professors, but also the ways in which the French speaking professor and French speaking construction worker share practices. The demarcation of the two groups into 'cultures' based upon language, as the idealist approach is prone to doing, is clearly unhelpful in this case as it focuses only on a limited set of commonalities and differences.[48] The above example is based upon the respective professions of the individuals, but this same thought experiment can be undertaken using very different factors, for instance, class. It seems uncontentious that the very wealthy and the very poor live

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[48] This is of course not to deny that some practices are more significant than others, an issue I shall explore later. Speaking the same language is a very significant commonality, and is at the root of a number of important debates in political theory. But one must be cautious about assuming that language debates and culture debates are equivalent.

extremely different lives and are more likely to share forms of identity with other members of their respective classes than with the poor despite living in a 'culture' as traditionally understood.

What this example makes clear is the way broad conceptions of culture have difficulties taking the range of variation in human populations into account. The idealist conception of culture tends to obscure these differences. This is partially a result of the vagueness in the manner such a theory understands the constituent parts of culture. Individuals share practices and values across multiple cultures so that their membership in any one of these is not exclusive nor unproblematic. Margaret Archer notes that with regard to definitions of culture generally, "there is no ready fund of analytical terms for designating the components of the cultural realm corresponding to those which delineate parts of the structural domain (roles, organizations, institutions, systems, etc.)."[49] Kuper agrees and notes "complex notions like culture, or discourse, inhibit the analysis among the variables they pack together."[50] Thus, there are also theoretical problems with the concept of culture as it is used in much contemporary political theory, and because of these problems the concept is a less helpful tool for analyzing multicultural issues than it may at first glance seem. In this first chapter I will outline the critique of reductionist or essentialist conceptions of culture in fairly general terms. I will provide some more precise examples of how such conceptions fail to provide the kind of conceptual purchase that might be desired in the next three chapters – which explore the theories

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[49] Margaret Archer, *Culture and Agency, The Place of Culture in Social Theory*, Cambridge: Cambridge University Press, 1996, p.1

[50] Adam Kuper, *Culture: The Anthropologists Account*, Harvard: Harvard University Press, 1999, p.245

of Charles Taylor, Will Kymlicka, and John Rawls. While all three of these theorists share the basic conception of culture described here, the details of their understandings and applications diverge, and a precise analysis of how reductionist conceptions fail to provide the most useful tools for analysing the problems of diverse societies must be attuned to those variations. Thus more precise examples of the critique's applicability can be found in those chapters. Finally, in chapter seven, I will argue that one of the variables that the concept of culture subsumes is that of a 'practice,' and that using this variable as a jumping off point for political debates avoids some of the theoretical difficulties that accompany the use of the term culture. Firstly, however, I will structure the critique of reductionist accounts of culture around five main arguments.

1.6.2 Five Critiques of Reductionist Conceptions of Culture.

These general criticisms lead one to question to what extent cultures can be clearly and unproblematically recognized. The critique of reductionist conceptions of culture consists of five main arguments. The recent work of Seyla Benhabib provides a concise statement of the first three critiques. Benhabib provides the term "reductionist theories of culture" to mark those theories that are unjustifiably simplistic and not based on empirical realities. She argues that such approaches rely on "three faulty epistemic premises: (1) that cultures are clearly delineable wholes; (2) that cultures are congruent with population groups and that a noncontroversial description of that culture of a human group is possible; and (3) that even if cultures and groups do not stand in one-to-one correspondence, even if there is more than one culture in a human group and that more than one group may posses the same cultural traits, this poses no important

problems for politics or policy."[51] The first and second of these arguments are clearly related: if cultures were perceptible wholes, then it would naturally be easier to define the population group to which they belong, and describe that culture.

To examine further why it is difficult to describe cultures as clearly delineable wholes congruent with particular population groups that can be described in a noncontroversial way, it will be helpful to explore what might be involved in recognizing such a group. This is a crucial question as it is directly related to an important strain of multicultural theory that is predominantly associated with the work of Charles Taylor, who argues that the state must appropriately recognize various cultural groups. Such an approach proceeds from the insight that how others see us can have a significant effect on how we see ourselves. The opinions and beliefs of others about who we are shape how we understand ourselves. This insight is generalized to cultural groups.[52] Cultural groups provide frameworks of meaning for shaping one's life, and lack of recognition or mis-recognition of such groups can be harmful to their members. This makes the question of how one defines and recognizes such groups particularly acute. Taylor believes that the recognition of the content of cultures is important, but he does not spend much time questioning whether the idea of a definable cultural group is itself a

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[51] Seyla Benhabib, *The Claims of Culture: Equality and Diversity in the Global Era*, Princeton: Princeton University Press, 2002, p.4

[52] See, Charles Taylor, *Multiculturalism and the 'Politics of Recognition'*, Princeton: Princeton University Press, 1992. There is some ambiguity in Taylor's work as to whether the groups as wholes are all that need to be recognized, or whether individuals – as instantiations of particular cultures – also need their own forms of appropriate recognition, and the relation between these forms of recognition. The details of this particular problem will be explored in greater detail in chapter two, which examines the critique of reductionist conceptions of culture in the context of Taylor's work.

problem that needs to be examined.

The example provided above of the traits shared by philosophy professors and construction workers across some traditionally accepted cultures show the difficulties that someone trying to refute Benhabib's claims would have.[53] The difficulties with accurately perceiving and demarcating cultures are numerous. Firstly, one must note that many of the debates involving questions of recognition crucially involve a far greater range of collective identities than those designated by the traditional term culture. There are many kinds of identities that hope to be recognized, not just cultural ones. As Appiah points out:

> "As we have seen, the social identities that clamor for recognition are extremely multifarious. Some groups have the names of earlier ethnicities: Italian, Jewish, Polish. Some correspond to the old races (black, Asian, Indian); or to religions (Baptist, Catholic, Jewish, again). Some are basically regional (Southern, Western, Puerto Rican). Yet others are new groups that meld together people of particular geographic origins (Hispanic, Asian American) or are social categories (women, gay, bisexual, disabled, deaf) that are none of these."[54]

Each of these groups bring particular problems and issues to the table that an approach the relied on traditional definitions of culture would obscure. For instance, there are the formidable problems associated with racism, where a group of individuals have come to be associated with a particular culture as a result of racist attitudes. Such individuals may wish to join together in

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[53] Possible examples are numerous; for instance, the differences and similarities between professional baseball players and classical musicians across ethnic groups.

[54] Anthony Appiah, *The Ethics of Identity*, Princeton: Princeton University Press, 2005, p.117

solidarity to combat such attitudes, but do not necessarily wish to be seen as having a single unified and clearly delineated culture, even though the question of recognition is very significant for them. They may, on the other hand, argue that some aspects of their identity which they share as a group have been the result of these racist attitudes and may require reformation or re-evaluation. There is no unproblematic account of what that group's culture might be in such a case. Another similarly problematic case arises when the cultures in question have been produced by long-standing conflicts. If the goal of the theorist is to reduce or solve such conflict, this may not be possible without the destruction or alteration of the cultures associated with it. Appiah notes some examples where identities have been formed in opposition to other identities, for instance, "perhaps an Igbo who doesn't find the Yoruba brash and excessively self assertive will lose some of his Igbo-ness; certainly a Pentecostalist who found nothing objectionable in contemporary mass culture would scarcely be recognizable to his peers."[55]

But even if one limits the question to that of cultures as conventionally defined in ideational approaches, there are many difficulties. Any attempt to produce a clear description of a unified culture with a clear and uncontroversial membership raises the problem of who determines and defines the culture. Who in a society should have the authority to determine what the correct content of a culture is? Rapport provides an example of a case where questions of cultural authority were directly relevant. He recalls the case of Salman Rushdie, 'natal' Muslim, who was the subject of the condemnation and threats by other Muslims in Iran.

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[55] Anthony Appiah, *The Ethics of Identity*, Princeton: Princeton University Press. 2005, p.139. These forms of culture cause serious dilemmas for the liberal theorist concerned with recognizing and tolerating all cultural groups equally. If a society contains cultures whose values are partially constituted by the rejection of other cultures, then there is a logical barrier to affirming or respecting all those cultures and identities.

Rapport points out:

> Even if one were to accept that essential cultural worlds existed, where, in this case, does 'the culture of Islam' and its organic development lie? With Rushdie or Khoemeni? With Khoemeni or more liberal Iranian clerics? With Iranian clerics or Saudi clerics? With living clerics or dead clerics? With clerics or 'saints'? With recognized saints or those who equally feel themselves embodiments of 'grace'? With the great traditions of Islamic centralism or the little traditions of Islamic localism?[56]

Since it is difficult in the idealist framework to imagine some sort of process of inclusive democratic consensus that serves to construct a definition of a particular culture, and since this is clearly not how cultures have developed thus far, the question of who has the authority to speak for, and define, a culture, is very real.[57] Additionally, there is also the danger that those entrusted with the power to pronounce on the 'real' form of any culture may use that power for their own benefit. How one defines a culture can create significant advantages for some over others.

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[56] Nigel Rapport, "Culture Is No Excuse, Critiquing Multicultural Essentialism and Identifying The Anthropological Concrete." *Social Anthropology,* 11, (3) 2003, p.381

[57] Appiah suggests that culture is often not merely defined by elites but produced by them. He points out that "in the real world, the entrenchment of uniformities happens through the authorization and appointment of elites and "representatives"; within the group; through the mobilization of state resources on behalf of such representatives; through the whole apparatus of "cultural autonomy". For liberal theorists concerned with the question of autonomy, even if one were to suggest that culture is often the product of elites, this would raise the question of whether this should be so. Often the pronouncements of such elites will effect the membership of the group they supposedly represent. This question will be explored further in chapter three, which examines the work of Will Kymlicka. Anthony Appiah, *The Ethics of Identity*, Princeton: Princeton University Press, 2005, p.151

Amartya Sen spends a considerable amount of time in his *Identity and Violence* decrying the tendency to look towards religious leaders as source of expertise on the content of cultures. Sen is particularly concerned with the discourses surrounding the supposed civilizational clash between the Western and Muslim worlds.[58] This approach, Sen argues, can exacerbate animosities and add fuel to already volatile conflicts. He presents such examples as the U.S. invasion of Iraq and attempts to combat terrorism, and notes that "attempts to tackle terrorism through the aid of religion has had the effect of magnifying in Britain and America the voice of Islamic clerics and other members of the religious establishment on matters that are not in the domain of religion, at a time when the political and social roles of Muslims in civil society, including in the practice of democracy, need emphasis and much greater support."[59] Because of the range of possible descriptions of such an extensive conceptual entity as a culture, any description of such a culture will itself be part of the shaping and production of that culture. And often, such as in the case that Sen presented, the parties engaged in describing the content of a culture do so from a position of very particular interests and agendas.

Even if one were to come to an agreement on who an authority on a particular culture

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[58] Sen positions Samuel Huntington as an exponent of such a position. The 'civilizations' that Huntington refers to are even larger and more inclusive than many of the commonly accepted 'cultures' in political discourse, and thus, in many ways Huntington is a paradigmatic example of a reductionist approach to culture and human populations. Huntington writes "the central theme of this book is that culture and cultural entities, which at the broadest level are civilizational identities, are shaping the patterns of cohesion, disintegration, and conflict in the post-Cold War era." Samuel Huntington, *The Clash of Civilizations and the Remaking of the World Order,* New York: Simon & Schuster, 1996, p.20

[59] Amartya Sen, *Identity and Violence,*
New York, London, W.W. Norton & Company, 2006, p.83

might be, the ideational conception of culture is particularly susceptible to distortions that result from pre-conceptions as to its form and content. Ronald Dworkin points out that even the interpretation of something as seemingly limited and clearly demarcated as a constitution, how one goes about determining the intention behind the text involves important beliefs about the role and place of a constitution. He notes that "any theory of law is an interpretation, in the broad sense, of a social practice even more complex than, and including, constitutional practice." If, by analogy, a culture can be seen as a text to be interpreted like a constitution, its interpretation is not free of one's understanding of the shape, importance, and role of culture. Culture is an increasingly loaded political term, and the descriptions political actors give of certain cultures are often inextricably bound up with the political aspirations of those actors. Any attempt to define a culture in this manner would involve interpretive principles that would themselves be contested.[60]

Nikolas Kompridis in a paper critical of Benhabib's anti-reductionist account of culture argues Benhabib's emphasis on the fluidity and vague boundaries of culture renders the concept useless. For Kompridis this is a problem because he assumes that we must go on using the concept. He argues that "having committed herself to an anti-holistic and anti-essentialist view of culture, Benhabib is forced to treat cultural identifications and attachments as imaginary constructs that can be as easily constructed as deconstructed."[61] But this does not follow, individual identifications and attachments may simply occur on a much smaller scale. Appiah

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[60] Dworkin, Ronald. *A Matter of Priniciple.* Harvard: Harvard University Press, 1985. p.37

[61] Nikolas Kompridis, "Normativizing Hybridity/Neutralizing Culture," in, *Political Theory*. 33 (3) June 2005, p.325.

notes that the common pursuit of a collective goal – goals that may structure the identities of those taking part – may occur in a wide range of population groups and "may involve much smaller-scale groups – of twenty, or ten, or two."[62] These groups do not accord with the grand scale of cultures as traditionally defined. On the other hand, some attachments may be to very large groups that nonetheless would not constitute cultures as traditionally defined; for instance, being a member of a union. Many of these attachments, while not being attachments to grand cultural systems, may in fact not be easy to deconstruct or abandon. Further, these attachments and commitments may be just the sort of thing that deserve support. While Kompridis is correct to worry that "it is hard to see how something necessarily open and indeterminate could play, as Benhabib suggests, a determinate normative role in decisions about whether some feature of our cultural identity should be preserved," one is not left without any means of understanding the constitutive projects and traditions that individuals find themselves situated in.[63] Kompridis uses the liquids of fluid culture to slide down the slippery slope from fluid culture to the completely imaginary. Kompridis goes on to note that "moreover, by 'fictionalising' culture, treating it as a product of the imagination,' Benhabib renders cultural preservation normatively indefensible."[64] But, to what extent cultures as traditionally understood exist is precisely the question at hand. It can be no argument against Benhabib that she renders cultural preservation indefensible if what is under scrutiny is the very concept of culture itself. Assuming as a

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[62] Anthony Appiah, *The Ethics of Identity*, Princeton: Princeton University Press, 2005, p.26

[63] Ibid., p.333

[64] Ibid., p.326

premise that we need to be able to preserve cultures is already to accept the concept of culture as a given.

A common claim is that one might appeal to history in order to recognize and define cultures, but appealing to history is equally fraught with interpretive dilemmas and biases.[65] Appiah notes that identities often "flourish despite... our 'misrecognition' of their origins; despite their roots in myths and lies."[66] The delineation of a culture or identity is always a contested process with extensive political consequences. Adding to this problem is the fact that societal change can occur suddenly, as when there is a breakthrough in technology or medicine, and where the political framework is one that relies on the traditional concept of culture, one will be working with an often unwieldy concept that is difficult to revise and re-analyze quickly. Attempts to analyze whole cultures are generally works of great erudition that may take years to produce. Since cultures are constantly developing and changing, how often would a society need to appeal to those defining the culture? Archer notes that the hermeneutic method for understanding the content of culture, an understanding that arose out of the idealist definition, "entailed a crucial prejudgement, namely an insistence that coherence was there to be found, that is a mental closure against the discovery of cultural inconsistencies."[67] As Appiah notes, a bias to coherent explanations may be entrenched in insidious ways, some having to do with

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[65] For a communitarian account that foregrounds historical considerations, see, Michael Walzer, *On Toleration,* New Haven and London: Yale University Press, 1997.

[66] Anthony Appiah, *In My Fathers House: Africa in the Philosophy of Culture,* Oxford: Oxford University Press, p.178

[67] Margaret Archer, *Culture and Agency, The Place of Culture in Social Theory*, Cambridge: Cambridge University Press, 1996, p.3

academic imperatives. He observes that "anthropology, our source of narratives of otherness, has a professional bias toward difference. Who would want to go out on a year of fieldwork "in the bush" in order to return with the news that "they" do so many things just as we do? We don't hear about cross-cultural sameness for the same reason we don't hear about all those non-carcinogenic substances in our environment: sameness is the null result."[68]

A consequence of these considerations is that to Benhabib's criticisms one can add a fourth, (4) that an individual can inhabit multiple cultures in the traditional sense, for instance, be a professor, a woman, basketball player, and a political activist. All of these activities come with attendant customs, etiquette and values. Gutmann notes that "people identify with others by ethnicity, race, nationality, culture, religion, gender, sexual orientation, class, disability, age, ideology, and other social markers. No single group identity or even all group identities taken together comprehend the whole of the person."[69] Amartya Sen provides numerous examples in his recent book *Identity and Violence*, for instance, "The same person can, for example be a British Citizen, of Malaysian origin with Chinese racial characteristics, a stockbroker, a poet, and opponent of abortion, a bird watcher, an astrologer, and one who believes that God created

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[68] Anthony Appiah, *The Ethics of Identity*, Princeton: Princeton University Press, 2005, p.254

[69] Amy Gutmann, *Identity in Democracy*, Princeton: Princeton University Press, 2003, P.2. Gutmann includes 'culture' in this list, which raises the question of what is left for culture to represent after ethnicity, race, nationality, religion, gender, sexual orientation, class, disability, age, ideology and the very general "other social markers" are taken care of. I would argue instead that all of the former can provide cultural content, and that what is commonly called culture should instead be seen as the commonalities that arise from groups sharing certain practices and beliefs that are concomitant with the above identifications.

Darwin to test the gullible."[70] Each of these identifications results in the acceptance of certain standards and traditions. Each may result in the adoption of practices and values that shape the life of the individual partaking in them. For instance, within the world of the academic philosopher certain values are paramount, such as logical argumentation, reasonableness, and novel thought. A different set of priorities may structure the life of a construction worker. Because the aims and circumstances of each of these roles are so different, they naturally involve different standards of appropriateness, and excellence. If the state recognizes or prioritizes only one or even a few of the roles that an individual may identify with, then it may be placing burdens upon or effecting the saliency of other aspects of that individual's life. A state that provides special exemptions or special group rights for one of the identities of an individual may be shaping the priorities of that person in particular ways, that will cause concern among liberal theorists who place a high value on autonomy and the individual's choosing among the options available to them. As I will argue in chapter six, the best manner in which to understand and mediate the internal diversity of such lives and the complex societies they engender, is not to focus on whole cultures but on the actual practices engaged in by members of such societies.

The various obligations and roles people inhabit can conflict with each other. This leads to a further extension of Benhabib's analysis to include (5) the criticism that there can be actual conflict between the values and practices within individuals and thus, within those groups often

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[70] Amartya Sen, *Identity and Violence,* New York, London: W.W. Norton & Company, 2006, p.24. Sen clearly recognizes the importance of these examples for the argument and provides many throughout the book. For further examples see also p.19,46,159,163.

designated as cultures. Benhabib's critique can be extended to include denying that most traditionally defined cultures exhibit the *logical consistency* associated with idealist approaches to culture favoured by the communitarians and post-communitarians. Archer notes that the idealist conception of culture was unable to make an important distinction between two elements of social life. The two elements she distinguishes are:

> – Logical consistency, that is the degree of internal compatibility between the components of culture (however these two terms are defined).
> – Causal consensus, that is the degree of social uniformity produced by the imposition of culture (again however these two terms are defined) by one set of people on another.[71]

These two elements can vary independently of each other. A traditionally defined culture may in fact consist of many elements that do not cohere into a logical system. The social formations that individuals identify with are various and not necessarily harmoniously related. All of these formations may in and of themselves offer reasonable life choices but it may not be possible to integrate them simultaneously at any given time. Individuals thus need to compartmentalize their life, such that at some times certain values and practices are paramount while at others different values and practices are considered most important. A careful examination of one's life might be able to sort these value systems out, but that careful philosophical analysis simply does not occur and is not possible for the vast majority of humans. And even if such an analysis were possible there are many valuable options that simply cannot be sorted out into hierarchical

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[71] Margaret Archer, *Culture and Agency, The Place of Culture in Social Theory.* Cambridge: Cambridge University Press, 1996, p.4

systems. As Isaiah Berlin states, "the world that we encounter in ordinary experience is one in which we are faced with choices between ends equally ultimate, and claims equally absolute, the realization of some of which must inevitable involve the sacrifice of others."[72] Individuals often already find themselves born into complex and conflicting allegiances from which it may not be easy to extricate themselves. This is very much in keeping with the belief of liberal and multicultural theorists, and particularly Rawls, that there are diverse but reasonable ways of living. The reasonableness of these positions is crucial, it is what makes the conflicts among them so intractable. The difference between these theorists and the position of this thesis is that for them each individual tends to live out only one of these reasonable ways of living, that is, lives in one culture. Through the compartmentalization of one's life at times one seeks out one good and at other times different goods. This is the central concern of Amartya Sen in his recent work *Identity and Violence*. He calls the belief that individuals inhabit single cultures the "solitarist" approach to human identity and argues that:

> A solitarist approach can be a good way of misunderstanding nearly everyone in the world. In our normal lives, we see our selves as members of a variety of groups – we belong to all of them. The same person can be, without any contradiction, an American citizen of Caribbean origin, with African ancestry, a Christian, a liberal, a woman, a vegetarian, a long-distance runner, a historian, a schoolteacher, a novelist, a feminist, a heterosexual, a believer in gay and lesbian rights, a theater lover, an environmental activist, a tennis fan, a jazz musician, and someone who is deeply committed to the view that there are intelligent beings in outer space with whom it is extremely urgent to talk to (preferably in English). Each of these collectivities to

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[72] Isaiah Berlin, *Four Essays on Liberty*, Oxford: Oxford University Press, 1969, p.169

> which this person simultaneously belongs, gives her a particular identity. None of them can be taken to be the person's only identity or singular membership category.[73]

This leads us to a third addition to Benhabib's concerns, the problem that most individuals are not completely rational. That is to say, they may hold conflicting beliefs and values. This is unsurprising as they may need to accept a certain amount of conflict among the various roles they play. These conflicting beliefs and values will in turn shape the contours of the wider culture, so one can see why cultures are not consistent and integrated wholes.[74] What Benhabib does not make clear is how the fact that cultures are not "clearly delineable wholes" arises partially out of the fact of dissonance among the various practices an *individual* partakes in. This is not to say that this value conflict and compartmentalization is true of all individuals, merely that it is true of a significant number. That is enough to suggest that one cannot un-problematically point to a culture where all the individuals have accepted a similar hierarchical structure of values. Not all of the individuals designated as members of a culture need to encounter this difficulty for it to be problematic to define a unified culture.[75] Individuals with

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[73] Amartya Sen, *Identity and Violence,*
New York, London: W.W. Norton & Company, 2006, p.xiii

[74] This argument is further fleshed out in chapter two, where a closer examination of the relation of the individual to the dominant culture as that relation is understood by Charles Taylor is presented. Any theory in which culture both shapes and is shaped by individuals will have to account for the presence of many conflicting beliefs and values held by most humans.

[75] Isaiah Berlin directly claims that those who have managed to sort their values hierarchically without some difficult excisions to their identity have in fact not correctly perceived the circumstances of their lives. He writes: "happy are those who live under a discipline which they accept without question, who freely obey the orders of leaders,

conflicting projects and values will present a particularly trenchant problem for those who hope to argue that there are population groups that can unproblematically be associated with particular cultures. For example, an individual whose occupation is selling large automobiles with very poor fuel efficiency (perhaps an afficionado of the Hummer) may also have a desire to be an environmentalist. Ultimately this individual may choose one of these values over another, but to assert that such an individual is a member of only one of these particular groups is to impose upon that individual a decision that they have not yet made themselves. If being an environmentalist is considered part of the culture of a certain population, of which our hypothetical Hummer driver is considered to be a member, then its governing structures may be organized to promote the end of environmentalism in a way that makes the decision to drive or not to drive a Hummer for him. If the post-communitarians argues that culture does not determine one's values in this sort of straightforward way, then they only add weight to the criticism that culture is not a very useful tool for determining the actual beliefs and values of a society. The same problem that the hypothetical Hummer driver presents may exist for individuals who are part of the many hyphenated ethnicities, for instance Italian-American, when these are associated with conflicting practices.

These issues are exacerbated by the manner in which cultural practices change. Human

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spiritual or temporal, whose word is fully accepted as unbreakable law; or those who have, by their own methods, arrived at clear and unshakable convictions about what to do and what to be that brook no possible doubt. I can only say that those who rest on such comfortable beds of dogma are victims of forms of self-induced myopia, blinkers that may make for contentment, but not for understanding of what it is to be human." Thus, for Berlin, this myopic individual is failing to live a fully flourishing life, and importantly, is failing to do so because he is abandoning one important form of free choice that is so important to the liberal theorist. Isaiah Berlin, *The Crooked Timber of Humanity: Chapters in the History of Ideas*, Henry Hardy (ed.) New York: Vintage, 1992, p.14

societies and their beliefs and traditions are constantly in flux. The changes that occur often happen at very local levels and therefore do not necessarily affect the whole. If the examples presented here, as well as those provided by Appiah and Sen, are convincing, then the world comprises overlapping cultural units that are constantly interacting and changing and permit of no clear demarcation into obvious cultural boundaries. Small bursts of cultural change are constantly occurring and their influence may be different for different members of a society depending on what other practices those members partake in. The question of the interdependence of cultural elements is also subject to this critique. Nigel Rapport, who calls reductionist conceptions of culture "organicist", claims that "there is no credibility any longer in the organicist notion that cultural elements are so intertwined that change in one will cause the whole to unravel."[76] Rather than the systematic integrated whole of values, beliefs, and practices that traditional culture represented, this theory argues that a society should be understood as a vast interweaving of practices with each individual instantiating particular set of practices. In this mesh of practices some strands directly touch upon particular strands, while being largely separate from others. Thus, change in one strand does not necessarily affect the whole. For example, a change in a method of farming resulting from a change in one's ethical stance regarding nature, may not have any effect on the practice of music.

1.6.3 The Concept of a Practice.

In later chapters I will argue that rather than using the concept of a culture in political

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[76] Nigel Rapport, "Culture Is No Excuse. Critiquing Multicultural Essentialism and Identifying The Anthropological Concrete," *Social Anthropology,* 11, (3) 2003, P.379.

deliberations, the focus should be on the concept of a practice. A practice is a goal oriented set of activities that require a number of individuals acting with the same end in mind. Practices depend on the collective acceptance of the value of those goals on the part of those who participate. Some practices will have remained stable over time, while others may be newly emerging. They can thus be passed on from previous generations to the present one. A practice cannot be handed down in a literal sense but can be transmitted in a similar way to that which has been attributed to traditional notions of culture. Edward Shils, for instance, notes that with regard to cultures "the transmissible parts of them are the patterns or images of actions which they imply or present and the beliefs requiring, recommending, regulating, permitting, or prohibiting the re-enactment of those patterns."[77] Practices can be passed on in a manner similar to that outlined by Shils. This does not preclude, however, that some may take part in a practice without accepting or understanding the goals central to it.

Practices have certain aims or goals, and are thus not merely patterns of behaviour. Thus practices provide reasons and guidance for actions. Those who take part in a practice in some sense accept the beliefs and aims of the practice and find in it a source of structure for their actions. This involves what Raimo Toumela calls collective intentionality. Toumela provides an example of what is involved in collective intentionality:

> Suppose two persons plan to carry a table upstairs together. Their plan will consist of their intentions to carry the table together and their shared beliefs concerning how to do it. There is joint or collective intentionality here about the joint action of

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[77] Edward Shils, *Tradition*,
Chicago: University of Chicago Press, 1981, P.12

carrying the table and about the means for doing it.[78]

This intentionality thus distinguishes certain practices from those that arise by chance or those that are, for instance, the unintended consequences of technological change. It is important to note here that the concept of a practice is not replacing all the content ascribed to the concept of culture by the myriad of theorists who have attempted to define the word. Some of these unintended behaviour patterns might have been subsumed under traditional notions of culture, but are avoided by this definition of a practice. This is deliberate as it provides means to limit the kinds of practices in question to those that are most significant for questions of public political policy and multiculturalism. Those practices whose practitioners intentionally aim at clear goals should be prioritized in attempts to resolve conflicts over those that have arisen arbitrarily or unintentionally. The final chapter of this thesis, which deals explicitly with the concept of a practice, will go into greater detail regarding the various ways in which one can determine the relative significance of practices.

Individuals may be born into circumstances where there are stringent demands to engage in certain practices. Some practices are more easily dis-engaged with than others, consequently, the practice approach can still make sense of the manner in which practices can be constitutive of identities. One does not need the concept of culture in order to show that individuals are strongly shaped and influenced by the social circumstances they are born into. The scale of who may participate in a practice is far more flexible than that of a culture, and may be a very small

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[78] Toumela, Raimo. *The Philosophy of Social Practices: A Collective Acceptance View*, Cambridge: Cambridge University Press. p.17

element of a society or may be widely shared. Individuals may participate in multiple practices, some with large numbers of participants and some with very few. The number of participants that take part in a practice will be an important factor in determining the significance of that practice for public policy.

A practice is not necessarily linked to all other practices of a human group, yet it also does not preclude relationships to other practices. These related practices need not however build into structures reminiscent of traditional conceptions of culture, though once again this is not a logical impossibility, merely very unlikely given the conditions of contemporary Western society. Thus the practice approach can again offer more precision while not ruling out the possibility of larger structures of practices. This approach can be as precise or as general as need be, and thus has an advantage over approaches that begin from the assumption of large coherent cultural structures. I will explore the concept of a practice in greater detail in the final chapter of the thesis. In that chapter I use elements of Toumela's notion of a social practice and Alasdair MacIntyre's definition of a practice as starting points for elaborating an approach to contemporary multiculturalism that avoids some of the distortions and errors of theories that depend on reductionist conceptions of culture that I have outlined here.

The argument here is merely that the concept of a practice is more useful for the types of political deliberations that occur in diverse societies. A broad encompassing definition of culture may do little to elucidate such discussions. Michel-Rolph Trouillot provides examples of issues where use of the concept of culture may not be entirely helpful in illuminating the problem when he asks "do we gain or lose by describing clashes between *beur* and white youths in France as clashes between Arab (or Muslim) and French (or Western) culture? How close do

we want to get to Harrison and Huntingtons's clash of civilizations? Is the spread of McDonald's in France or China proof of the globalization of American "culture" whatever that may be?"[79] Since the concept of a practice does not contain the entirety of that which has been subsumed under the concept of culture, the other elements may need their own evaluations and refinements. Adam Kuper suggests precisely such a task. He argues that "to understand culture, we need to first deconstruct it. Religious beliefs, rituals, knowledge, moral values, the arts, rhetorical genres, and so on should be separated out from each other rather than bound together into a single bundle labeled culture, or collective consciousness, or superstructure, or discourse."[80] I undertake a part of that task in this dissertation.

Neither am I arguing that an integrated culture has never, does not, or necessarily cannot, exist. I am merely making the case that this is unlikely to occur in the modern industrialized world. Nikolas Kompridis in his paper critical of Benhabib's anti-reductionist position asserts that "if, however we are going to continue to use [the concept of culture] (and Benhabib has given us no reason why we and she should not), then we have to accept that for the concept of culture to have a domain to which it can be meaningfully applied, that domain must display a sufficient degree of continuity and stability – continuity and stability enough to fall under its concept, to be identified as such."[81] While Benhabib may be guilty of continuing to rely on the

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[79] Michel-Rolph Trouillot, "Adieu, Culture: A New Duty Arises," in *Anthropology Beyond Culture*, Richard Fox and Barbara King (eds.) Oxford, New York: Berg, 2002, p.57.

[80] Adam Kuper, *Culture: The Anthropologists Account*, Harvard: Harvard University Press, 1999, p.245

[81] Nikolas Kompridis, "Normativizing Hybridity/Neutralizing Culture," in *Political Theory*, 33 (3) June 2005, p.324.

concept of culture to some extent, that approach is not necessarily the only one that theorists can avail themselves of, and thus, one can escape Kompridis's charges that an overly fluid concept of hybrid cultures will leave us with a concept that "undermines its own application."[82] Kompridis assumes that we must in fact continue to use the concept as it stands, but this is not the only option. The concept of a practice will provide new means resolving conflicts in diverse societies, but also is able to avail itself of many of the theoretical tools used by post-communitarian theorists to negotiate conflicts between cultures. For instance, Kymlicka raises concerns regarding the costs of moving from one culture to another. Kymlicka argues that "the process of integrating into another society is difficult and costly, and it is unfair and unreasonable to expect national minorities to pay this price."[83] One can address these costs on a practice in manner similar to Kymlicka. Nothing in the account of practices prohibits one from addressing the issue of the costs associated with losing or moving between practices.

Now that I have laid the foundations of the critique of reductionist conceptions of culture, I apply that critique to the political theories of Taylor, Kymlicka, and Rawls. In each case I determine the position of the theorist in relation to the liberal tradition; uncover the idea of culture implicit or explicit in his theory; explore the degree to which that idea is susceptible to the reductionist critique; and finally, examine the problems this critique causes for that theory. Then, in Chapter five, I examine political theories of three critics of reductionist conceptions of culture. I outline the theories that Brian Barry, Joseph Carens, and Seyla

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[82] Ibid., P.319

[83] Will Kymlicka, *Politics in the Vernacular,* Oxford: Oxford University press, 2001, p.55.

Benhabib feel are appropriate alternatives to theoretical frameworks based on the definition of culture we have examined in this chapter. While in each theorist's case the alternative is not entirely satisfactory, I retain some elements of these theories, most notably, the idea of deliberative democracy as the appropriate forum to negotiate the dilemmas and conflicts of culturally plural societies. In chapter six I argue that a revised version of Alasdair MacIntyre's concept of practice is a better means of conceptualizing the issues of contemporary multiculturalism, while also arguing that his broader philosophy succumbs to many of the same problems that idealist and reductionist conceptions of culture are prone to. In the concluding chapter of this thesis, I will propose that the ideal framework for negotiating the dilemmas and conflicts of diverse societies is a deliberative democracy in which debates are structured around the concept of a practice.

Thus, this thesis offers both a defense and an elaboration of the critique of reductionist accounts of culture. It adds to the original critique further concerns regarding problems that arise out of the multiple cultural identifications of individuals. These multiple identifications have as a result that individuals often hold a multiplicity of (often conflicting) values and practices, and the consequences of these conflicts are the second addition to the original critique. If the values individuals hold, and the practices they partake in are multiple and conflicting, then there will be difficult to produce a description of the culture to which they belong that is coherent and clearly bounded. The thesis also provides a sustained application of this critique of reductionist accounts of cultural to contemporary theorists, and shows how they are susceptible to aspects of that critique. Further, when they are not so susceptible, it is often at the cost of limiting their usefulness for contemporary multicultural debates, as it the

case with the work of John Rawls. The thesis adds to the discourse on cultural pluralism a sustained examination of the differences and similarities between contemporary post-communitarian liberals with regards to the varying degrees to which they are susceptible to the criticisms of the non-reductionist theorists. The thesis also presents an examination and critique of the critics of reductionist accounts and argues that none of the theorists who themselves present critiques of reductionist conceptions of culture provide adequate alternatives to the concept of culture. While none of the approaches of those theorists are wholly satisfactory, I extract and combine useful elements from their work. These comparisons lead to the need for a novel approach that can synthesize the best insights of these thinkers and provide a flexible theoretical tool that can reflect those insights while avoiding the drawbacks of their accounts of culture. Thus, finally, I define and present the concept of a practice as a useful conceptual tool for this debate, and argue that this concept is less prone to errors and distortions than the concept of culture. While this concept is derived from the work of MacIntyre, it is extracted from his theory, revised, and made to play a quite different role in political theorizing than it did in his work. This thesis thus presents a novel synthesis of the best insights of these diverse and profound thinkers.

CHAPTER 2

Charles Taylor: Self, Culture, and Meaning

2.1.1 Introduction: Taylor's Position In Contemporary Political Philosophy.

I begin my examination of the group of theorists I have termed the 'post-communitarian liberals' with the work of Charles Taylor. Taylor will provide a useful structure for beginning an exploration of the problems of culture and identity because he both provides some of the most useful strategies for approaching the issue and also exhibits some of the most direct pitfalls such an approach can be prone to. While his rigorous examination of the nature of selfhood is useful and much of it can be appropriated as a useful framework for a refined understanding of the manner in which cultural practices affect individuals, his descriptions of wider cultural contexts exhibit many of the drawbacks of reductionist accounts of culture. This section thus sets out to examine what aspects of Taylor's understanding of the self and its relation to culture can be reclaimed for a non-reductionist approach to the problems of modern pluralism.

Some might take issue with the inclusion of Taylor in a group of thinkers called 'post-communitarian liberals' as Taylor is, of course, considered one of the preeminent exponents of the communitarian position. A case can be made however that Taylor is not a simple communitarian and that he shares some of the foundational tenets of liberal political thought. In essays such as "Atomism" Taylor argues that the isolated individual, which many consider the primary locus of the liberal tradition, is an untenable construct and unhelpful for

understanding important issues of identity and freedom.[84] But, as Ruth Abby argues, Taylor cannot be seen as a simple exponent of the communitarian position. She points out that for Taylor "liberalism and communitarianism need not be mutually exclusive approaches to politics: it may be possible to combine some features of the liberal tradition with some from the communitarian approach."[85] Taylor even seems to suggest that his position might be called "complex liberalism." Abby quotes Taylor from an interview as suggesting that:

> If we really recovered a rich liberal theory ... we wouldn't need to mount a 'communitarian' critique of liberalism. A complex liberalism, more in the spirit of the founding figures, say Mill or de Tocqueville, is what we need today ... we urgently need to recover a theory of complex liberalism.[86]

For Taylor, as shall be shown, a complex liberalism will be capable of understanding the ways in which identity and meaning arise out of social contexts, and thus will be sensitive to the ways

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[84] Taylor's criticism of atomistic views of the self, and his resulting critique of the liberal belief in the virtue of a neutral state are well summed up in the following quote: "The crucial point here is this: since the free individual can only maintain his identity within a society/culture of a certain kind, he has to be concerned about the shape of his society/culture as a whole. He cannot following the libertarian anarchist model that Nozick sketched, [in Anarchy, State and Utopia, 1974] be concerned purely with his individual choices and the associations formed from such choices to the neglect of the matrix in which such choices can be open or closed, rich or meagre. It is important to him that certain activities and institutions flourish in society." Charles Taylor, *Philosophical Papers, II: Philosophy and the Human Sciences*. Cambridge: Cambridge University Press, 1989. P. 207

[85] Ruth Abby, "Pluralism in Practice: The Political Thought of Charles Taylor," in *CRISSP*, 5 (3) Autumn 2002, p.102

[86] Charles Taylor, "Communitarianism, Taylor-made: an interview with Charles Taylor." *Australian Quarterly*, 68 (1) 1996, pp.1-10. See Taylor's discussion of alternative versions of liberalism, such as the developmental individualism of Humboldt, in his Hegelpreis essay, "Was ist Liberalismus?", Suhrkamp. Stuttgart, 1997. pp. 25-54

in which a state structured around certain forms of overly abstract and universalizing theory might impede the well-being of some of its citizens.

The hybrid nature of Taylor's theory can be seen in the fact that one of his primary approaches to debates in political philosophy begins with discussions of how modern individuals have come to have certain kinds of self-understandings. Taylor takes this approach not because he sees the individual as the fundamental element of political theorizing; quite the opposite. A primary target of Taylor's criticisms are those theories that he considers as failing to give due consideration to how individuals are inescapably products of the communities they find themselves in. To examine Taylor's understanding of culture in modern times one must, thus, also begin with his conception of the self and its relation to the social context.

It is Taylor's concern for tolerance as a foundational virtue, and his concern for autonomy that mark him as a liberal thinker. But it is his awareness of how political values are shaped by a particular history, and how the values of individuals themselves are shaped by the communities they find themselves in, that mark him as a thinker who fundamentally shaped the communitarian position and one who is consequently capable of addressing issues of cultural belonging, pluralism, and minority rights. He is thus an ideal candidate for beginning an examination of the attempt to integrate liberal and communitarian positions with the ultimate goal of a refined understanding of the relationship between self and society, and a greater understanding of the complexities of the concept of culture.

This chapter will argue that Taylor's concept of a 'horizon of significance' is a useful tool for addressing the problems of diverse societies. It will be argued that this concept, along with the idea of a hypergood, are Taylor's stand-ins for what is commonly called culture. The

concept of a horizon of significance is flexible in terms of the scale and content it represents, and thus is capable of avoiding the pitfalls of reductionist accounts of culture. However, Taylor situates this concept in a theoretical framework the limits and neuters this flexibility. Much of Taylor's broader framework is pre-supposed by the arguments of such works as *Sources of the Self* and *Multiculturalism and the Politics of Recognition*, and thus is not simple for him to jettison.[87] It is the arguments of these works and the broader philosophical framework which they presuppose, that result in Taylor's approach falling prey to the critique of reductionist accounts of culture.

2.2.1 The Modern Self: Identity, Agency, and Significance.

Given the title, it is perhaps unsurprising that Charles Taylor's *Sources of the Self* is one of the main texts where he explores the origins of contemporary forms of self-understandings Taylor considers modernity to have provided the conditions for a very particular form of selfhood and the task he undertakes can be seen as uncovering a contemporary ontology of the self. *Sources of the Self* is primarily a history of the ideas that have shaped modern self-understandings. It will be useful to examine Taylor's conception of selfhood to determine the manner in which he conceives the relation between the individual and the society, and how the structure of a culture is mirrored or is different from the structure of individual identity.

In Taylor's account there is a direct connection between what one values and who one is; and what one values depends on one's beliefs about what human beings are or should be.

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[87] Charles Taylor, *Sources of the Self: The Making of the Modern Identity*. Massachusetts: Harvard University Press, 1989. Taylor, Charles, *Multiculturalism and the Politics of Recognition*. Princeton: Princeton University Press, 1992

Taylor states that 'we are only selves in that certain issues matter for us. What I am as a self, my identity, is essentially defined by the way things have significance for me."[88] These beliefs have a particular historical trajectory, and, importantly, Taylor believes that some of these 'sources' are being occluded, thus both dulling their power and causing modern selves to rely on ever weakening and incoherent moral ideals.

For Taylor the modern individual constantly needs to make 'qualitative distinctions,' that arise out of having a certain "orientation to the good," and it is these sorts of distinctions that are at the heart of what it means for Taylor to have an identity.[89] To make choices based on qualitative distinctions is to have "the sense that some action, or mode of life, or mode of feeling is incomparably higher than the others which are more readily available to us."[90] In order to explore how individuals make the sorts of qualitative distinctions that are indicative of selfhood, it is important to introduce Taylor's distinction between strong and weak evaluation, a distinction that is strikingly similar to Frankfurt's conception of second-order desires: "in weak evaluation, for something to be judged good it is sufficient that it be desired, whereas in strong evaluation there is also a use of 'good' or some other evaluative term for which being desired is not sufficient; indeed some desires or desired consummations can be judged as bad, base, ignoble, trivial, superficial, unworthy, and so on."[91] Strong evaluations involve "discriminations

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[88] Ibid., p.34

[89] Ibid., p.33-34

[90] Ibid., p.19. See also p.14, 25

[91] Charles Taylor, *Philosophical Papers I: Human Agency and Language,* Cambridge: Cambridge University Press, 1985, p.18. Frankfurt writes, "It seems to be peculiarly characteristic of humans, however, that they are able to form what I shall call

of right or wrong, better or worse, higher or lower, which are not rendered valid by our own desires, inclinations, or choices, but rather stand independent of these and offer standards by which they can be judged"[92]. This is to say that individuals can be concerned with the character of their motivations and how these motivations reflect their capacity as agents. Strong evaluations are second-order desires based on *qualitative* distinctions; as such, they involve a specific kind of motivation for wanting to change one's desires. For example, in weak evaluation, one prefers red wine to white wine. Strong evaluation, on the other hand, involves the sense that certain desires are incompatible with having a certain kind of character which is considered *better*. We would not judge a life devoted to drinking red wine as opposed to white wine as significantly better or more worthy, but may judge a life devoted to helping those less well off as exhibiting a higher standard than one that does not. It is clear that these qualitative distinctions are based upon one's conception of the good life in the most foundational sense. When one bases one's action on a qualitative judgement, one is deciding what one's conception of the good life requires one do.

2.2.2. Evaluations and Value Conflicts.

Defining strong evaluations as second order evaluations leads Taylor to consider whether

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"second-order desires" or "desires of the second order". Besides wanting and choosing and being moved *to do* this or that, men may also want to have (or not to have) certain desires and motives. They are capable of wanting to be different, in their preferences and purposes from what they are." Harry, G. Frankfurt, "Freedom of the Will and the Concept of a Person." The Journal of Philosophy. 68 (1). p.6-7

[92] Charles Taylor, *Sources of the Self: The Making of the Modern Identity*, Massachusetts: Harvard University Press, 1989, p.4

these second order evaluations are not merely desires, similar to first order desires. It does seem as though the danger of an infinite regress looms; i.e., desires about desires about desires and so on. But, Taylor disagrees that this is the logical consequence of his position. Such a regress is not a possibility because second order evaluations have a different character. He calls second order judgments "import-attributing."[93] The significance that is attached to certain possibilities has a status that is not merely dependent on 'brute' feelings. One will want to be free of some desires because they do not concord with the value and significance of certain possibilities for living that are felt to be pre-eminent. One will feel that these possibilities for living are not merely the result of one's choices, but instead are an independent framework. He notes that this has the consequence that there is the possibility of 'second guessing' the choices one has made, "for to rule this out in principle is to rule out that the subject can ever be wrong about what he truly wants. And how can he never, in principle, be wrong, unless there is nothing to be wrong or right about in this matter?"[94] That is to say, if value is conferred by choice alone then it would be impossible to be wrong about the value of one's choices. There is a sense here that the significance and value of some choices has an existence that is independent of the will of the agent. This is an important point to consider when discussing identity and culture, as the sources of these frameworks for living will be significant factors in the structure of any liberal theory that hopes to be tolerant and protect autonomy. For Taylor subjects could be wrong about the goals that are truly fundamental to them, those goals which would best exemplify the range

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[93] Charles Taylor, *Philosophical Papers, II: Philosophy and the Human Sciences*, Cambridge: Cambridge University Press, 1985, p.226

[94] Ibid., p.223

of values they hold. Again this is important in that it suggests a certain objective necessity to the structure of a particular identity given a certain set of values, suggesting perhaps that any incoherence should not be properly seen as part of one's identity. If one is appealing to a framework of value that guides action, and the structure of that framework is not merely the result of individual choice, then any failure to live up to the ideals of that framework could be seen as a failure to properly exemplify those values, and consequently a failure to be who one wants to be.

Because strong evaluations do not depend on desire, they consequently make it possible to judge some acts as more or less important in terms of their degree and quality of freedom – in the sense of the agent's 'true' goals – that they exhibit. Taylor notes "Is freedom not at stake when we find ourselves carried away by a less significant goal to over-ride a highly significant one?"[95] There are various forms of choices an individual can be faced with. The choice could be between an action leading to a highly valued goal which requires overcoming a fear or aversion. For Taylor, in such a case "there can be no talk of lesser freedom, no matter how painful or fateful."[96] It appears that this is not an issue of freedom because there is no conflict between values. But there are other forms of conflict that occur when "I still identify with the less important desire, I still see it as expressive of myself, so that I could not lose it without

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[95] Ibid., p.220

[96] Taylor provides some examples, for instance: "consider the case where I am very attached to comfort. To go on short rations, and to miss my creature comforts for a time, makes me very depressed. I find myself making a big thing of this. Because of this reaction I cannot do certain things that I should like very much to do, such as going on an expedition over the Andes, or a canoe trip to the Yukon. Once again, it is quite understandable if I experience this attachment as an obstacle, and feel that I should be freer without it." But for Taylor this is not a conflict that goes to the heart of one's identity. Ibid., p.221

altering who I am, losing something of my personality." Here we first encounter the room that Taylor leaves for inner conflict within an individual. There may be hard choices that do not admit resolution without some loss of one's perceived identity. For instance, if one finds some amount of fulfilment in both scientific and artist endeavors, then during one's life there will often arise circumstances where one endeavor will need to be set aside in favor of the other, and this will likely be experienced as the difficult loss of a possible self.[97] In a sense the individual is always making such choices between possible selves, although the older one gets the more one will have invested in certain identities, and perhaps the less willing one might be to abandon those pursuits. In this sense the self is always incomplete, and a new choice can still radically alter the direction of a life, a possibility that is borne out by the historical incidences of individuals' actually making just such radical changes in their lives. Consequently, at the level of the individual, Taylor's account accords with at least that part of the non-reductionist account which argues there is a great deal of incoherence in the values and beliefs held by individuals. To see where Taylor runs afoul of the non-reductionist critique one needs to look at the broader framework of value he presents.

2.2.3 Horizons of Significance or Frameworks of Meaning.

But describing second order evaluations the way Taylor does raises the question of how significance is determined. What does an individual appeal to, in Taylor's sense, when one is weighing options for action? Significance cannot be determined merely by the whims of the

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[97] The ghost stories of Henry James often have characters who are haunted by the ghosts of the selves they could have been had they made different choices in life.

individual, for that would be to align it once again with brute desire, and mere first order evaluations. In Taylor's framework choices cannot become meaningful just because we choose them; that would make the evaluative process of choosing them seem almost random. Taylor points out that "I couldn't just decide that the most significant action is wiggling my toes in warm mud. Without some special explanation this is not an intelligible claim." He continues:

> Self-choice as an ideal makes sense only because some issues are more significant than others. I couldn't claim to be a self-chooser, and deploy a whole Nietzschean vocabulary of self-making, just because I choose steak and fries over poutine for lunch. Which issues are significant, I do not determine. If I did, no issue would be significant. But then the moral ideal of self-choosing as a moral ideal would be impossible.[98]

It is clear that some source external to the individual must be found to determine the significance of choices and thus the evaluative structures behind these choices. Taylor addresses this problem by making the structures that guide strong evaluations a consequence of the society one finds oneself in. Meaning and significance is the product of inter-subjective dialogue and relations in a society. And when one appeals to meanings and significance one is using the constructs of one's society. Taylor considers these sources to be relative to the society and periods in history in which they are instantiated.

Taylor suggests that cultural contexts provide the framework for other individuals to understand and recognize important aspects of one's own character, for instance, that certain

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[98] Charles Taylor, *The Malaise of Modernity,* Concord Ontario: Anansi Press, 1991, p.36.

ways of behaving are going to be considered offensive or inappropriate. Importantly, shared cultural contexts provide the frameworks necessary so that others can understand what one considers valuable. In fact it is the sharing of an understanding of values that actually creates significance and meaning. One cannot decide on one's own what is going to be of public significance about one's identity. Society gives us our "basic equipment." Individuals cannot decide to be anything at all, invent an identity wholesale, but need a context of options and means for evaluating those options. A 'horizon' is thus, in a sense, exactly that, not purely an internal reference, but a framework of value that exists somehow outside the individual as an objective fact external to the lived-in world. Just as a certain particular history is required for a society to support institutions that themselves support freedom, the values one holds are partly a historical product. These qualitative distinctions form a framework which provides guidance for questions concerning what one should do. For Taylor,

> My identity 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 within which I am capable of taking a stand.[99]

In one sense a 'framework' is a *set* of values one holds and the way those values shape the decisions one makes. Commitments and identifications involve accepting certain values in

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[99] Ibid., p.27. My emphasis.

this scenario.[100] From the above quote it appears that, for Taylor, horizons are similar to 'frameworks'. There is a problem here, however: it seems that a distinction is needed between the horizons of significance that are separate from the individual, and which the individual appeals to, and the resulting framework of values that shape the individual's choice. If an individual's internal Framework is necessarily identical to the external 'Horizon', then such a distinction is not that important, but this would raise other issues regarding autonomy. However, if there can be a difference between the content of the Horizon and the manner in which that content is instantiated in the individual, it will be important to keep distinct the two concepts. Though it seems that Taylor uses these terms interchangeably it may be useful to refer to Frameworks as the individual's structure of values, and Horizons of significance as the external manifestation of those forms of values.

For Taylor, "Frameworks provide the background, explicit or implicit, for our moral judgements, intuitions or reactions in any of the three dimensions."[101] These frameworks are derived from certain commitments and identifications made by an individual. The individual commits herself to certain beliefs and ways of life that she perceives in the society. One can see here again that Taylor is laying out the foundations of a critique of overly individualistic conceptions of the self. For him, the values one holds cannot merely be a product of one's own

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[100] There could of course be commitments and identifications that do not involve the acceptance of particular values. To identify with a certain group may involve merely accepting certain customs, not as particularly valuable, but merely as markers of identification as members of that group.

[101] Charles Taylor, *The Malaise of Modernity,* Concord Ontario: Anansi Press, 1991, P.26

choices, but are the result of drawing upon settled patterns of human endeavor. Frederick Olafson points out that there is some vagueness in the extent to which Taylor wants to suggest that the self is a product of history, and if Taylor is going to straddle the communitarian-liberal divide then he must leave some room for individual autonomy and particularity and cannot espouse a "radical historicism," as Olafson puts it.[102] For Olafson this vagueness is not resolved. It may be that a radical historicism can be avoided by Taylor if he avoids understanding horizons of significance in an overly coherent manner similar to that of the reductionist approach to culture.

So what might we point to when considering the sources of these value frameworks? Ruth Abbey in her work on Taylor suggests that "it makes sense to think of Christianity or Islam as providing moral frameworks for their members. We can even think of some secular movements as providing moral frameworks; Marxism was one, feminism may be another and environmentalism a third."[103] It is important to note that this interpretation of Taylor suggests that horizons of significance need not necessarily come in the shape of an ethno-culture. Much contemporary theorizing about culture focuses on a notion of culture that is shaped to fit the form of an ethno-culture; where an ethno-culture is often identified with a nation or race, such as the Greeks or the French.[104] I hope to show that once one examines what those theorists

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[102] Frederick. A. Olafson, "Comments on Sources of the Self by Charles Taylor," in *Philosophy and Phenomenological Research*. LIV (1) March 1994.

[103] Ruth Abbey, *Charles Taylor*,
Princeton and Oxford: Princeton University Press, 2000, p.33

[104] There is a common tendency to conflate 'nation' and 'culture'. This conflation provides an easy shorthand for determining a culture, since the boundaries of countries are clearly defined, and the governing forces of a nation have a crucial interest in maintaining a

describe as the content of 'culture' it can be seen that 'culture' need not take the shape of an ethno-culture as commonly understood. Taylor's approach is more flexible here, and it may be possible to understand Taylor's notion of a horizon as similar to a notion of culture, but one that allows for a greater variety of kinds of groups to provide horizons of significance. It is because of their more flexible nature that I will argue that horizons are closer to what I will define as a practices. Taylor thus provides a valuable tool for escaping the clutches of reductionist approaches to culture. I hope to show how this approach can be useful in dealing with some of the conundrums that arise in debates around cultural conflict.

In *Sources of the Self* Taylor provides an example of the historical development of forms of significance particular to Western society and how these beliefs are embodied in the culture of the West. He outlines three historical sources for contemporary western concepts of identity. These may be summarized as: first, the development of a sense of inwardness, that is, inner depths to our psyches that can be discovered through introspection. Secondly, the affirmation of the ordinary life; i.e., the belief that ordinary work and relations are valuable parts of a meaningful existence. Thirdly, romantic concerns about the relationship of the individual to nature and the manner in which expression in the broad sense actually partially constitutes the self. The precise content of these sources is not crucial for my present purposes, other than in that they raise the question of who these 'sources' really apply to. Who is the demographic that these ideas have shaped? These ideas seem more a reflection of the life of a certain intellectual

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sense of unity amongst the members of a nation. This unity is often provided by the belief that there is a shared culture among the inhabitants of the nation. See Benedict Anderson. *Imagined Communities*, Verso, 1983.

or artistic strata of society rather than a widespread belief structure. Martha Nussbaum in her review of *Sources of the Self* notes that "the fact is that a large number of our fellow citizens are members of non-western traditions and define their identity even more centrally in terms of those traditions. Any account of a "we" in any modern Western nation had better show respect for "our" real complexity, and seek a broader understanding."[105] Taylor needs to be able to show that there is a group of individuals who *should* reclaim these particular sources rather than some other set that may become available. To believe that there are in fact dominant value narratives in this way does seem to lead back to the reductionist conception of culture and away from broader value pluralism. There are particular sets of values and beliefs which are, and should be, the heritage of a very broad encompassing social entity, the West. Those aspects of Taylor that have been examined up to this point have been flexible enough to escape much of the reductionist critique, but here emerges the first signs that other more aspects of Taylor's approach come closer to notions of culture that are susceptible to those critiques.

2.2.4 Normal Selfhood?

It can be seen that for Taylor the vital characteristic of a self is an individual that is guided by a set of meanings and an understanding of the significance of certain acts. In fact, for Taylor, this is an essential characteristic of being a self, and any description of self-hood which is to be faithful to human experience must have this feature. Nicholas Smith argues this is a

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[105] Martha Nussbaum, "Our Pasts, Ourselves." Review of *Sources of the Self*, in *The New Republic*, April 9, 1990, p.32

form of transcendental argument about the conditions of selfhood.[106] Individuals have certain commitments or identifications, and "were they to lose this commitment or identification, they would be at sea, as it were; they wouldn't know anymore for an important range of questions, what the significance of things was for them."[107] That is to say, Taylor is laying out those conditions which must hold for one to be a coherent self. Taylor argues that if one did not have these kinds of commitments one would be in an "acute form of disorientation," an "identity crisis," and it "would be a painful and frightening experience."[108]

Given these characterizations, it must be noted that Taylor is setting the conditions for what I will call with some trepidation, 'healthy' selfhood, for one could have disoriented selves. Merely because an experience is frightening or disorienting does not mean that it is impossible, unhealthy or unimaginable as an experience. Further, if one appeals to different value frameworks in different circumstances, then one would not feel "at sea" while nonetheless shifting one's commitments on a regular basis. Alternatively, losing a commitment might be just that, leaving one with no particular feeling on that issue, and not the 'acute form of disorientation' that Taylor suggests it might be. Taylor is setting out, not so much the conditions of any possible experience, but the conditions of coordinated meaningful action with an overriding goal. There may be many cases where individuals act on irrational drives or as a result of the consequences of patterns of socialization. Taylor himself notes that he is setting

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[106] Nicholas, H Smith, *Charles Taylor: Meaning, Morals and Modernity*, Cambridge: Polity, 2002, p.60

[107] Charles Taylor, *Sources of the Self: The Making of the Modern Identity*, Massachusetts: Harvard University Press, 1989, p.27

[108] Ibid., p.27-28

out the "transcendental conditions" of what is conceivable, and his aim is to "examine how we actually make sense of our lives, and to draw the limits of the conceivable from our knowledge of what we actually do when we do so."[109] Ultimately he believes that his account makes better sense of our lived experience than other accounts do. But what his account seems to make more sense of is our moral aspirations than the lived reality of agency and choice. Thus, it is closer to a normative account, and not a suitable place to begin an analysis of the forms of diversity currently to be found in a society.

2.3.1 Hypergoods.

So how do frameworks enable individuals to make strong evaluations? Abby notes that "it makes sense to think of one's moral framework as consisting of a series of strong evaluations, of judgements about which goods are of higher importance."[110] But what is the relationship between these strong evaluations? Does a framework integrate these evaluations into a system? Abby goes on to say that "moral frameworks can be adjusted to accommodate new strongly valued goods."[111] This seems to suggest that individual goods can be free roaming, that one could discover or learn an 'evaluation' - and thus a value - on its own, and consequently that one need not accept a horizon wholesale. Whether or not one can pick and choose horizons or frameworks and re-arrange them is of crucial importance in debates around group-

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[109] Ibid., Pg. 32

[110] Ruth Abby, "Pluralism in Practice: The Political Thought of Charles Taylor," in *CRISSP*, 5 (3) Autumn 2002, p.35

[111] Ibid., p.35

differentiated rights, so this is not a minor point.[112] This flexibility does not seem to be present in accounts that see the whole as necessarily connected.

Taylor does seem to think that the goods that are vying for our allegiance are plural. He writes that "we need to recognize a plurality of goods, and hence often of conflicts, which other views tend to mask by delegitimizing one of the goods in the contest."[113] Taylor also believes that conflicts arise between these goods and that some decisions between these goods cannot be made without some genuine loss. For Taylor, "there is no guarantee that universally valid goods should be perfectly combinable, and certainly not in all situations."[114] Taylor here is speaking of differences among cultures, but it would seem that the same dilemmas can apply to the individual.

Any account of selfhood that is to be true to our experience must account for the fact that often one's choices in life are not immediately clear. Taylor has suggested that there are horizons of significance that make strong evaluations possible, that is, judgments concerning what one should do. Since we have seen that horizons are in themselves plural, in that that they contain not merely one value, but are constellations of values, who or what then adjudicates among these values? For Taylor, the principle that guides the rest is called a *hypergood. He* writes, "let me call higher-order goods of this kind 'hypergoods', i.e. goods which not only are

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[112] This is of course the crucial question; if horizons of significance are to represent 'culture'. Culture in the traditional sense is not merely a contingent set of values which are unrelated to each other, but these values must be somehow integrated into a systematic whole.

[113] Charles Taylor, *Sources of the Self: The Making of the Modern Identity*, Massachusetts: Harvard University Press, 1989, p.518

[114] Ibid., p.61

incomparably more important than others but provide the standpoint form which these must be weighed, judged, decided about."[115] A hypergood is what one uses to rank other goods in order of importance, so that when one is making a choice between, say, advancing one's career or protesting against a war, whichever of the two actions best instantiates one's hypergood should be the choice one takes. Of the many goods one holds it will be of supreme importance. Further, "It is orientation to this [hypergood] which comes closest to defining my identity, and therefore this good is of unique importance to me."[116] But as the above quote suggests, not only should the hypergood trump other goods when they come in conflict, but the hypergood provides the means of determining whether the other goods are really worthy to be goods at all.[117]

2.3.2 Hypergoods and Value Conflicts.

There are two sorts of ways values are being ranked here that need to be differentiated; first, ordering values in terms of their importance when there are conflicts between them on a *particular occasion*, and, secondly, a more thorough ordering where all goods one holds need to exemplify the goals or values of the hypergood to a greater or lesser degree. Taylor recognizes that the first may occur and writes "in some predicaments, an end of a generally lower rank may have exceptional urgency."[118] But it is the latter case that Taylor most often

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[115] Ibid., p.63

[116] Ibid., p.63

[117] This raises the question of whether in all cases goods can be related. Are there not incommensurable goods that cannot be compared? Where such a comparison would be a question of apples and oranges, so to speak?

[118] Ibid., p.64.

refers to, and I argue this version fails Taylor's own test of 'the best description of the ways in which individuals live their lives'. As an empirical claim this seems dubious; how often do ordinary individuals attempt to analyze all their values and structure them into a coherent system? I would hazard a guess that even professors do not manage to do this with any great regularity. It seems difficult even to manage somehow to make present to one's consciousness the entirety of one's values and beliefs. It is likely that this process is piecemeal and never fully completed, and engaged in as conflicts arise.

It is precisely the kind of coherently structured unity that a hypergood is supposed to provide that is the problem with the reductionist conception of culture; a system where all elements can be sorted into an interrelated whole. The reductionist conception of culture presents a system of values and beliefs that are coherently and logically connected into a relatively clear structure, a process which requires precisely the sort of hierarchical ordering that Taylor suggests a hypergood provides. It seems that Taylor made room for genuine value conflict at the level of strong evaluations only to sort it all out in the end through the hypergood. But this raises some questions. Firstly, does a framework or horizon of significance provide the hypergood? It seems it must, for this is how Taylor grounds the manner in which choices have significance at all. Secondly, is there only one hypergood per horizon or per framework? Could Taylor counter that there are multiple incommensurable hypergoods that vie for our allegiance, thus escaping the reductionist charge? If hypergoods are really to resolve these lower level conflicts then a plurality of them would only lead to the same kinds of conflicts at a higher level of abstraction. If there are multiple hypergoods, then Taylor has merely reproduced the same problems involved in choosing between goods that the hypergood was introduced to solve.

Further, the greater the diversity of this plurality of hypergoods, the more this manner of escaping charges of reductionism will be in tension with the general thrust of works such as *Sources of the Self*, that seek to present the common horizons of significance of Western society. There seems to be a tension in Taylor's work here. It does seem that Taylor is forced into a claim that there are a number of hypergoods per society. Otherwise he would be contradicting his claims regarding the plurality of values in modern society. Thus one is led to the conclusion, that there is more than one hypergood per horizon and the question, can an individual choose between hypergoods?[119] Are we not back to the problem of arbitrary value selection, of precisely the kind that Taylor is so concerned to avoid? If there are a number of equally valued hypergoods in a horizon why could there not be conflicts between those hypergoods? Here the problem of an infinite regress – hyper-hyper-goods – does seem to loom ominously. It seems very plausible that individuals could have more than one hypergood, thus leading to unavoidable and unresolvable conflicts. The less Taylor is susceptible to the critique of reductionist accounts of culture, the further he moves away from the general communitarian thrust and purpose of his work.

2.3.3 Horizons of Significance as Culture.

It does seem that Taylor considers hypergoods to originate in society in a similar way as the horizons of significance which allow for strong evaluations. Hypergoods seem to be

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[119] Or is there merely one hypergood per horizon and each society contains multiple horizons? Either way the same difficulties follow; how does one choose between hypergoods/horizons?

different from the former in virtue of their general applicability. Taylor provides the following example of a hypergood, "To take perhaps the most salient example of modern culture, many accept as their highest good (or perhaps we should say at this stage, principle of right) a notion of universal justice and/or benevolence in which all human beings are to be treated equally with respect, regardless of race, class, sex, culture, religion."[120] The generality of this proposition creates a rather diffuse concept of culture. A vast number of cultural groups as currently defined would fit this description and, further, this would leave the world with a greatly reduced number of potential cultural groups. This notion of general universal respect is adhered to by most modern societies and would prove only a very blunt tool in negotiating the details of the sorts of cultural conflicts that are most pressing in contemporary society. If all hypergoods are to fit this measure of generality, then a more refined means of determining cultural difference will ultimately be needed.

Can we get rid of hypergoods and just stay at the level of strong evaluations? Is it the case, for instance, that horizons of significance give us all sorts of possible values and that the ordering process is a complicated one without easy answers? It does seem that this leads us back into the problem of relativism, but we are no worse off than the relativism that is engendered by an appeal to hypergoods. If Taylor wants hypergoods to function as organizing principles that sort and structure values, principles whose role are to provide a historical grounding for values and a means of avoiding charges of relativism, then, it seems that the idea of hypergoods is similar to the idea of a coherent culture that I am arguing is a problematic

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[120] Ibid., p.64

concept. These concepts denote the same kinds of cultural structures. A hypergood is simply the ultimate values of a culture in the traditional sense. If hypergoods were diverse and not commonly held by members of a society they could not play the role that Taylor asks of them. Certainly if cultures had hypergoods we would know how to preserve them or devise non-traumatically harmful policies that would attempt to protect that culture. But when it is far from clear that individuals themselves hold these hypergoods with any sort of regularity or consistency, why should one expect that the society at large in fact is organized with this sort of value consistency? Further, It is not clear that Taylor's own theory provides any necessary reasons why there should only be a few hypergoods that are commonly held by members of a society.

2.4.1 Taylor, Culture and Language.

I have attempted to align Taylor's conceptions of 'horizons of significance' or 'frameworks' with the notion of culture, but how does Taylor himself explicitly define culture? For a theorist who spends such a great deal of time discussing issues of multiculturalism and community, Taylor does not often explicitly define culture. More often Taylor does talk about such things as 'irreducible social goods,' or, 'horizons of significance'. His definitions of culture often orbit around notions of meaning; for instance, Taylor notes, "subjective understanding is usually elaborated between people, members of the same culture. Indeed, that's what makes them members of the same culture."[121] Here we have Taylor suggesting that

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[121] Charles Taylor, *Philosophical Arguments*, Cambridge, Mass: Harvard University Press, 1995, p.295

at the root of culture is shared subjective understanding, that is, shared meanings. From this quote is appears that one can place Taylor firmly in the tradition of ideational definitions of culture, those that emphasize symbols, values, and representations, over the material aspects of culture, such as technologies and forms of social organization.[122] Culture is shared understanding and therefore is primarily to be sought in the minds of individuals, rather than in the physical products of a society. But we shall see that Taylor is not entirely consistent in this approach. When Taylor does directly speak of culture it is often in the context of language, thus very much in line with theorists such as Kymlicka, who, we shall see, explicitly defines those cultural groups worthy of rights via concepts of language and meaning. Taylor in his essay "Irreducibly Social Goods" often refers to Saussure's concepts of langue and parole, where "there is a code (langue), and this code is drawn on in each particular act of speech (parole). These are in a characteristic circular relation".[123] For Taylor the way that culture provides us with "irreducibly social goods" is through a *langue*; he writes, "If we refer to the background of practices, institutions, and understandings which form the *langue* analogue for our action in a given society as our 'culture' (in one possible use of this overworked term), then it is clear that the culture can be the locus of goods."[124] This quote explains the strong link that Taylor makes between ideas of language and ideas of culture. The structure of language has a structure similar culture. This seems to reinforce the interpretation that Taylor takes an ideational approach, but

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[122] Richard Fox and Barbara King, *Anthropology Beyond Culture*, Oxford: Berg, 2002, p.xvi

[123] Ibid., p.134

[124] Ibid., p.136

it must also be noted that in this quote Taylor includes material aspects in his definition of culture, and not just shared understandings, but actual material structures and actions, that is institutions and practices. This raises a question about the relative influence of institutions or material forms of culture, and practices or acts of parole.

Taylor's proposition, that culture exists and changes the way language does, raises some particular problems for theorizing cultural pluralism. The idea that culture is analogous to a langue, and thus that the acts of each individual draw upon such a structure suggests a very coherent system, very much like the reductionist model of culture. We have already noted that Taylor sees the langue as an ideal system, and that while it can be changed, it is logically integrated at any one time. The critique of reductionist concepts of culture, however, rejects the idea that culture, even at any particular moment need have this coherent structure. But the question of coherence can also be addressed by the original language metaphor: why assume that all the users of, say, the English language, really draw upon the same exact langue structure? It should be noted, without sidetracking this debate too much into one about language, that there is considerable disagreement possible about the precise location and limits of any langue structure. Many of the same problems and questions concerning reductionist models of culture also apply to determining the langue; for instance, where are the precise boundaries of any particular langue stucture? Taylor continues, "The acts of parole all presuppose the existence of langue, but the latter is constantly recreated in the acts of parole. At any one moment, synchronically, language can be considered as an ideal system, but over time or diachronically it changes and evolves, and does so under the impact of parole, as people misspeak or

deliberately innovate, and deviant usage gradually becomes standard."[125] What can be noted is that is seems possible that enough divergent acts of parole may result in a new separate langue. If "deviant usage" is possible, and localized among a particular subgroup, then it seems possible for a separate langue to come into existence. This manner of describing societies again mirrors problems in the relationship between horizons and frameworks; i.e., if horizons are coherent value structures, then why is their instantiation in individuals not as coherent, and how does this in turn affect the horizons themselves? If the langue can be altered by novel acts of parole, what makes the novelty in those acts of parole possible? If they do generate a real change in the langue, how can novelty be accounted for? Taylor's account of culture in terms of a 'langue' in many ways mirrors his account of horizons of significance, and thus lends more support to argument that 'horizon of significance' can be understood as Taylor's term for culture.

2.5.1 Multiculturalism and Recognition.

How do Taylor's ideas relate to the issues of contemporary multiculturalism? We have seen that Taylor's language based approach to culture suggests that culture is like 'meaning' in that it is dialogically produced in the interchanges of individuals. Such interchanges require that each individual interacts with the others in a certain manner. Thus, Taylor's political theory often finds its focus in the shape those sorts of exchanges should take. Taylor's thoughts on these political issues are most concisely explored in *Multiculturalism and The Politics of Recognition.* Here he is concerned with exploring the links between recognition and identity.

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[125] Ibid., p.136

He delineates two major types of political recognition, which he calls the "politics of equal dignity" and "the politics of difference":

> With the politics of equal dignity, what is established is meant to be universally the same, an identical basket of rights and immunities; with the politics of difference, what we are asked to recognize is the unique identity of this individual or group, their distinctness from everyone else. The idea is that it is precisely this distinctness that has been ignored, glossed over, assimilated to a dominant or majority identity. [126]

Taylor claims that in the politics of equal dignity "what is picked out as of worth is a universal human potential."[127] It is on the basis of the worth of this universal human potential that individuals should be respected. Taylor argues that respecting individuals because they exhibit a universal human potential results in attempts to devise politically neutral structures that are "blind to the ways in which citizens differ."[128] For Taylor, "a vision of the good becomes available for the people of a given culture through being given expression in some manner."[129] Thus, because the politics of equal dignity cannot recognize the specific character of certain groups it also cannot recognize or give expression to the fact that these groups may have specific collective goals. This is problematic for theories that hope to protect specific cultures because

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[126] Taylor, Charles, *Multiculturalism and the Politics of Recognition.* Princeton: Princeton University Press, 1992, p.38

[127] Ibid., p.41

[128] Ibid., p.43

[129] Charles Taylor, *Sources of the Self: The Making of the Modern Identity*, Massachusetts: Harvard University Press, 1989, p.91

the goal of cultural "survivance" is precisely this sort of collective goal.[130]

The consequences of certain types of recognition are at the heart of Taylor's theory. In the culture at large or the general practices of society, a failure to recognize the existence of certain groups can be considered a lack of respect for the members of that culture or identity. Susan Wolf, in the comment to Taylor's essay, suggests something like this and points out that the demand for recognition in this case is dependent on a consideration of how to respect individuals who are members of that society: "...ignoring the presence of these individuals in our community or in neglecting or belittling the importance of their distinctive histories, arts, and traditions, we fail to respect them as equals, whose interests and values have equal standing in our community."[131] Respecting groups requires certain kinds of recognition that do not abstract from the particular features of these groups.

2.5.2 Recognition and *Mis*recognition.

It is Taylor's thesis that our society conditions the way we perceive our identity. Taylor sees the role of recognition as central to this process:

> The thesis is that our identity is partly shaped by recognition or its absence, often by the *mis*recognition of others, and so a person can suffer real damage, real distortion if the people around them mirror back to them a confining or demeaning or contemptible picture of themselves. Nonrecognition or mis-recognition can inflict harm, can

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[130] Taylor, Charles, *Multiculturalism and the Politics of Recognition*, Princeton: Princeton University Press, 1992, p.58

[131] Ibid., p.81

> be a form of oppression, imprisoning someone in a false, distorted and reduced mode of being (Taylor 1992, 25).

Here Taylor makes explicit that a lack of recognition not only shows a degree of disrespect to some group, but it can affect the self-respect of members of this group. Certain forms of recognition elicit representations of the self which are internalized. These internalized representations can be positive or negative, and to the extent that the assessment of one's abilities and worth will effect one's choices in life, recognition shapes one's ability to live a flourishing life.

So how does the account of culture that I teased out of Taylor relate to his concerns regarding recognition? Recognition, for Taylor, is an important part of making a culture "visible," that is, it is only by recognizing a group that government can give expression to its particular collective goals. Being visible is an important way in which a culture maintains itself. Often it is the pervasive presence of a dominant culture that makes it so difficult for minorities to maintain themselves. A lack of recognition in this case would be part of how that culture disappears, first by not being valued or esteemed in public life, becoming invisible as it were, and as a consequence not having the political resources to deal with its minority status. Often this attempt involves what is called the search for a "voice" in a community. There are two important distinctions that need to be outlined. Firstly, one needs to distinguish between recognition in a general sense of "noticing," and the recognition of value or "importance." (That something is being recognized at all already seems to suggest some degree of importance however. It is important enough to be noticed). Secondly, recognition can take two forms

depending on who is the subject of the act of recognition. Recognition can be either by the individuals that make up a society, or through more institutionalized governmental legislation and support. Though it is the latter form of recognition that political theory is most concerned with, it is clear that governmental forms of recognition hope to eventually instill similar kinds of recognition and respect in the particular individuals who make up the larger society. These arguments all rest on the assumption that cultures can be clearly recognized. Thus, they further lend credence to the claim that Taylor's conception of culture is ultimately reductionist. If hypergoods are diverse and plural, then determining what the culture 'is' that one is recognizing becomes extremely difficult. But, if hypergoods are not diverse, then Taylor is susceptible to the arguments of the non-reductionists.

2.6.1 Conclusion: Taylor's Definition of Culture.

Taylor argues that to respect cultures they must be properly recognized, but he has also shown that he is concerned about individual autonomy. He seeks to recognize the impact and influence of a culture on a individual while still allowing for particularity in that individual's life. So how is the recognition of culture possible for Taylor, given his notion of the self and culture? What is immediately clear are the drawbacks of the langue/parole analogy for culture. Mis-recognition may take place between separate cultures, but one may also mis-recognize the details of an individual life. Is mis-recognition at the individual level somehow less damaging? If one is concerned to protect the ability of individuals to be autonomous, an approach that focuses on the langue or hypergoods may be blind to particularities of an individual's life that are not systematically organized in this manner.

It seems that while Taylor is willing to concede that there are conflicts among values at the level of the individual, these are conflicts between equally valid goods. There does not seem to be an explicit argument why this conflict should evaporate at the level of culture. If societies are more internally diverse than the langue structure would suggest, then this model may lead one to impose a false coherence. This in itself could lead to mis-recognition.

I hope I have shown that the foundations of Taylor's understanding of the self and horizons of significance are useful tools for beginning a non-reductionist approach to the political dilemmas of cultural pluralism. Taylor's concept of 'horizons of significance' shorn of the idealism of hypergoods could serve as a useful tool in analyzing the practices of individuals so as to determine wider significance. Taylor's case for the dialogical production of meaning is convincing, but the scale of these dialogues need not be as grand and coherent as a book such as *Sources of the Self* would suggest. There need not be a small set of hypergoods conditioning all the other goods of a society. A horizon of significance could be as broad or precise as the practice warranted and the scale of the group who have accepted a certain horizon is flexible. As such, it is a useful tool for debates about culture.[132] The practice based approach that will be presented in subsequent chapters still requires a means of determining the origins of the meanings of those practices. The concept of a horizon of significance provides us with the ability to do this without forcing us to once again rely on idea of large scale coherent

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[132] But various horizons of significance will produce problems for diverse societies through the manner in which they are instantiated in a culture, that is, through the kinds of interactions between individuals that are produced by such horizons of significance. It is how they are embodied in practices that matters most for political theory. Thus as will be shown, the concept of a practice forms a more useful starting point.

cultures. It appears that Taylor's notion of hypergoods, while not improbable, serves more as an ideal than lived reality. However, the focus on horizons of significance as less integrated and more independent than the traditional reductionist notion of culture does not sit well with Taylor's language analogy of culture. If Taylor is to be consistent between his conception of the self and his ideas of culture, this analogy will need to be significantly altered. While a language may provide 'meanings' these meanings may not in and of themselves determine how to resolve value conflicts, and it is value conflicts that are at the heart of the debates surrounding cultural pluralism. The problems inherent in language based conceptions of culture will be brought into even sharper focus in the next chapter when I examine Will Kymlicka's strongly language based conception of culture.

CHAPTER 3

WILL KYMLICKA'S CONCEPT OF A SOCIETAL CULTURE

3.1.1 Introduction: Will Kymlicka as a Post-Communitarian Liberal.

Will Kymlicka's political philosophy arises out of the belief that special rights for ethnocultural groups fit comfortably within liberal political theory. He begins by asserting that one should "view minority rights not as a deviation from ethnocultural neutrality, but as a response to majority nation building."[133] Kymlicka argues that since the majority populations of states inevitably support certain forms of culture, minority cultures should therefore also be provided with the conditions for sustaining and developing their own cultures. Western states have used various means to integrate and assimilate minorities into the dominant culture, mainly through "linguistic and institutional integration", and therefore one cannot argue that special rights for minority cultures somehow violate the traditional liberal condition of neutrality since liberalism was itself not capable of maintaining such neutrality.[134] Nation building cannot be avoided in the choices that need to be made regarding, for instance, the language to be used in schools or the courts, immigration policy, or what holidays are to be observed nationally.[135] Group differentiated rights serve as "compensation for unfair disadvantages" that are the

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[133] Will Kymlicka, *Politics in the Vernacular,* Oxford: Oxford University press, 2001, p.38.

[134] Ibid., p.1

[135] Ibid., p.252

condition of inevitable nation building.[136]

In the liberal tradition, rights are usually held by individuals and they protect the individual from certain kinds of mistreatment. Liberalism, as we have seen in the introduction, was often criticized for advancing an approach that was excessively individualistic. Thus Kymlicka's move to accord rights to groups is a fairly radical one for the liberal tradition. But nonetheless Kymlicka argues that there is considerable agreement amongst liberals with regard to this new approach and at times he calls his approach "liberal culturalism".[137] When Kymlicka speaks of "rights" for 'ethnocultural minorities he is "in a loose way, [referring] to a wide range of public policies, legal rights and exemptions, and constitutional provisions from multiculturalism policies to language rights to constitutional protections of aboriginal treaties."[138] Thus, it is clear that rights in this sense are broader than the traditional definition commonly used in legal theory, and are not merely variations on individual rights. They need to have this broader scope because they are "adopted with the intention of recognizing and accommodating the distinctive identities and need of ethnocultural groups."[139] The goal for Kymlicka is thus both recognizing and accommodating the character of minority cultures in contemporary pluralist societies. Thus culture is front and center in Kymlicka's theory.

For Kymlicka having access to one's culture is important, as one's culture provides the

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[136] Ibid., p.33

[137] Will Kymlicka, "Introduction: An Emerging Consensus?" in *Ethical Theory and Moral Practice* (1) 1998, p.148

[138] Will Kymlicka, *Politics in the Vernacular,* Oxford: Oxford University press, 2001, p.18

[139] Ibid., p.18

framework for giving meaning to one's acts, and a framework of meaning is required for there to be autonomous action. This is because autonomy requires making informed decisions based upon an understanding the different meanings and values ascribed to certain forms of living. One can recognize the influence of the communitarian philosophers here, particularly Charles Taylor, who was discussed in the previous chapter. Kymlicka proposes that "cultural membership is a precondition of autonomous moral choices, and itself represents an autonomous cultural choice that is worthy of respect."[140] Further, "freedom, in the first instance, is the ability to explore and revise the ways of life made available by our societal culture."[141] Thus, for Kymlicka, access to one's culture provides the resources for autonomous action, and this is a crucial and foundational liberal value. It is important to note here that Kymlicka believes that movement between cultures is difficult and is not easily managed. At this early stage it is already worth noting that if the non-reductionist account of culture is convincing, then individuals do not inhabit single cultures in this way but multiple cultures, and, therefore, the question of moving from one culture to another may not be so onerous, as the individual already inhabits another culture in a significant manner.[142]

Kymlicka is perhaps the most straightforward post-communitarian liberal. As has been shown, Kymlicka can be understood as both being concerned with the traditional liberal values

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[140] Ibid., p.250

[141] Ibid., p.53

[142] This is not to say that 'cultures' in Kymlicka's sense may not be constitutive of the identity of individuals, and therefore easy to shed but, that there may be other cultures available to the individual that they are already to some degree part of. That is, the choice is not necessarily between one's original culture and no culture. In Kymlicka's analysis the move is from ones own culture to a completely new culture.

of equality and autonomy. He is concerned with equality in that he argues for equal access to participation in the institutions that make up a society. This participation would not be possible if those institutions were shaped by a culture dramatically different from that of the individuals trying to participate. He also hopes to provide a rationale for access to one's culture based ultimately on the role such access plays in developing autonomous individuals. Thus he manages to take culture into account in his theory and does so by appealing to traditional liberal values.

3.2.2 Kymlicka's Definition of a "Societal Culture": An Alternative?

Kymlicka's approach depends directly on very particular definitions of the concept of culture. Kymlicka has, in his most recent book, significantly altered his definition of a 'societal culture' from that which he presented in his work *Multicultural Citizenship*.[143] His more recent definition is far more focused, and the range of groups who may be accurately subsumed under it is far more limited. It does seem that this change in definition has consequences for the kinds of group-differentiated rights that Kymlicka can defend. The groups that are at issue for Kymlicka are those that exist as part of modern multicultural societies. So it is the examples that countries like the U.S. and Canada and Australia present that are the primary focus of Kymlicka's work.

Kymlicka's political theory makes frequent use of the concept of a "societal culture." A societal culture is a "territorially-concentrated culture centered on a shared language which

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[143] Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights,* Oxford: Clarendon Press, 1995.

is used in a wide range of societal institutions, in both public and private life (schools, media, law, economy, government, etc.)." He further notes, "I call it a societal culture to emphasize that it involves a common language and social institutions, rather than common religious beliefs, family customs, or personal lifestyles. Societal cultures are inevitably pluralistic, containing Christians as well as Muslims, Jews, and atheists; heterosexuals as well as gays; urban professionals as well as rural farmers; conservatives as well as socialists."[144] It is immediately apparent, and Kymlicka himself notes, that this is far from the standard definition of culture that is commonly appealed to in debates concerning multiculturalism. The standard use of the term usually focuses on exactly those ways of life that Kymlicka is here excluding. It usually includes, as Kymlicka notes, "the sharing of folk-customs, habits and rituals."[145] It even excludes religious beliefs, beliefs that provide some of the most fundamental value structures. So Kymlicka's new definition is far thinner than that which he previously espoused and which is more commonly used by multicultural theorists.

It must be also be noted that Kymlicka does not include immigrant groups in this definition. Even in earlier works like *Multicultural Citizenship* Kymlicka already makes it clear that immigrant groups are to be distinguished from national minorities and are not to be accorded the sorts of group-differentiated rights he hopes to provide national minorities. The reason for this is that immigrants have willfully made the choice to relocate and thus should not, and, Kymlicka suggests, in most cases do not, expect that they will be able to maintain their

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[144] Will Kymlicka, *Politics in the Vernacular,*
Oxford: Oxford University press, 2001, p.25

[145] Ibid., footnote, p.25

original culture without alteration. Kymlicka makes this distinction to allow for differing degrees of support for these groups. As Kukathas notes, "French Canadians feared that multiculturalism would reduce their claims of nationhood to the level of immigrant ethnicity, while other Canadians feared that it would mean treating immigrant groups as nations."[146] Immigrant groups do not have the institutional history and their members the same geographical proximity that societal cultures have. For Kymlicka the groups most deserving of group rights are societal cultures; thus, while Kymlicka understands there to be other cultural groups, this is the form of culture that he is centrally concerned to justify rights for, and the center of my concern here.

The focus in Kymlicka's new definition, is now, almost exclusively, language. A societal culture has a single language and this language is the standard language of the institutions and daily life of that culture. It is clear, as Kymlicka is fully aware, that many cultures, in the standard ethnographical sense, may be subsumed under a particular societal culture in the sense of a shared language. This is what Kymlicka appears to mean when he claims that societal cultures are "pluralistic". Thus, many of the groups who are commonly suggested as worthy recipients of minority rights will not be recognizable as societal cultures. A language can provide the medium for many different cultures in the standard sense. Kymlicka is aware of this and argues that this plurality is precisely why societal cultures are the appropriate starting point for liberal nationalists. He argues that "the very fact which makes national identity so inappropriate for communitarian politics – namely that it does not rest on

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[146] Kukathas, Chandran, *The Liberal Archipelago*, Oxford: Oxford University Press, 2003, p.11

shared values – is precisely what makes it an appropriate basis for liberal politics. The national culture provides a meaningful context of choice for people, without limiting their ability to question and revise particular beliefs."[147] Some languages will be more closed to the amount of cultural variation that is possible among the speakers of that language than other languages. The conceptual resources of some languages may be more circumscribed than others, their ability to be manipulated and reformed restricted. So, from the onset it is clear that many of the standard claims for minority rights based on ethnicity are not going to find justification under this new rubric of a societal culture. But Kymlicka nonetheless places the greatest emphasis on the power of language to support a societal culture, and further focuses on a particular aspect of daily existence, in that he claims that "the real key to the reproduction of a societal culture is the ability to use one's language in one's day to day employment." This is, however, only one of the many issues that arise in diverse societies.

What has been gained and what has been lost in the move to this thinner definition? I argue that this new definition makes it impossible to address some of the central arguments involved in debates concerning multiculturalism. Its precise focus is appropriate for certain questions concerning language but fails to address such problems as that of the question of *exit*; that is, the possibility of members of a culture, in the standard sense, to leave that culture. I will examine this question further through an examination of Chandran Kukathas's alternative

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[147] Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights*, Oxford: Clarendon Press, 1995, p.92-93

approach to Kymlicka presented in his recent work *The Liberal Archipelago*.[148] Naturally, I am not suggesting a return to the thick notion of culture, which I have shown has its own attendant problems. What does need to be shown, however, is that this definition of a societal culture needs to be shorn of its pretensions to generality. That is to say, it cannot do all of the same justificatory work that Kymlicka's earlier more robust definition of culture was capable of. General appeals to culture are fraught with difficulty and the focus of political debates should always be the particular practice at hand. Kymlicka all but admits this limitation. Responding to the argument that there is a more fluid continuum of identities than his bifurcation into national minorities and immigrants, he writes "my theory, as yet, says little about these groups. I emphasized this limitation in the book, and deliberately left open the question of how the theory can be extended or applied to these hard cases or grey areas."[149] The difficulty is that, on the non-reductionist account there are more grey areas than Kymlicka would like to admit. Further, Kymlicka does not present his work as a theory of rights for fairly clear and bounded communities, but as an attempt to address problems arising out of multiculturalism. Kymlicka continues by noting that the hard cases are based on complicated social relationships, and that part of the reason he does not address these issues is that he doesn't "know how to reform these relationships to make them more successful. Some of these are genuinely hard cases – the injustices go so deep, and the political obstacles to real reform are so great, that it is difficult not

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[148] Chandran Kukathas, *The Liberal Archipelago,* Oxford: Oxford University Press, 2004.

[149] Will Kymlicka, *Politics in the Vernacular,* Oxford: Oxford University press, 2001, p.56-57

to be discouraged."[150] The best he hopes for is that his theory will "indirectly...identify solutions for these difficult cases, if only by clarifying what is distinctive about these cases."[151] But is it not the hard cases that are the most pressing? The comfortably entrenched national cultures that Kymlicka begins with might seem to be in far less danger and flux, and not as prone to harm as those individuals in the "grey areas." The theory of the rights of national minorities as such provides a very limited tool for addressing the issues and conflicts of multicultural societies. What Kymlicka does not seem to consider is that perhaps an entirely new framework might allow one to avoid neglecting these hard cases. I will begin this chapter with a close examination of Joseph Carens' critiques of Kymlicka, one of which is similar to the concern just expressed regarding hard cases. While I agree with much of Carens' critique, I also argue that some of the aspects of it are off the mark. Those critiques that cause the greatest difficulty for Kymlicka will be explored further, particularly the last which is closest to the critique of reductionist concepts of culture, and argues that Kymlicka's account complicates his attempt to support individual autonomy.

3.2.1 An Analysis of Joseph Carens' Critiques.

Carens' analysis pays particular attention to Kymlicka's conception of culture, but its relevance extends beyond Kymlicka. Carens argues that five criticisms can be leveled at Kymlicka's conception of a societal culture. Of the five, I propose that the first two do not cause

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[150] Ibid., p.57

[151] Ibid., p.59

Kymlicka much difficulty, the second two criticisms are more significant, and it is the fifth criticism that is most problematic for Kymlicka's work. Carens argues that Kymlicka's conception of culture is problematic because,

> First, it undermines the case for the kinds of cultural rights for immigrants that Kymlicka himself thinks are needed. Secondly, it fails to provide much guidance for assessing the claims of national minorities. Thirdly, it weakens the claims of smaller, more vulnerable minorities. Fourthly, and most importantly, it rests implicitly upon a monocultural understanding of the relationship between politics and culture that impedes rather than enhances the quest for a multicultural conception of citizenship. Finally, it homogenizes culture, obscuring the multiplicity of our cultural inheritances and the complex ways in which they shape our contexts of choice.[152]

Carens' first critique points to the manner in which Kymlicka defines the various cultural groups in question, in particular the distinction that he draws between immigrant and national minorities, which "fatally undermined the principled case for policies designed to take the cultural concerns of immigrants (and their descendants) in account, despite his efforts to defend them."[153] The distinction in *Multicultural Citizenship* that Carens is referring to is a distinction between national minorities and immigrant communities, which argues that it is only national minorities that can justifiably be accorded group-rights. Kymlicka argues that the decision to immigrate, and the minority status that results from this immigration, is usually voluntary, thus,

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[152] Joseph Carens, *Culture, Citizenship, and Community: A Contextual Exploration of Justice as Evenhandedness*, Oxford: Oxford University Press, 2000, p.56

[153] Ibid., p.56

unlike national minorities who have not chosen their minority status, immigrant groups cannot claim that they are subject to an inequality beyond their control; one which requires restitution. Kymlicka further proposes that, in fact, the attitudes of immigrant groups reflect the validity of this approach, as immigrant groups usually do not expect state support for the cultural differences they bring with them. As Kymlicka puts it: "while immigrant groups have increasingly asserted their right to express their ethnic particularity, they typically wish to do so within the public institutions of the English speaking society (or French speaking in Canada). In rejecting assimilation, they are not asking to set up a parallel society, as is typically demanded by national minorities.[154] Kymlicka further argues that individuals who have immigrated will lack the territorial concentration that is required for sustaining a culture as they will be dispersed amongst the population.[155] It is difficult to feel that Carens' first criticism is going to be of much concern to Kymlicka. It seems clear that Kymlicka is fully cognizant of the limitations that this distinction puts on the kinds of claims that immigrant communities can make, and this may be the purpose of the distinction in the first place. Thus, it seems that Carens' first criticism is unlikely to concern Kymlicka greatly, as an attempt to justify limiting the kinds of claims the immigrant groups may make that motivates Kymlicka's use of the distinction between societal cultures and immigrant groups in the first place. It still may be the case that immigrant groups do deserve greater support than Kymlicka's schema will allow, but this will require a separate

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[154] Will Kymlicka, "Social Unity in a Liberal State," in *Social Philosophy and Policy Foundation*, 105-136. 1996, p.112

[155] See, Will Kymlicka, *Politics in the Vernacular,* Oxford: Oxford University press, 2001, p.55

defense on Carens' part.

The next criticism that Carens levels at Kymlicka's conception of societal culture is that "the concept is radically indeterminate with respect to its normative implications for national minorities"[156]. The basic point here is that while Kymlicka's approach succeeds in not ruling out certain strategies from the start, it does not give clear directions to which approaches are ultimately just. One of the problems that Carens presents is that "it is unclear how secure access to one's societal culture is to be measured in relation to the benchmark of equality, both by itself and in relation to other primary goods."[157] It is also not clear why Carens feels that the concept of a societal culture should bear the brunt of the normative justification in this regard. The concept of societal culture does not need to perform all of the normative work here; Kymlicka can appeal to standard liberal claims concerning the importance of equality in a just society. Access to one's culture is merely another good that needs to be considered when one judges the state of equality among citizens. It may be a difficult task to determine whether people do have equal access to culture, but the same may of course be said of determining whether people are equally autonomous, another traditional liberal concern. As noted above Kymlicka believes that the majority uses the resources of the state to "nation build" and therefore any liberal theory concerned with fundamental equalities should be concerned with the distribution of the means to support any particular culture, since access to culture is a fundamental good. Other than the concern for general cultural equality, Kymlicka does not often directly speak of other more

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[156] Joseph Carens, *Culture, Citizenship, and Community: A Contextual Exploration of Justice as Evenhandedness*, Oxford: Oxford University Press, 2000, p.59

[157] Ibid., p.59

traditional liberal types of equality, or if he does, he sees them as arising out of conditions of cultural equality. Carens himself notes that for Kymlicka "outcomes for individuals should be a product of choices rather than circumstances."[158] So autonomy is primary for Kymlicka, and is, as we have seen, contingent on access to one's culture. The real normative work in Kymlicka's approach is being done by the need for "contexts of choice" to secure the conditions of autonomy. A societal culture is just a means to this end, and the marker for which groups are appropriate recipients of support.

Carens' questions regarding what it might mean to have equal contexts of choice demonstrate that it is difficult to determine whether there is equality in the range of potential choices among individuals in different groups. Speaking of education among aboriginal communities, Carens notes that it would be, for example, difficult to "reproduce the extensive choices [among textbooks] available in English and French."[159] While equality of range and amount of choice may be a concern for Kymlicka, his central concern is that there should be at least some choices possible that reflect the traditional way of life of the societal culture. Thus, this is not an issue of how *many* choices, but an issue of the nature and quality of the choices that are available. A minimum number of such choices must be available, but whether there needs to be the same number of choices as in every other culture is unclear on Kymlicka's account and seems to be of secondary importance. Kymlicka appears to be satisfied with the provision of access, and perhaps believes other questions of equality can be dealt with

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[158] Ibid., p.61

[159] Ibid., p.60

separately. Dealing with general issues of equality will undoubtedly bring to light some difficult cases, but it seems unreasonable to imagine a concept of culture that would clarify how to deal with the trade-offs and balancing acts that are necessary in these cases.

The third criticism that Carens presents is that "the concept of a societal culture implicitly undermines the moral claims of small and vulnerable (non-immigrant) cultural minorities."[160] Carens notes that, for Kymlicka, a condition for being an appropriate recipient of group-differentiated rights is that such a group also undertake various sorts of 'nation-building'. These cultural groups should employ similar forms of infrastructure as the "majority nation" itself uses.[161] Carens' argument is somewhat compressed here. He states, "If the sole justification for group-differentiated cultural rights is that they can contribute to the maintenance of a societal culture, then how can a group be entitled to such rights if it does not have the capacity to sustain a societal culture?"[162] The argument here seems to be that it is precisely those groups that cannot engage in the appropriate forms of nation-building that need special group-differentiated rights; if the group in question already has various institutions to promote its culture then why would special rights be necessary? Carens presents as an example the status of certain aboriginal groups in Canada. He points out that "indigenous people who are

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[160] Ibid., p.61

[161] See, Kymlicka, Will. "Do We Need A Liberal Theory of Minority Rights? A Reply to Carens, Young, Parekh and Forst," *Constellations* 4 (1) p.55-6, as quoted in Joseph Carens, *Culture, Citizenship, and Community: A Contextual Exploration of Justice as Evenhandedness*, Oxford: Oxford University Press, 2000, p.63

[162] Ibid., p.63

in a position to sustain a societal culture are the rare exception."[163] Carens sums up by saying that "treating the Québécois as the norm for national minorities, and (non-immigrant) cultural minorities incapable of sustaining their societal cultures as exceptional hard cases, both misrepresents the empirical situation and weakens the normative claims of the vast majority of (non-immigrant) ethnic and linguistic minorities."[164]

Although Kymlicka could respond in a similar manner to this critique as he did for the earlier two criticisms Carens presented, Carens has a more solid footing here. If Kymlicka were to respond once again, that the limitations that his concept of a societal culture place on who is an appropriate recipient of group-differentiated rights are entirely intentional, then Carens' description of the actual empirical condition of most multicultural states becomes important. If Kymlicka's definition only applies to Quebec and a few aboriginal communities then its generality is in question and the range of its use seems restricted. Is such a limited definition really a good basis for serving as a cornerstone of a political theory of the modern multicultural state? It may be useful in those contexts, but should not have pretensions to be a general theory for all such debates. Kymlicka could, however, still reply that this aspect of his theory is meant only to determine who should be the recipients of group differentiated rights, and that these are only to be given in very particular circumstances, but that his theory does not preclude other sorts of political judgements that come into play when the groups in question are not societal cultures. The criticism that can be brought against Kymlicka is, thus, that his theory is limited

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[163] Ibid., p.64

[164] Ibid., p.64

and incomplete insofar as it only applies to a very limited subset of the kinds of groups that inhabit the modern multi-cultural state.

There is a significant problem with Kymlicka's approach here nonetheless. A group could have been the victim of serious discrimination or oppression, and be left without the means to engage in any form of nation building; why should such a group not be entitled to the same support as a group who is capable of that sort of nation building? There is no clear rationale in Kymlicka for the differentiation between such groups and those groups who are currently capable of nation building. If the only difference is capacity to nation-build, then it would seem that it is precisely those who do not have this capacity who should be deserving of the greatest support. Even if one were to take a historical approach, this would not solve the dilemma. One might look back and discover that a particular group – even though they cannot now 'nation build' – did at one point in time in fact have just such structures. But one could not determine whether a group who did not have such structures in the past would have began to nation build in the future were it not for some form of oppression.

The fourth difficulty that Carens highlights is that "the deepest problem – and greatest irony – of Kymlicka's concept of a societal culture is that it is much better suited to a *monocultural* conception of citizenship than to a multicultural one...this focus on the way a common culture is constructed and transmitted inevitably draws our attention away from the problem of multiculturalism understood as the persistence (or emergence) of cultural differences *within* a given state and the moral and political relevance of such differences."[165] Carens'

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[165] Ibid., p.65

critique here is very similar to the one in point three, that is, Kymlicka's theory is only useful for a limited number of groups. Thus, some of the same responses can be made; i.e., that the concept of a societal culture is a specialized one, and that other principles can be used to negotiate the problems of justice that arise between institutionally incomplete cultures in a multicutural state, and as such Kymlicka's theory is incomplete. However, there is another response that Kymlicka can provide in this case. Carens' argument is that "in a multicultural state, politics cannot be only about what goes on within a societal culture. It must be about what goes on between societal cultures (assuming that concept to be useful in some form)."[166] Kymlicka could respond that group-differentiated rights are exactly that, they are forms of ensuring justice when societal cultures interact. This can be seen in the kinds of decisions that need to be made; for example, which languages are available, or, who has hunting or fishing rights in a certain area. These are decisions that have consequences for how different groups interrelate in the state.

Carens suggests that this last critique is also an issue of freedom. It seems that, for Kymlicka, "it is as though the freedom and equality of *citizens* does not matter, as though the liberal state need not concern itself with questions about freedom and equality across cultural boundaries but only with freedom and equality within the bounds of each of the societal cultures that compose it."[167] Kymlicka himself does say that "the freedom which liberals demand for individuals is not primarily the freedom to go beyond ones's language and history. But rather

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[166] Ibid., p.67

[167] Ibid., p.68

the freedom to move around within one's societal culture, to distance oneself from particular roles, to choose which features of the culture are most worth developing , and which are without value."[168] That Kymlicka is concerned with movement between societal cultures is shown in his views concerning the legitimacy of internal versus external restrictions. Kymlicka claims that "liberals can and should endorse certain external protections, where they promote fairness between groups, but should reject internal restrictions which limit the right of group members to question and revise traditional authorities and practices."[169] External protections are a means of ensuring cultural equality and to this end seek to limit the influence and effects of other groups on the minority culture. Only external restrictions are legitimate, and internal restrictions, such as limiting the ability to leave the community – precisely the issue of freedom that Carens is concerned with – are not justifiable. It is, however, very debatable whether external restrictions alone are enough to protect a culture, and, more importantly for the question at hand, whether or not external restrictions nonetheless actually constitute a limitation on the freedom of the members of a societal culture.

The final criticism of the concept of a societal culture that Carens presents is perhaps the

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[168] Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights*, 1995, p.91. It needs to be noted that it *is* to go beyond one's culture to decide which practices are with or without value, if the definition of culture is a horizon of meaning. Both Kymlicka and Charles Taylor consider culture a horizon of meaning. But, the meaning of a practice cannot be easily divorced from the questions of its value. From what normative vantage point could decisions regarding the value of certain practices be made if not from some stance critical of the meanings in that culture? These considerations lead to the problem of what amount of change a culture can undergo and still remain the same culture. This is a problem that is inadequately addressed by Kymlicka.

[169] Ibid., p.37

most troublesome for Kymlicka and it is perhaps unsurprising that it builds upon the more serious problems arising out of Carens' fourth criticism. The problem once again concerns the relation of culture and freedom, and Carens believes that Kymlicka has made the connection of the two excessively tight. Carens argues that "the key problem is the way [Kymlicka] links freedom and societal culture. Instead of claiming (as is plausible) that the language and national culture of the place where one lives will normally play *an* important role in shaping the sorts of choices ones faces, Kymlicka presents societal culture as if it were the sole and comprehensive determinant of one's context of choice."[170] For Kymlicka, the values one holds, and thus the sorts of choices one makes, are crucially dependent on the societal culture in which one lives. One's societal culture presents one with a framework of values and a spectrum of choices which reflect those values.[171] With this approach, says Carens, all of the cultural differences *within* a society are rendered invisible and irrelevant to 'the context of individual choice' which is defined exclusively in terms of the 'options passed down to us by our culture' and 'the possibilities made available by our culture."[172]

Looking at actual lived practice Kymlicka's approach seems overly simplistic. Individuals do not live in such tightly defined and scripted cultures. For example, Carens notes that "in any reasonable sense of the term 'context of choice', the context of choice for

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[170] Joseph Carens, *Culture, Citizenship, and Community: A Contextual Exploration of Justice as Evenhandedness*, Oxford: Oxford University Press, 2000, p.69

[171] Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights*, Oxford: Clarendon Press, 1995, p.126

[172] Joseph Carens, *Culture, Citizenship, and Community: A Contextual Exploration of Justice as Evenhandedness*, Oxford: Oxford University Press, 2000, p.70

immigrants and their descendants is shaped by both their old culture and their new one, in varying and shifting degrees."[173] One of course needs to note that Carens speaks here of immigrants, a type of group that is not central in Kymlicka's analysis. Carens is more on the mark when he states, "culture, in this sense, has multiple sources and will not be the same even for people who live within the same state, speak the same language, and participate in the same public institutions."[174] This criticism does seem more problematic for Kymlicka; if contexts of choice are multiple and vary greatly from each individual's perspective, what does it mean to lack an adequate context of choice, and how can one go about protecting contexts of choice? Group-differentiated rights given only to those groups who constitute societal cultures, in Kymlicka's sense of the term, seem an inadequate response. However, one can even take Carens' argument further; not only may there be different contexts of choice that an individual may draw on in a state, the contexts of choice within a single societal culture may also vary from individual to individual, and a set of vulnerable cultural practices may only reflect a small part of a minority's actual practices. This thesis argues that best approach to these endangered practices may be begin with a focus on the practices themselves.

3.3.1 'Societal Culture' and the Problems of Multicultural Societies.

Carens' criticisms are primarily directed toward the claims that Kymlicka makes in *Multicultural Citizenship*. Does Kymlicka address any of these criticisms in his later work,

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[173] Ibid., p.72

[174] Ibid., p.72

particularly *Politics in the Vernacular*? That is, does Kymlicka's refined definition of culture allow him to escape the criticisms I consider to be most successful? Can Kymlicka respond to these criticisms by merely adding to the theory as it stands, or is the concept of a societal culture unhelpful, and the criticisms necessitating a refocusing on a new concept of culture?

Kymlicka does escape some of the criticisms that Carens levels at him, and also some of the reductionist critique, but at the expense of limiting the range of his theory greatly.[175] Kymlicka points out that there are some cases that his theory cannot address. For instance, African Americans cannot be subsumed under the definition of a societal culture, nor are they an immigrant group in Kymlicka's definition. As he points out, that since "we have no clear theory or model for understanding or meeting the needs of African-Americans," [a] "sui generis approach will have to be worked out."[176] However, it is more problematic that under Kymlicka's new definition of a societal culture, the features that mark appropriate groups for group-differentiated rights are shared language and institutions. The question is, if these are the features that determine an appropriate recipient for group rights, are not language and institutions then also the only aspects of those groups that should be aided by the rights? As we already noted Kymlicka is not defining societal cultures on their religious beliefs, family customs, or personal lifestyles"and such groups may contain "Christians as well as Muslims,

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[175] Escaping certain theoretical dilemmas by limiting the range of possible issues to be addressed will also, as we shall see in subsequent chapters, be an approach that John Rawls takes. It is an approach that similarly limits the usefulness of the theory for resolving the wide variety of conflicts in diverse societies.

[176] Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights*, Oxford: Clarendon Press, 1995, p.184

Jews, and atheists; heterosexuals as well as gays; urban professionals as well as rural farmers; conservatives as well as socialists."[177] So where does this leave such issues as Aboriginal fishing rights? That is neither a language nor entirely an institutional issue. Perhaps one could broaden the definition of "institutional" to include such practices as hunting, but then surely the other features that Kymlicka hopes to exclude from his new definition will once again be relevant. Kymlicka excludes religious affiliations as well, thus removing perhaps one of the largest sources of multicultural conflict. Further, if Kymlicka is concerned about responding to the inevitable nation building of the majority, then the appropriate response will require more than just a concern with language rights. As was noted at the very beginning of this chapter, nation building may take the form of certain kinds of immigration policy, and this is certainly an issue that requires more theoretical resources than are supplied by appealing to linguistically homogeneous groups.

If Kymlicka is seeking merely to provide an argument for language rights and the right to have the basic institutions of one's society function in one's language, then he has a fairly firm foundation from which to begin. Setting out a basis for language rights is not a fruitless undertaking, and in the collection, *Language Rights and Political Theory,* Kymlicka and Alan Patten set out to explore just that.[178] As Kymlicka points out, the splitting of old states into new states often generates problems regarding what should be the official language. In such cases "linguistic minorities understandably felt threatened by the perceived loss of status and rights

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[177] Ibid., p.18

[178] Will Kymlicka, and Alan Patten, *Language Rights and Political Theory*, Oxford: Oxford University Press. 2003.

implied by such laws, and responded with a range of mobilizations, from peaceful protest to violent secession."[179] There are of course many nations in which there are clear linguistic minorities who identify around the language and base their own national aspirations on that language. Here Kymlicka provides the examples of regional language groups such as those in "Belgium (Flanders), Spain (Catalonia and the Basque Country), Canada (Quebec and parts of several other provinces), Italy (the German speaking south Tyrol), United States (Puerto Rico), and Switzerland (the French and Italian-speaking cantons)."[180] But as some of these cases make clear, many of these groups would not be satisfied with merely having guaranteed language rights. Their national aspirations extend beyond language. Kymlicka recognizes this and notes that "having a distinct language is clearly not a necessary condition for a group to view itself as a distinct nation (for example, nationalist conflict in Northern Ireland or Serbia). And even where a regional group does ground its distinct national identity on a distinct language, it is not always clear how the two are related."[181]

3.4.1 Conclusion: Four Problems for Kymlicka's Approach.

What these difficulties make clear is that if Kymlicka hopes to address most of the debates that arise in multicultural societies, as the title of his 1995 book *Multicultural Citizenship* would suggest, then he needs a more inclusive definition of culture than his 'societal culture' provides. Firstly, it greatly restricts the kinds of groups that one can recognize as

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[179] Ibid., p.3

[180] Ibid., p.4

[181] Ibid., p.6

requiring a theory of justice to mediate cultural conflict. There may be groups within the same language and institutional framework that have legitimate grievances and concerns, groups who will be difficult for Kymlicka to recognize. Secondly, Kymlicka's approach cannot form a basis for understanding the broader nationalist aspirations that often underpin the desire for language rights. Often these groups will not be satisfied with mere language rights, and any approach that relies on language as a defining marker will not have the resources to understand these further aspirations. The definition is both too narrow and too broad depending on the conflicts at hand. Thirdly, one can find further difficulties with Kymlicka's language approach, and the rights approach in general, in that it is not very capable of understanding and responding to cultural change. Rights and language, being fairly fixed entities, are not very appropriate tools for understanding the constant flux, contestation and interpenetration that characterizes the non-reductionist approach to culture.

Fourthly and finally, Kymlicka' s language and institutions centered approach, given the broad populations it includes, will make it even more difficult to make sense of the dangers of excessively limiting an individual's ability to move between cultures. This is important because it is axiomatic in liberal theories such as Kymlicka's that if an individual find herself in disagreement with the practices of her culture, she must be able to leave that culture. This is often called the ability to exit. Kymlicka makes this explicit by outlining a distinction between internal restrictions and external protections (each of which could have its corresponding rights):

> The first involves the right of a group against its own members, designed to protect the group from the destabilizing impact of internal dissent (e.g. the decision of individual members not to

> follow traditional practices or customs). The second kind involves the right of a group against the larger society, designed to protect the group from the impact of external pressures (e.g. the economic, or political decisions of the larger society). I call the first 'internal restrictions' and the second 'external protections'. Given the commitment to individual autonomy, I argue that liberals should be sceptical of claims to internal restrictions. Liberal culturalism rejects the idea that groups can legitimately restrict the basic civil or political rights of their own members in the name of preserving the purity or authenticity of the group's cultures or traditions.[182]

The above is, in a nutshell, the argument for the ability to exit. But this also makes clear that Kymlicka's new definition of a societal culture is going to make determining questions of ability to exit decidedly murky. The issue is that if a societal culture both contains identities that are subject to oppressive practices and similar identities that are not, how does one make sense of the question of exit? For instance, if a societal culture has subgroups that oppress women, would one not have to find a way to understand the relative relation between those subgroups and other subgroups in the societal culture? This process and the questions this issue raises looks very much like a return to standard multicultural problems, merely at the level of subgroups. It seems that the societal culture approach would need these extra theoretical resources nonetheless. Within Kymlicka's societal cultures there seem to be a wide range of identities that are possible, varying in terms of religion, class, and occupation. Since these varying identifications can all come with sets of values, and since these are the sorts of values that are commonly the source of conflict in multicultural societies, Kymlicka really has not gone

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[182] Ibid., p.22, see also p.42.

far enough to provide us with a liberal theory that can serve to address questions of justice in multicultural societies.

3.5.1 Kukathas' Alternative To Kymlicka.

Before moving on the theory of John Rawls I would like to examine a recent work by Chandran Kukathas, as he positions his theory in explicit opposition to Kymlicka's. I would like to present Kukathas' alternative to Kymlicka theory as it presents a theory that hopes to avoid the problematic descriptions of culture that plague Kymlicka's approach. For Kukathas the appropriate question to be addressed is not what is 'justice' or what duties and laws are appropriate in diverse states, but "who should have authority."[183] Kukathas rejects Kymlicka's attempts to justify group rights and argues that freedom of association is the basic right of liberalism. Kukathas argues that a 'liberal archipelago' is the ideal outcome for diverse societies.[184] By prioritizing freedom of association Kukathas solidly positions himself in the liberal framework. But Kukathas is a particular kind of liberal. For Kukathas, "the value which is fundamental to liberalism is toleration."[185] For Kukathas cultural groups are not entitled to any rights "save those that derive from the individual's freedom to associate with others."[186] The question of exit, that has been shown to be problematic for Kymlicka is at the forefront of

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[183] Chandran Kukathas, *The Liberal Archipelago,* Oxford: Oxford University Press, 2004, p.5

[184] He writes "The present work is a response to Kymlicka's theory – a critique and an alternative. Ibid., p.10

[185] Ibid., p.23

[186] Ibid., p.77

Kukathas's approach. He states that his position is opposed to much contemporary liberal theorizing on minority rights because "it denies two things: first, that any particular group or class or community should be given special recognition: and second, that there is any authoritative standpoint – political or philosophical (or metaphysical) from which such recognition may ultimately be granted."[187] These two things which Kukathas denies are the source of many of the difficulties that arise as a consequence of reductionist accounts of culture. While this seems a promising beginning, Kukathas' solution to diverse societies leaves him relying on, and recognizing, more readily identifiable cultures than he claims.

3.5.2 Kukathas' Criticisms of Kymlicka

Kukathas takes Kymlicka to task for taking for granted the borders of states and the right of those states to refuse entry to citizens of other nations. For Kukathas this is to assume that there are shared values among all members of the state, and therein lies Kymlicka's mistake. For Kukathas the boundaries of states as they currently exist cannot merely be accepted as given. The boundaries of the political entities that should govern groups are themselves in question. He believes that in Western liberal societies there should be a "multiplicity of authorities, each independent of the others, and sustained by the acquiescence of its subjects."[188] This is merely one part of Kukathas' disagreement with Kymlicka, however. The four main differences between Kymlicka's theory and Kukathas' are, firstly, that Kukathas prioritizes freedom of

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[187] Ibid., p.5

[188] Ibid., p.7

association over autonomy. Secondly, that Kukathas sees the "state as no more than a transitory political settlement whose virtue is that it secures civility," that is, the state is not a given, but something that may be revised as need be.[189] Thirdly, Kukathas "rejects the idea of making the boundaries, the symbols and the cultural character of the state matters of justice."[190] And lastly, his theory can be seen as a form of 'political liberalism' as opposed to Kymlicka's comprehensive liberalism. This positions Kukathas closer to Rawls than communitarians such as Taylor, as we shall see when Rawls is examined in the next chapter.[191] Thus, Kukathas is a liberal who hopes to avoid the thorny problems of recognizing culture by re-framing the problem. While he does present an approach that begins by avoiding issues such as Taylor's concern with 'recognition' and Kymlicka's defense of minority rights, and thus avoids many of the pitfalls of directly making culture the locus of a political theory; his approach depends in its own way on clearly identifiable groups that are much like the traditional cultures of the former theorists.

Kukathas considers the boundaries of societies to be unclear, and the reason for this indeterminancy is that "the contiguity of societies makes it hard to say why one society has been

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[189] Ibid., p.15

[190] Ibid., p.15

[191] Kukathas describes the difference between comprehensive liberalism and political liberalism in the following way. "What distinguishes 'political' liberalism from 'comprehensive' doctrines, then, is that it tries to establish liberalism as a *minimal moral conception*." Ibid., p.17. But as Donald Moon notes, this is "a radically minimalist form of political liberalism, one based not on a shared notion of justice but only on a thin idea of legitimacy." Donald, J Moon, "Review of The Liberal Archipelago," in *Ethics*, January 2005, p.422

left and another entered."[192] A society for Kukathas is "a region of contiguous jurisdictions related by law."[193] Like the non-reductionist theorists of culture he believes that Kymlicka's mistake is to rely on static conceptions of culture. Kymlicka's distinctions between immigrants and national minorities "masks rather than illuminates the complexity and fluidity of cultural diversity in the world, and offers an unduly rigid, static set of categories through which to assess the various claims and concerns of cultural communities, and of the individuals who comprise them."[194] Kukathas charts out the problems with assuming that all immigrants are voluntary and all national minorities are not. It is not so simple to describe as voluntary the decision of many immigrants to emigrate; financial and familial obligations or pressures often have considerable force in driving the decision. But even one's status as a national minority is not always wholly free of choice, as "some indigenous peoples are members of national minorities by choice. In some cases this is because they can exit their communities at low cost and risk to live as (cosmopolitan) members of the wider society."[195] Thus for Kukathas Kymlicka's distinction between national minorities and ethnic groups is fraught with counterexamples. He notes, for example, that whereas Chinese immigrants in Malaysia have a culture "which is embodied in schools, in their print and broadcast media, and in their economic organizations," the Nagarrindjeri people of South Australia, on the other hand, have no "institutional embodiment"

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[192] Chandran Kukathas, *The Liberal Archipelago,* Oxford: Oxford University Press, 2004, P.77

[193] Ibid., p.78

[194] Ibid., p.80

[195] Ibid., p.81

of their culture. Consequently if one were to follow Kymlicka's scheme the former would be classified as an immigrant ethnic minority, while the later is a societal culture. But, as Kukathas notes, "if possession of a societal culture is the measure, it is the immigrant Chinese who are the national minority."[196] His argument here echoes the third criticism of Kymlicka presented by Joseph Carens. The problem of defining groups in this way is exacerbated by introducing factors of historical change. Ultimately Kukathas sees the primary determinant of groups not to be culture at all. He argues that group identity is a political (because a legal and institutional) construct rather simply a cultural one – when it is cultural at all."[197] Hence his solution will be to focus on legal jurisdictions rather than cultural ones.

3.5. Kukathas' Solution

Kukathas is a political liberal because he believes that "the free society described by liberalism is not a stable social unity created or upheld by a shared doctrine. It is rather, a collection of communities (and so authorities) associated under laws which recognize the freedom of individuals to associate as, and with whom, they wish."[198] Kukathas clearly considers himself a liberal, but believes that liberalism should put freedom of association before autonomy; where autonomy is the capacity and act of critically examining and revising the values and beliefs of the society one is in. This results in a 'liberal archipelago', the metaphor referring to many small islands, which are each "different communities or better still

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[196] Ibid., p.83

[197] Ibid., p.83

[198] Ibid., p.19

jurisdictions, operating in a sea of mutual toleration."[199] Each of these islands represents a free association, and the state should have little power over these associations. Kukathas writes that "it is not for the state to determine what forms – or form – the associations which comprise it will take. The state is a political settlement which encompasses these diverse associations; but it is not their creator or shaper."[200] The state provides the means of assuring a *Modus Vivendi*, which, Kukathas defines somewhat differently than Rawls as "something much more like the rules of the commons which have arisen and developed over time to deal with interaction between communities in areas where property rights do not exist and there may be conflicts over the use of common resources."[201] Most importantly, however, the state has little power over the internal working of each of the islands of the archipelago.

For Kukathas this approach is the proper one for a liberal because it does not assume there is a common value system that all individuals in the state will share. According to Kukathas this is precisely Kymlicka's mistake, and he suggests that Kymlicka and other liberals "begin by assuming that there is a common established standpoint."[202] To begin from such a stance fails to properly tolerate others who may not share the belief in this starting point. For Kukathas it is vital that one protect freedom of conscience and this is done by truly tolerating the views of others. This requires that even where the practices and beliefs of groups are disagreeable to others they must be allowed to maintain those practices and beliefs. The

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[199] Ibid., p.22

[200] Ibid., p.161

[201] Ibid., p.132

[202] Ibid., p.128

consequence is of course that each group requires an area of "jurisdiction" wherein these practices and beliefs are dominant, or even enforced. These groups must be allowed their particular jurisdictions even if they espouse illiberal beliefs and are organized according to illiberal principles. This naturally raises the specter of some individuals within these groups being discriminated against or subject to laws which may make their chosen ways of life difficult or even illegal. If each group is permitted to shape their society as they wish, what is there to protect the individual rights of its citizens? Familiar examples such as, for instance, worries that women may be discriminated against in ways that leave them second class citizens, come to mind here. To assuage these fears Kukathas argues that "there is no association or community from whose authority an individual or group of individuals may not withdraw."[203] Groups may live by "different moral beliefs" but, "no group has the right to compel anyone to become or remain a member."[204] The individual always has a way out, if she does not like the laws of a particular jurisdiction she can move to another. These jurisdictions vary not just in their conceptions of the good life, but in the laws which they enforce.

3.5.4 Problems with Kukathas' Solution

The difficulties with determining whether someone has the ability to exit are numerous and some have been explored in the previous discussion of Kymlicka, so I do not wish to re-examine them here. Donald Moon in his review of *The Liberal Archipelago*, notes that

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[203] Ibid., p.143

[204] Ibid., p.75

Kukathas' belief that the costs of moving from jurisdiction to jurisdiction does not impinge on the freedom of exit is problematic. Moon points out that "given the Hobbesian understanding of freedom that Kukathas relies upon in this discussion, that is true. But given his own account of the centrality of a life lived according to conscience, it is a non sequitur."[205] Further, Kukathas "provides no mechanism through which the right of exit could be secured."[206]

Aside from these questions of exit which bedevil Kukathas' approach as they do Kymlicka's, the primary problem that Kukathas' theory faces from the non-reductionist account is that given that Kukathas has argued that cultural boundaries are unclear, and made a number of moves toward accepting the complexity of contemporary cultural life, why are boundaries of communities clear? It seems arbitrary to suggest that communities are clearly defined but not societies. He argues that "ethnicity is not fixed but variable: ethnic identity is not static but changes with the environment."[207] In fact groups themselves are always changing and are internally diverse. He writes "The fact that groups are often made up of smaller subunits points to another problem for the pursuit of equality: groups are fluid. That is to say they change their character – often in response to economic and political circumstances."[208] But while Kukathas recognizes that this causes problems if one hopes to provide means of mitigating inter-group inequality, he does not fully take into consideration the effects this may have on seeing these

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[205] Moon, Donald, J. "Review of The Liberal Archipelago," in *Ethics*, 115 (2) January 2005, p.424

[206] Ibid., p.424

[207] Ibid., p.79

[208] Ibid., P.234

groups as consistent political and moral communities. The very factors which make recognition and equality between groups difficult, will make the marking of jurisdictions difficult. Kukathas might try to rescue his case by suggesting that these are legal jurisdictions and not cultural ones, but since within these jurisdictions there is no need for a further subdivision between political values and comprehensive values there is once again no mechanism for ensuring this. Worse, there is no normative basis for it in Kukathas' scheme.

By allowing these 'islands' to enforce unitary conceptions of the good, Kukathas has not solved the problem of diversity but only intensified it. If each group can enforce comprehensive ideas about the good life, those who cannot find a suitable group face an even more oppressive and discriminatory environment. Kukathas seems to believe that there will be enough variety among groups to cover most individuals, but this is to seriously underestimate the amount of human variation that exists among ideas of the good life. While Kymlicka and Taylor are correct to note that it is not possible for a state to be completely neutral regarding conceptions of the good life, there is a great deal of difference between aiming at neutrality and abandoning the requirement altogether. If every group one might join is capable of enforcing particular conceptions of the good life then the problem of individuals who do not find any of these groups welcoming is exacerbated. Then there is the problem of how these groups might be demarcated. Given the interwoven and complex structure of modern Western society the movement of individuals into territorially distinct regions, (as the island metaphor suggests) would require an incredibly complex re-organization of society. This in itself would result in a vast amount of cultural change and identity formation. The very process of this re-structuring would likely lead to some identities fundamentally changing or even disappearing. This may particularly be the

case when one recalls that identity, as Taylor notes, is produced with, and sometimes in opposition to, others.

The non-reductionist account has argued that individuals take part in varying practices each of which come with standards of value, etiquette, and belief. In traditional terminology, individuals inhabit multiple cultures. These are often not integrated but merely compartmentalized. Kukathas' framework leaves no room for this. The world of individual islands, each with its own culture and legal system leaves little place for those with multiple cultural allegiances. So, not only is there a the problem of those individuals who cannot find a suitable group to become part of – even granting for the time being that they could be described as having a single culture – for others with multiple allegiances the idea is even more problematic. It is one thing to move between value systems that do not have the threat of force behind them, another to move between legal systems. Since the borders of each group may be unclear it may in fact be difficult for such an individual to actually know which community she is currently a part of. If Kukathas hopes to avoid this criticism by suggesting that each individual must make the decision to join one group or anther, then he is in fact significantly limiting the freedom to associate, for an individual can only associate with one community when they may feel overlapping and complex allegiances to many. Certainly those who seek to live cosmopolitan lives may be significantly hampered by the world Kukathas envisions. Kukathas' approach does not seriously consider that the fluidity and problematic boarders of cultural groups, as he understands them, will also make the partitioning of society into individual jurisdictions equally problematic. This is a problem that will be encountered again when we examine the work of Seyla Benhabib. For the time being I would like to examine the work of

John Rawls. While Kukathas has attempted to justify small autonomous regions each with its own conception of the good, Rawls hopes to argue that the world of culture should be left to the private sphere, much in the same way Kukathas suggests, with the crucial difference being that Rawls believes that all these groups will accept a single overarching idea of the public good. I shall now examine whether that approach is more capable of protecting diversity and resolving conflict, while avoiding the reifying tendencies of reductionist theories of culture.

CHAPTER FOUR

Rawls: Two Realms of Culture.

4.1.1 Introduction: The Consequences of Reasonable Pluralism.

How does a non-reductive approach to culture affect John Rawls' political theory? This chapter will examine the later work of Rawls, in particular, *Political Liberalism*, for this is the first major work in which Rawls introduces specific concerns regarding culture.[209] Where Rawls had previously been concerned with universal forms of justice that would apply in all societies regardless of the particular cultural forms they might take, *Political Liberalism* sees him shift his focus to culturally diverse liberal democratic societies and the forms of justice and public institutions appropriate to supporting basic liberal principles in such societies.[210] It is a more limited approach that assumes a level of commonality amongst citizens of Western states, while at the same time respecting the diversity existing in such societies by leaving room for a wide range of conceptions of the good life. The focus of Rawls' theory has shifted away from Kantian autonomy, to concerns with stability and the grounds on which one can provide a public justification for political beliefs. In *Political Liberalism* John Rawls attempts to answer the question: "how is it possible for there to exist over time a just and stable society of free and

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[209] John Rawls, *Political Liberalism*, New York: Columbia University Press, 1996. As we shall see though, Rawls more often refers to "comprehensive schemes" rather than cultures.

[210] Rawls writes, "a main aim of PL [*Political Liberalism*] is to show that the idea of the well ordered society in *Theory* [*A Theory of Justice*] may be reformulated so as to take account of the fact of reasonable pluralism." Thus much of *A Theory of Justice* is incorporated into and developed his more recent work. Ibid., p.xliii.

equal citizens who still remain profoundly divided by reasonable religious, philosophical, and moral doctrines?"[211] Thus, at the heart of Rawls' later work is a concern with the consequences of what he calls "reasonable pluralism."[212]

Rawls' response to reasonable pluralism is to argue that what is required is a conception of justice that "all citizens as free and equal may reasonably be expected to endorse in light of principles and ideals acceptable to their human reason."[213] This conception of justice will be "free-standing," that is, it does not rely on any controversial metaphysical assumptions and can be "expounded apart from, or without reference to, any such wider background."[214] What is needed is an agreement, or "overlapping consensus" on matters of justice that does not depend on the controversial assumptions and beliefs that form the 'background' of day to day life. Just political structures are those that can be accepted by all reasonable people irrespective of their particular religious, philosophical or moral views. This consensus, Rawls claims, will naturally lead to stability. As Mulhall and Swift note, the "shift to the political" is "motivated by the recognition that justice as fairness, or any other liberal conception, would not be stable, or at least not stable in the right way, if it relied on the validity of a comprehensive philosophical doctrine."[215]

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[211] Ibid., p.46

[212] Ibid., p.46. See also Rawls, John. *Justice as Fairness,* Cambridge: Belknap Press, 2001, p.3-4, 33-34

[213] Ibid., p.137

[214] Ibid., p.12

[215] Mulhall, Stephan and Adam Swift. *Liberals and Communitarians*, Cambridge: Blackwell Publishers, 1996, p.175

Rawls argues that, despite contemporary conditions of cultural diversity, it is possible to ground justice in a manner that respects the diversity of beliefs. Rawls states that, "like any other political conception, for it to be practical, its requirements and ideal of citizenship must be ones that people can understand and apply and be sufficiently motivated to honor."[216] The basic premise is that a viable conception of justice must be one that individuals holding reasonable comprehensive schemes can endorse. Each individual must be able to affirm the political conception of justice from within their own comprehensive values and beliefs. Thus, Rawls notes, "we start, then, by looking to the public culture itself as the shared fund of implicitly recognized basic ideas and principles. We hope to formulate these ideas and principles clearly enough to be combined into a political conception of justice congenial to our most firmly held convictions."[217] As Mulhall and Swift put it, "what is available in the public culture establishes the limits of the publically justifiable."[218] Gerald Gaus calls this new approach "post-enlightenment liberalism" because it no longer assumes that reasonable individuals will all come to the same conclusions regarding questions of value and belief.[219] And Edward Wingenbach goes so far as to call Rawls' new approach "Contextualized

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[216] Ibid., p.87

[217] Ibid., p.8

[218] Stephan Mulhall and Adam Swift, *Liberals and Communitarians*, Oxford: Blackwell Publishers, 1996, p.243

[219] Gerald Gaus, *Contemporary Theories of Liberalism*, London: Sage Publications, 2003, p.178

Communitarian Liberalism."[220] Thus Rawls can be seen as an example of what I have called 'post-communitarian liberals', those liberals who have attempted to respond to charges that they hold either unacknowledged values, or hold overly atomistic views of the self, and as a consequence, have found new roles and importance for the idea of culture in liberal theory.[221] However, the role of culture in Rawls' theory is certainly different from that of Taylor and Kymlicka, and offers an alternative approach to the fact of diverse societies. Rawls will try to exclude from the realm of the political the sorts of value frameworks typical of the former theorist's conceptions of culture. This exclusion will itself however be based on theoretical constructs similar to those used by Kymlicka, and even more so Taylor. Further, as will be shown, the exclusion is not complete in Rawls' scheme, as the values of the political realm need to be affirmed from within the diversity of reasonable comprehensive schemes held by citizens.

4.1.2 Reasonable Pluralism.

Since doctrinal pluralism is a natural consequence of the public culture of a liberal

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[220] Edward Wingenbach, "Unjust Context: The Priority of Stability in Rawls' Contextualized Theory of Justice," in *The American Journal of Political Science*, 43 (1) January 1999, p.214

[221] Rawls himself claims that the shift from *A Theory of Justice* to *Political Liberalism* was motivated not by the critiques of the communitarian philosophers, but arose "from trying to resolve a serious problem internal to justice as fairness, namely... the fact that the account of stability in part III of *Theory* is not consistent with the view as a whole." But the origins of Rawls' shift do not disqualify him from being considered a 'post-communitarian liberal', as all that this definition requires of a theorist is a new responsiveness to the importance of culture in determining just political theories for diverse societies. John Rawls, *Political Liberalism*. New York: Columbia University Press, 1996, p. xvii-xviii.

constitutional regime, Rawls suggests this pluralism should be welcomed by liberal theorists.[222] Importantly, most of the differing views of the good life held by citizens can be seen as reasonable despite their differing beliefs. Rawls terms these views of what is valuable and how one should act, "comprehensive schemes". A doctrine is comprehensive "when it includes conceptions of what is of value in human life, as well as ideals of personal virtue and character, that are to inform much of our non-political conduct (in the limit our life as a whole)."[223] Thus, one of the crucial defining aspects of a comprehensive scheme is that it refers to our non-political action. But, how can there be divergent comprehensive schemes that appeal to different values and beliefs but all of them still be reasonable? For Rawls this is a possibility because all disagreements between reasonable comprehensive schemes are subject to the "burdens of judgement". These "burdens" are the sources of "difficulties of arriving at agreement in judgement, sources that are compatible with those judging being fully reasonable" and, consequently, "it is not to be expected that conscientious persons with full powers of reason, even after free discussion, will all arrive at the same conclusion."[224] Two examples of the burdens of judgement include the fact that:

> a. The evidence – empirical and scientific – bearing on the case is conflicting and complex, and thus hard to assess and evaluate.
> b. Even where we fully agree about the kinds of considerations that are relevant, we may disagree about their weight, and so

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[222] Ibid., p.144

[223] Ibid., p.175

[224] Ibid., p.58

arrive at different judgements.[225]

Rawls claims his position is not, however, to be taken as a version of empirical skepticism; individuals may still believe in the truth of their own comprehensive scheme. The burdens of judgement make *agreement* difficult.[226] Because individuals cannot reach agreement on the validity of their respective comprehensive schemes, there is a lack of stability in the state which Rawls believes must be overcome.[227] Since doctrinal pluralism is a natural outcome of liberal institutions, it should be accepted, and policies that would rid the state of this pluralism should not be developed. In fact, any attempt to impose a particular comprehensive doctrine on society is unreasonable regardless of whether one believes it to be true. Hans Von Rautenfeld argues that Rawls disallows the use of comprehensive schemes in the public realm because "comprehensive doctrines may compromise the liberal democratic nature of the polity," and that "the purpose of public reason, therefore, is to protect the liberal political values form illiberal doctrines, and to thereby preserve the possibility of political freedom."[228] So, the problem for

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[225] Ibid., p.56

[226] Ibid., p.63

[227] Mulhall and Swift point out that merely on its own the fact that there is at times disagreement between comprehensive schemes does not entail that there will always *necessarily* be disagreement. The burdens of judgement show that "disagreements about conceptions of the good can be reasonable; but this is not equivalent to showing that such disagreement could never be overcome, that there could never be such a thing as reasonable agreement about such matters." Stephen Mulhall and Adam Swift, *Liberals and Communitarians*. Oxford: Blackwell Publishers, 1996, p.235

[228] Hans Von Rautenfeld, "Charitable Interpretations: Emerson, Rawls, and Cavell on Use of Public Reason." in *Political Theory*, 32 (1) February 2004, p.62,64

Rawls now is, given that there is reasonable disagreement when it comes to comprehensive schemes, disagreement that cannot and should not be overcome, how are we to resolve issues of justice where agreement is a necessity? For Rawls issues of justice will never be resolved so long as citizens rely on their comprehensive moral doctrines to defend public policy.

Rawls' solution to this dilemma is to attempt to separate specifically political values from the various comprehensive doctrines to be found in the democratic society. Reasonable people will recognize the burdens of judgement and arrange politics so as to exclude these unresolvable problems from the realm of political debate. For Rawls, three conditions are required for there to be a just and stable society, "first, the basic structure of society is regulated by a political conception of justice; second, this political conception is the focus of an overlapping consensus of reasonable comprehensive doctrines; and third, public discussion, when constitutional essentials and questions of basic justice are at stake, is conducted in terms of the political conception of justice."[229] On this account, the political conception of justice provides a basis for deliberation available to all reasonable members of society.

4.2.1 Comprehensive Doctrines as Culture.

Now that we have examined what Rawls considers the goals of a political conception of justice, it is possible to examine his understanding of culture and the role it plays in his approach. This will allow a closer examination of how his conception of culture does, or does not, fall prey to the criticisms of the non-reductionist theorists of culture. I shall begin by

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[229] John Rawls, *Political Liberalism*,
New York: Columbia University Press, 1996, P.44

arguing that Rawls' notion of a comprehensive scheme can be seen as playing the role usually reserved for culture in the theory of post-communitarian liberals such as Will Kymlicka.

To examine how Rawls understands comprehensive schemes it is also necessary to understand his conception of political reason. For Rawls, a just and stable society is made possible by distinguishing public, and thus political, reasons for belief and action from reasons and beliefs that arise out of what he calls 'comprehensive doctrines.' As has been argued, all reasonable citizens will be able to affirm just public political structures. They will see these structures and the laws derived from them as legitimate. A comprehensive doctrine, on the other hand, is to be distinguished from a political conception primarily in terms of the scope of its application, that is, "the range of subjects to which a conception applies."[230] Comprehensive schemes reflect "reasonable religious, philosophical, and moral doctrines," so long as these guide private, non-political action.[231] Consequently, comprehensive doctrines have their own belief systems and notions of truth.[232] Despite being divided in terms of our comprehensive schemes, Rawls believes that all individuals holding reasonable comprehensive schemes will agree on the more specific issues of basic political justice. This way individuals can freely live by their comprehensive schemes while still publicly agreeing to certain specific political structures.[233]

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[230] Ibid., p.175.

[231] Ibid., p.xxvii.

[232] See, John Rawls, *Collected Papers*. Samuel Freeman (ed.) Cambridge, MA: Harvard University Press, 1999, p.607

[233] One might charge Rawls with being too quick to reject comprehensive schemes as a viable political source because they are subject to the burdens of judgement. Merely because it is difficult to reach agreement does not mean it is necessarily impossible to do so. If the comprehensive schemes are ultimately reasonable then does this not mean that the

This agreement is the focus of the 'overlapping consensus' that arises in the public realm. Samuel Freeman provides some examples of how differing comprehensive schemes might endorse the same public goods in this manner:

> while Kantians may affirm a liberal political conception for reasons of autonomy (as congruence suggests), reasonable Utilitarians might affirm a liberal conception if they believe that it indirectly promotes overall utility; moreover, reasonable Catholics may affirm the same political conception on grounds that it expresses God's natural laws, and pluralists can endorse it on grounds that the reasons it provides are sufficient for the purposes of justification without the need to appeal to some more abstract comprehensive view.[234]

Even at this early stage the question arises, is there any empirical evidence that the citizens of Western societies will agree on public political matters in this way? Is the liberal political conception of justice really so inclusive that all the possible reasonable comprehensive schemes that one finds in modern Western states can embrace it? After all the above examples all come out of a very Western philosophical tradition that is certainly not the only historical tradition that one can find in most Western democratic states today. It seems almost as though Rawls has determined *a priori* that all reasonable world views will be able to affirm this public political conception. This is a difficulty for Rawls as his theory aims precisely to avoid such

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process required to reach agreement will be longer and more convoluted but not ultimately impossible? It is something quite different to say that there will be unresolvable disagreements, than to say it will be difficult to reach agreement.

[234] Freeman, Samuel. *The Cambridge Companion to Rawls.* Cambridge University Press: Cambridge, 2003, p.36

universalistic premises. Rawls may respond that any conception of justice that is not able to come to such agreement is simply not reasonable. But there seems to be a circular argument here. By defining any group that does not fit his conception as unreasonable, Rawls avoids needing to deal with any hard cases that might jeopardize his theory. As Mulhall and Swift argue, "By defining 'the reasonable' as including a commitment to a politically liberal vision of society, Rawls defines anyone who queries or rejects that vision as 'unreasonable', but he offers no independent reason for accepting that morally driven and question-begging definition."[235] The reasonable is defined as what fits the theory. Samuel Freeman provides some examples that clearly run counter to the liberal tradition when he notes that "there is no presumption that Social Darwinists, fundamentalists, neo-Nazis, or Southern slave-holders would be amenable to public reason; nor should any effort be made to address or accommodate their views."[236] Now while these examples do tend to resonate with our Western preconceptions regarding justice, are there really no hard cases where reasonable approaches may have some difficulty coming to agreement regarding public justice? What about committed Buddhists, or socialists for example? These are tougher cases that cannot be so easily dismissed as unreasonable. They see a different role for the citizen, yet are not easily dismissed as unreasonable because of this.

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[235] Stephen Mulhall and Adam Swift, "Rawls and Communitarianism,"in *The Cambridge Companion to Rawls*. Freeman, Samuel (ed.), West Nyack, NY: Cambridge University Press, 2002, p.483

[236] Samuel Freeman, *The Cambridge Companion to Rawls*. Freeman, Samuel (ed.), West Nyack, NY: Cambridge University Press, 2002, p.40

4.2.2 Comprehensive Schemes and the Non-reductionist Critique.

How does Rawls' approach define and understand the role of culture? A comprehensive scheme in Rawls' terminology seems similar to what others would term a culture; that is, a system of values and beliefs that guide action. Comprehensive schemes, as we have seen, determine "what is of value in human life, as well as ideals of personal virtue and character."[237] The definitions of culture that Taylor and Kymlicka subscribe to do not separate the two domains of the comprehensive and the political as Rawls does, but the basic premise that culture is a structure of values and beliefs, can be seen reflected in Rawls' notion of a comprehensive scheme.

Does Rawls' notion of a comprehensive scheme escape any of the criticisms put forth by the proponents of the non-reductionist approach to culture? Since Rawls does not define in any explicit manner the way in which comprehensive schemes are held or arise, this approach, on the face of it, escapes the first criticism that could be brought against more reductionist approaches to culture, this being that these approaches impose a coherence and unity on groups that does not exist in fact. This is what I have called, following Benhabib, the 'clearly delineable wholes' assumption regarding culture. But merely because Rawls is vague does not mean that ultimately his theory will not require that he spell out more clearly the nature and structure of comprehensive schemes. Vagueness is hardly a watertight response to philosophical criticism. As it stands, however, it is unclear whether there is any limitation to the number of individuals, or the temporal duration required for something to qualify as a comprehensive

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[237] John Rawls, *Political Liberalism*,
New York: Columbia University Press, 1996, p.175

scheme. Are all comprehensive schemes inter-generational, or could a comprehensive scheme even be particular to an individual, that is, be formed over the time-frame of a single life? Rawls' account leaves more room for individual variation in comprehensive schemes, which is an advantage that this scheme has over, for instance, Will Kymlicka's. The designation 'comprehensive' does suggest a system that applies to all aspects of an individual's life. If is were a limited framework of value would Rawls not merely term them substantive goods? There must be something comprehensive about a comprehensive scheme. Further, it does not seem that Rawls' account requires that comprehensive schemes need to have existed over any specific amount of time. Thus there will be a far greater number of comprehensive schemes than, for instance, traditions as commonly defined. For other liberal theorists such as Kymlicka, this understanding of the background culture of individuals would result in an unwieldily multiplication of political entities, but since Rawls is going to exclude the content of comprehensive schemes from the political realm, this almost limitless expansion of cultural identities is not going to be a significant hindrance. This flexibility with regard to forms of culture is simply not available to theorists who would like to distribute special group-differentiated rights on the basis of cultural difference, as the number of different schemes and the amount of variation among them would be just too unwieldy. So, because of his vagueness regarding the limits and shapes of comprehensive schemes, Rawls escapes the charge that he is suggesting a unified and coherent structure for cultural groups that in effect does not exist. Although the concerns raised regarding the qualifier "comprehensive" do not leave him entirely free of these issues. He also avoids the second related charge, that cultures are to be easily found in uncomplicated population groups. Since Rawls is not engaged in ascribing any

particular rights to groups, he need not answer the question of what shape those groups have taken in any particular instance. However, that vagueness is also a handicap in that it makes it very difficult to develop policy targeted for particular groups. I shall return to this problem when I examine Rawls' idea of 'public reason'.

Can one make some educated guesses regarding how Rawls would further elaborate the notion of a comprehensive scheme? According to Barnhart, for Rawls, comprehensive schemes are in fact entirely logically interconnected in a way that runs afoul of the coherent wholes criticism. He argues that Rawls "describes comprehensive doctrines as sets of logically interconnected beliefs. [And] what makes such a set "comprehensive" is the degree to which each belief is supported and in turn supports the others."[238] Perhaps Rawls believes this is self-evident in that he calls these doctrines "reasonable." It may be difficult to consider systems that conflict in this way as reasonable, in the sense Rawls would like. There is some counter evidence to Barnhart's claim, however, as Rawls does make a distinction between the fully comprehensive doctrines and those only partially so. In a footnote he defines them as follows: "a doctrine is fully comprehensive if it covers all recognized values and virtues within one rather precisely articulated system; whereas a doctrine is only partially comprehensive when it comprises a number of nonpolitical values and virtues and is rather loosely articulated."[239] He further points out (in a way reminiscent of the non-reductionist accounts of culture), that "most

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[238] Michael Barnhart, "An Overlapping Consensus: A critique of Two Approaches," in, *The Review of Politics*, 66 (2) Spring 2004, p.277

[239] John Rawls, *Political Liberalism*,
New York: Columbia University Press, 1996, p.152

people's religious, philosophical and moral doctrines are seen by them as not fully general and comprehensive, and these aspects admit of variations of degree."[240] The problem is that ultimately these schemes will have to become fully comprehensive, as partially comprehensive schemes tend to support the political order for the wrong reasons. A partially comprehensive scheme leaves room for conflicting narratives and values that may not support public reason in the manner that Rawls suggests. It may contain elements of a "modus vivendi", that is, a situation in which parties agree to a political structure because of strategic interests, a form of political accommodation that Rawls hopes to avoid. The partially comprehensive scheme may not be entirely "reasonable" in Rawls' sense, in its support of the structures of the public sphere. So, while Rawls' scheme may initially be able to accommodate less coherent types of comprehensive schemes, this is only a phase to be superceded on path to a properly legitimate political system; thus the room he leaves for such partially comprehensive schemes is only short term. This brings us to another problem for Rawls. If the activity of politics can lead to change in comprehensive schemes in this manner, is the separation of the two realms of the comprehensive and the political as possible as Rawls wants to suggest?

4.2.3 The Separation of the Comprehensive and the Political Realms.

Another problem regarding how Rawls understands culture is that it does seem unclear

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[240] Ibid., P.160. Rawls points this out in the context of a discussion of how individuals may come to affirm just principles. Because their comprehensive doctrines are not fully worked out, they may at first affirm the political structure for the wrong reasons, but will eventually affirm them as being just for all. For Rawls this initial uncertainly allows individuals to 'try out' the system and eventually understand that it is just.

whether the two realms of the comprehensive and the political can be separated as easily as Rawls would like. Recall, that for Rawls a comprehensive scheme involves conceptions of "what is of value in human life, as well as ideals of personal virtue and character, that are to inform much of our non-political conduct (in the limit our life as a whole)."[241] It would certainly seem that "conceptions of what is of value in human life" will come into play not only in the personal realm but also in the public and political realm. Politics does need to make decisions regarding questions of such things as the forms of distributive justice a state will support, reproductive rights, and arts funding, and moreover these decisions will in fact require decisions based on values. The arguments that will be made in favor or against any particular decision in these cases will, ultimately, require appeals to specific values and not merely to a general political structure. Further, Seyla Benhabib points out that much political debate takes place in informal discussions not clearly in the political sphere which she defines as "the official public sphere of representative institutions, which includes the legislature, executive and public bureaucracies, the judiciary, and political parties" and argues that it "is not the only site of political contestation and will formation." She points to "social movements... civil, cultural, religious, artistic and political associations of the unofficial public sphere" as places where these issues are explored as well.[242] Political effects can also result from the adoption of very particular practices that do not, prima facie, seem to be political. Rebecca Walkowitz points out

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[241] John Rawls, *Political Liberalism*,
New York: Columbia University Press, 1996, p.175

[242] Seyla, Benhabib, *The Claims of Culture: Equality and Diversity in the Global Era*,
Princeton: Princeton University Press, 2002, p.21

that "while the consumption of exotic clothing by middle-class English women is not a form of "politics" – it does not act within or on political institutions – it is part of "the political," in that it shapes social relations of gender, bodily display, urban mobility, and transnational fantasy."[243] If Rawls cannot maintain the distinction between the comprehensive and the political, then the general way in which he has characterized comprehensive schemes will no longer be adequate, and he will need to describe the extent and coherence of these comprehensive schemes.

One might also wonder, given the extremely broad range of the categories of 'reasonable religious, philosophical, and moral doctrines' that Rawls believes characterizes comprehensive schemes, how much Rawls is left with to actually provide some foundation for justice.[244] Particularly the inclusion of philosophical doctrines, at least in the vague form found here in the introduction, seems to exclude much that appears necessary for any definition of justice that is to have some amount of substance. This leaves Rawls open to the charge that he has not left enough grounding for the injunction to cooperate in the political realm. As Mulhall and Swift argue, "even those who accept the Rawlsian conception of the citizen as a free and equal participant in a common political project need to know how and why we have special duties to our fellow countrymen and women, and what kinds of communal life – singing to the flag, watching the same television programs, participating in collective political deliberation – are

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[243] Walkowitz, Rebecca. *Cosmopolitan Style: Modernism Beyond the Nation.* New York: Columbia University Press, 2006, p.13

[244] See, John Rawls, *Political Liberalism,* New York: Columbia University Press, 1996, p.xxvii

required for a society that is grounded in respect for the individual to hold together."[245] If the two realms cannot be extricated as clearly as Rawls would like, the manner in which he must respond to, and define culture, will need to be altered, and the problems that I noted regarding the vagueness of his position of the form and structures of comprehensive schemes will come back to haunt him. Consequently, the number and form of comprehensive schemes will affect what is possible for political justice.

4.3.1 Value Conflict and Comprehensive Schemes.

The non-reductionist approach to culture, however, also argues that even within individuals there is value conflict. Many individuals occupy multiple cultural strands, and these strands often embody *conflicting* value systems. Does this present a difficulty for affirming a form of public reason from within their un-ordered and perhaps multiple comprehensive schemes? The process of working out these conflicts is the work of a life-time and is unlikely to find a natural end point. If individuals have not perfectly hierarchically sorted out the values that guide their actions then there can be no one single coherent comprehensive scheme that represents their identity. One reason for holding conflicting value schemes is the varying roles individuals must play in their life, that is to say, the varying comprehensive schemes they must employ. The non-reductionist approach to culture argues that individuals can take part in multiple cultural strands, thus, if one applies the same principle to comprehensive schemes, will this cause a problem for Rawls? Rawls could respond that since various comprehensive

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[245] Stephen Mulhall and Adam Swift, *Liberals and Communitarians*, Oxford: Blackwell Publishers, 1996, p.478

schemes can all support a single form of public reason, then so could the various forms that might be clashing in an individual. Thus it seems that the argument that individuals often exist in multiple cultural strands, can in this way be assimilated into Rawls' theory, as long as each strand still provides the appropriate support for public reason.

But, it may be that one system of valuations that a single individual holds may be compatible with public reason while another held by the same individual, when partaking in other social roles, will not be. Would this simply be a matter of excising that strand which is incompatible? It seems that for most citizens of Western democracies, if they do hold some beliefs that are incompatible with the general political values of Rawlsian liberalism they will be of a limited range, and not necessarily reflect an entire value system upon which they are supported. It would be difficult for individuals to function at all in a Western democracy if their value structure was so fundamentally at odds with the whole. The primary political problems for citizens living in such states are more often just such limited issues and not grand structural questions of whether democracy is the appropriate approach.[246] There does not seem on this account to be any reason why an individual could not both hold values compatible with public reason, as well as others incompatible with public reason. Thus such a citizen may be able to argue convincingly on certain issues in the public realm, but not be able to do so on other issues. The question then for Rawls is whether these partially unreasonable citizens must suffer the same fate as those he considers to have entirely unreasonable comprehensive schemes. Rawls

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[246] However, this does seem more likely to be the case for international disagreements and serves as an important distinction between the issues that are prominent at the national level and those that occur at the international level.

might respond that those individuals could just be excluded on an issue by issue basis. But, given the foundational nature of much of what is decided in the public realm, basic issues such as human rights, this seems a rather unlikely possibility. Such foundational issues are less liable to isolated examination. Debate about fundamental matters of justice, the basic structure as Rawls calls it, is not something that is usually approached on an issue by issue basis. That kind of precise debate more often takes place in the realm of comprehensive schemes, that is, the realm of day to day activities and practices.[247]

These difficulties regarding multiple cultural strands and value conflict within the individual arise in Rawls' theory because he assumes that individuals' comprehensive schemes are transparent and immediately understandable to them. As was argued when we examined Charles Taylor, individuals rarely if ever have worked out a perfectly hierarchical system of values, with a single hyper-good at the apex of a pyramid-like structure. Many, if not most, individuals live with a fair amount of internal value dissonance and would see their lives as a slow process of working out one's beliefs and values. This is a project that finds its only real end in death. If a life is a constant reworking and refining one's identity, then Rawls' approach does seem to present an overly static conception of comprehensive schemes. How can there be

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[247] Michael Barnhart suggests that Rawls cannot accommodate any fully comprehensive schemes, meaning schemes where the person's comprehensive beliefs apply to all aspects of his or her life, including the political. "Sidelining" elements in this way is tantamount to requiring that individuals adopt fundamentally liberal positions. He notes, "whatever nonliberal elements remain with the belief "sets" of individuals or groups, they must be sidelined politically as having no influence in public deliberations. This has the effect of neutralizing their comprehensiveness, leaving only the prototypically liberal elements as comprehensively viable." Michael Barnhart, "An Overlapping Consensus: A Critique of Two Approaches," in, *The Review of Politics*. 66 (2) Spring 2004, P.270.

a simple manner in which comprehensive schemes support public reason when those schemes may themselves be works in progress and incomplete? Could Rawls respond, that while there may be such incompleteness in partially comprehensive schemes, that incompleteness and value dissonance will not be found in their affirmation of certain political values? This will only be a viable response if Rawls really can separate the two realms, but as has been shown this is a problem for his theory.

Hans von Rautenfeld raises a similar point regarding the process of cultural change, but comes at this problem from the other direction. He criticizes Rawls for having a static notion of public reason, noting that for Rawls "the history of public reason, as distinct from the history of the conformity of actual political communities and institutions to public reason, has already taken place and is effectively at its end prior to the beginning to the political history of any concrete community such as the United States."[248] Because of this Rautenfeld feels that Rawls in unable to understand how the background reasons for holding certain beliefs – reasons that reside in the private comprehensive realm – are sometimes needed in the public realm to work out what public reason consists of. Public reason is itself something that needs to be worked out, and is not a pre-existing a-historical entity. For Von Rautenfeld political discourse almost inevitably affects and changes who one is and the community one is in. He states, "consent to democracy means consent to a process of political communication that may change the moral character of both its individual members and the community as a whole."[249] If one is convinced

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[248] Hans Von Rautenfeld, "Charitable Interpretations: Emerson, Rawls, and Cavell on Use of Public Reason." in *Political Theory*, 32 (1) February 2004, p.67-68

[249] Ibid., p.76.

by the argument that justice, or public reason, is still in the process of being worked out, and that this process will have ramifications and effects on the comprehensive schemes of the participants in this process, then Rawls does seem to present an overly static conception of individuals and their cultures. For, surely if public reason is still in the process of being constructed, and if the manner of that development shapes in significant ways the identity of individuals, then the comprehensive schemes themselves will also be changing. It is hard to imagine that individuals who have gone through the process of arguing and debating in good faith the nature of justice and the public good, would emerge from such debates with their comprehensive schemes unchanged. This will put Rawls in an unusual position of developing a theory to accommodate existing pluralism, that potentially does so through the inevitable change of the nature of the components of that pluralism.[250]

To summarize the strengths and weakness of Rawls' conception of a comprehensive scheme, we can begin by noting that it has more flexibility in terms of the range of values that such a scheme might entail, and also has the benefit of not necessarily having set limits to the number of adherents that any particular scheme might have. This flexibility comes, however, with its attendant weaknesses regarding what can be justified in terms of the shape of Rawls' political theory. I will explore these issues in a more focused manner in the next section. Rawls' conception of a comprehensive scheme also does seem to be a far more static conception of culture than is justified, both when faced with the criticisms of non-reductionist approaches

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[250] But if one is willing to give up the attempt to protect the shape and form of the components of that pluralism – attempts typical of many theories of minority rights – then this could be seen as a positive result.

and the consequences of his own theory. It fails to do justice to the continual process of cultural change and revision, and thus opens itself to the dangers of cultural ossification and reification that I have earlier argued present grave dangers to the autonomy of citizens if used as the basis for cultural policy.

4.4.1 The Realm of the Political.

Although at this point it seems that Rawls can escape most of the force of the critique of reductionist approaches to culture, his theory, because of the way in which he has defined comprehensive schemes and the realm of the political, does run into difficulties when it comes to the determination of appropriate conflicts for public debate and the means of their resolution. Rawls suggests that there will be an "overlapping consensus" on issues of justice. He believes that individuals who hold incompatible – but nonetheless reasonable – comprehensive schemes can still reach agreement on basic political issues. This agreement is possible, according to Rawls, because of the restricted scope and particular nature of justice. What is the particular scope of a political conception of justice? For such a conception to be properly political it is:

> framed to apply solely to the basic structure of society, its main political, social, and economic institutions as a unified scheme of social cooperation; that it is presented independently of any wider comprehensive religious or philosophical doctrine; and that it is elaborated in terms of fundamental political ideas viewed as implicit in the public political culture of a democratic society.[251]

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[251] John Rawls, *Political Liberalism*, New York: Columbia University Press, 1996, p.223

This rather stringent limitation is important because, as Rawls has argued, there can be no consensus in terms of broad comprehensive schemes. The political has "its own subject matter," and this subject matter is the basic structure of society.[252] The basic structure of a society is "its main political, social, and economic institutions and how they fit together into one unified system of social cooperation from one generation to the next."[253] This scope is the limit of what can be reasonably addressed politically. Rawls is concerned to address issues of basic justice and "constitutional essentials" such as, "who has the right to vote, or what religions are to be tolerated, or who is to be assured fair equality of opportunity, or to hold property."[254]

Although, on its own, limiting the scope of the political might reduce the number of possible disagreements it does not appear that it would eliminate all such disagreement. That there are fewer issues and more specific issues to be resolved does not mean that these issues are less controversial. There do seem to be cases in Western society where there is definite disagreement on the constitutional essentials that Rawls believes all reasonable individuals will ultimately agree upon. For instance, while there may be agreement on the need for a democratic system, there is still significant debate on whether this requires a system of proportional representation, or whether the first past the post method is acceptable; or alternately, whether foetuses constitute persons or not. These would seem to be cases of disagreement that involve the 'basic structure'. Further, just because one excludes other issues does not mean that they no

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[252] Ibid., p.xxx

[253] Ibid., p.11

[254] Ibid., p.214

longer are a pressing problem that must be addressed. Rawls, as we have seen, suggests that these particular political issues call for the particular form of reason which he calls "public reason." Only those issues that can be resolved by public reason are to count as political questions. What does it mean to limit the political to questions that can be resolved? How limited is this realm? To answer these questions a closer look at "public reason" is necessary.

4.4.2 The Limits of Public Reason.

Rawls begins by asking what kind of agreement can be reached by individuals who hold *reasonable* comprehensive doctrines. Since the comprehensive doctrines are "reasonable," and yet they still lead to disagreement, "public reason" must be a different sort of 'reason'. Public reason is that form of argument that all members of a polity can share. The distinction that Rawls makes is that when it comes to pursuing certain goods or holding certain values, individuals are 'rational'. They possess *rational* autonomy in so far as they have "a capacity to form, to revise, and to pursue a conception of the good, and to deliberate in accordance with it."[255] The reasonable, on the other hand, is that reason which is involved in setting up fair *conditions* for the exercise of this capacity that all can accept. Onora O'Neill points out that "reasonableness is not merely a formal requirement, but a commitment to pursue ends of one's own subject to procedures that can be justified to others as fair procedures."[256] Rationality provides individuals with ends and a manner in which to achieve these ends, while

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[255] Ibid., p.72

[256] Onora O'Neill, "Political Liberalism and Public Reason: A Critical Notice of John Rawls, *Political Liberalism,*"in *The Philosophical Review*, 106 (3) July 1997, p.414

reasonableness ensures that the pursuit of these ends will be just.[257]

By arguing that political questions are to be resolved "independently of any wider comprehensive religious or philosophical schemes," Rawls hopes to avoid relying on any metaphysical foundations in his conception of justice.[258] These sorts of metaphysical foundations are only to be found in the comprehensive schemes of individuals, and as Rawls has argued, any reliance on comprehensive schemes will lead to irresolvable conflicts. There needs to be an overlapping consensus regarding political institutions, thus, this consensus cannot depend on metaphysical assumptions. Rawls himself states, "when the original position is set up, we stipulate that the parties must reason only from general beliefs shared by citizens generally, as part of their public knowledge."[259] Each comprehensive scheme must, however, be able to support the just political structure. Therefore, each comprehensive scheme needs to have the means by which to endorse the proper form of public justice, and if they cannot, they are not reasonable doctrines in Rawls' view. That comprehensive doctrines are able to endorse public reason is very important to Rawls because he does not want the public consensus to be a mere "modus vivendi", where, as has been noted, parties agree to the final structure of justice only out of their strategic interests. Such an agreement would only result in a temporary equilibrium, and it would not be properly stable as "its stability is contingent on circumstances

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[257] It seems almost as though Rawls is, in a far more subtle way, still arguing that just political principles support personal autonomy. This poses a problem for Rawls, as autonomy is the kind of metaphysical presupposition he seeks to avoid.

[258] John Rawls, *Political Liberalism*,
New York: Columbia University Press, 1996, P.12

[259] Ibid., p.70

remaining such as not to upset the fortunate convergence of interests."[260] To be reasonable is, for Rawls, to be able to justify to all citizens any use of coercive power to constrain the pursuit of particular ends.[261] This means that all parties are convinced that the basic structure is just and are not merely negotiating the best deal they can get.

A difficulty in Rawls' theory is that if he asserts that by definition there cannot be disagreement on issues of justice with regard to the public realm – that any source of the disagreement would be an unreasonable element that would be excluded from the public realm – then, it seems that public reason is unable to address some very pressing conflicts. In other words, if public reason only deals with what we already agree upon, then it is not addressing any of the issues that are causing our society its most serious difficulties. Further, it will still be necessary to develop a framework to address those issues. Benhabib points out that since Rawls' approach limits the debate to constitutional essentials and issues of basic justice, "Rawls' model of public reason proceeds from a restricted agenda."[262] Will this restricted agenda be helpful in addressing such issues as native hunting and fishing rights, or the wearing of religious symbols in schools, all important debates arising out of the conditions of modern

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[260] Ibid., p.147

[261] Ibid., p.214

[262] Seyla, Benhabib, *The Claims of Culture: Equality and Diversity in the Global Era*, Princeton: Princeton University Press, 2002, P.108 Benhabib feels the deliberative model to be superior in the following respects: "...the deliberative model does not restrict the agenda of public conversation: in fact in encourages discourse about the lines separating the public from the private; second, the deliberative model locates the public sphere in civil society, and is much more oriented to the ways in which political processes and the "background culture" interact; and finally, while the Rawlsian model focuses upon "final and coercive political power," the deliberative model focuses on noncoercive and nonfinal processes of opinion formation in an unrestricted public sphere. Ibid. p.109

pluralism? Michael Barnhart goes ever further, however, and suggests that any society with a fully functional overlapping consensus does not seem to be very "pluralistic," and he raises the concern whether "such societies [are] simply liberal ones, comprehensively liberal ones, where divergences over life issues tend to be superficial life-style sorts?"[263] Barnhart goes on to worry whether all reasonable comprehensive doctrines will at the very least need to be "at least prototypically liberal in valuing individualism to some degree."[264] This is because at the least the political liberalism scheme values the idea of the politically active citizen; i.e., the individual who desires to be involved in the political process in a fair way, a type of involvement that requires abstracting from one's particular ends so as to be able to examine fairly the issues at hand. Such individuals must be a "rationally autonomous representatives of citizens in society" as Rawls puts it.[265] Such an individual must be able to imagine herself in the original position, that is be able to abstract themselves from any particular world view or comprehensive scheme when debating particular issues of justice. Thus *Political Liberalism* would, from the outset, exclude those comprehensive schemes that hope to provide a framework of value for all aspects of life. There are clearly some religious sects where this would be the case.

If we are faced with irreconcilable comprehensive schemes and yet we live in a society where "any system of social institutions is limited in the values it can admit, so some selection must be made from the full range of moral and political values that might be realized," then the

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[263] Barnhart Michael. "An Overlapping Consensus: A critique of Two Approaches." In, *The Review of Politics*, 66 (2) Spring 2004, p.261

[264] Ibid., p.264

[265] John Rawls, *Political Liberalism*,
New York: Columbia University Press, 1996, P.305

relationship and value of comprehensive schemes becomes an issue of pressing political importance.[266] And it seems clear that it is in fact the comprehensive schemes that are conflicting with each other in many cases. There are many examples, abortion rights, gay marriage, the role of religion in government: surely these debates are rooted in deep comprehensive disagreement. Perhaps Rawls could respond that these are issues not related to the "basic structure"of society, but if that is the case then Political Liberalism is really only scratching the surface of the vast array of conflicts and problems that arise in multicultural societies.

There is also the fact that it is precisely the treatment that some individuals experience in the private realm – the realm of comprehensive schemes – that offends some their sense of decent treatment. Seyla Benhabib points out that it would appear that for Rawls:

> One way of understanding overlapping consensus in a multicultural, multifaith, and multiethnic society is to insist that, as long as different groups uphold the autonomy of persons publicly – let us say for example, that they do not keep their spouses from voting or force them to vote only in certain ways – the fact that in their private practices, these same groups may be oppressing their women by not allowing their grown daughters to go to school, or to freely choose their partners or even their careers, would not be seen as contradicting political liberalism.[267]

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[266] Ibid., p.57

[267] Seyla, Benhabib, *The Claims of Culture: Equality and Diversity in the Global Era*, Princeton: Princeton University Press, 2002, P.110

Thus a drawback to Rawls' approach is that many of the problems at the heart of cultural diversity simply do not arise in the public realm. Questions regarding the protection of culture involve, by definition, comprehensive schemes, and thus it is difficult to see to what extent Rawls' approach can be of help here. Not only will there be clashes that need adjudication outside of the public realm as envisaged by Rawls, but it is difficult to see how a separate realm of the public could be delineated that has any useful range of jurisdiction.

Benhabib points out that "there are simply too many clashes and conflicts over some of the constitutional essentials to which most liberal democracies subscribe, like gender equality, bodily integrity, freedom of the person, education of children, and the practices of certain minority subcultures and groups. ...Since the constitutional essentials of the liberal-democratic state, embodied in its articulation of basic human, civil, and political rights, in many cases contradict the practices of ethnic and religious minorities, clashes over the interpretation and application of these principles in light of these practices are inevitable."[268] Basically, either the public realm is too limited to address many of the crucial conflicts, or it is wide enough that it seems merely wishful thinking to imagine that fundamental clashes with individual comprehensive schemes will not arise.

This issue recalls the problem that Rawls' approach assumes that comprehensive schemes exist in isolation from each other, something that a non-reductive approach to culture makes all the more unlikely. If cultures overlap in various complicated manners then so do what Rawls calls comprehensive schemes. And, unless all instances where comprehensive schemes

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[268] Ibid. p.111

come into conflict are by definition public, then there are going to instances of conflict that require a system of adjudication other than what is provided by Rawls' public reason.

4.5.1 Conclusion.

This chapter examined how the criticisms of reductive approaches to culture impact on Rawls' political theory. I argued that Rawls shares the characteristics of 'post-communitarian liberals' who are the focus of my attention in this work, because he seeks to ground the legitimacy of political structures by appealing to cultures, or comprehensive schemes as he calls them. The validity of the basic political structure is something that is affirmed from within the diverse particular cultural commitments of individuals in the society. I also argue that there is a parallel between Rawls' idea of a comprehensive scheme and the manner in which other liberal theorists use the term culture. Having established that, I introduce three of the major critiques of Rawls' understanding of comprehensive schemes. First, Rawls escapes much of the criticism of approaches that refer to cultures as clearly and simply delineated wholes, which imply that cultures have unified and coherent structures that do not often exist in Western pluralist states. Rawls' conception of comprehensive schemes is vague enough, that it seems, it may be sufficiently flexible to accommodate a wide range of groups. But vagueness leads to other significant problems. Given that individuals should be able to affirm a very coherent and widely shared public political culture from the basis of their comprehensive schemes, this raises issues as to the extent to which comprehensive schemes are themselves coherent and integrated. Secondly, it does not seem that the two realms of the comprehensive scheme and the political can be as easily distinguished and isolated as Rawls would like. This causes difficulties for the

ability of comprehensive schemes to provide a robust affirmation of public political justice. Thirdly, I introduce the argument that individuals may inhabit multiple cultural roles and thus multiple cultures, while it seems that Rawls can adequately respond to this criticism by suggesting that multiple cultural roles are acceptable as long as they all are able to affirm the public political conception. Further difficulties arise when one adds to this problem questions concerning the constant development and incomplete nature of all culture.

While the vague and all encompassing nature of Rawls' notion of a comprehensive scheme allows him to escape, to some extent, some of the criticisms that reductionist accounts of culture fall prey to, this comes at the price of creating some important difficulties for his political project. If he hopes to maintain his theory, he may not be able to leave his conception of comprehensive schemes as it stands. His understanding of the relation of the public political sphere to comprehensive schemes, as we have seen, relies on limiting the sorts of questions for which an 'overlapping consensus' can be reached. While one can question whether even on these 'public' issues an agreement will ultimately be reached, the more significant problem is that his approach fails to address many of the important problems that the philosophical discourse surrounding pluralism hopes to deal with. Thus, Rawls' conception of a comprehensive scheme, and his assertions concerning the possibility of overlapping consensus on political matters, come at the expense of having a theory so limited in scope that it fails to address crucial issues in debates concerning cultural pluralism.

CHAPTER FIVE

Alternative Approaches to Pluralism: Barry, Carens, and Benhabib.

5.1.1 Introduction.

This chapter explores alternative approaches to the problems of pluralism. What are the political theories that the critics of reductionist conceptions of culture feel are appropriate? In this chapter I will examine the theories of Brian Barry, Joseph Carens, and Seyla Benhabib, and determine their strengths and weaknesses. In each case there are useful elements, but the alternative theories they present are inadequately elaborated and leave large areas of indeterminacy. Each of these theorists has as a core element of their critique a critical stance toward reductionist conceptions of culture, and the idea that cultures in this sense can be clearly delineated and supported. Each views the traditional conception of culture as a problematic notion that must itself be interrogated. As I have already introduced the criticisms of Seyla Benhabib in the introduction, and much of the critical position of Joseph Carens in chapter three, where he was very critical of the work of Will Kymlicka, I will not review those positions here, but move directly to their alternative approaches. But first, as Brian Barry has not played as great a role up to this point, I will spend a little more time elaborating his critical position before I examine the solutions he feels adequate.

5.2.1 Brian Barry's Criticisms of the Multiculturalists.

Brian Barry's book *Culture and Equality* is stridently critical of much of contemporary multicultural theory, in particular those theorists defending various forms of special rights for

minority cultures. In *Culture and Equality* Barry targets those theories that politicise group identities. He calls these approaches "the politics of difference, the politics of recognition or, most popularly, multiculturalism."[269] What is most to be decried about this trend in modern political theory is that it "undermines a politics of redistribution," that is, the concern with cultural identity distracts us from fundamental economic inequalities. Even worse, this approach pits the interests of marginalised and disadvantaged groups against one another. Instead of working together to fight the economic and structural inequities of a society, these groups waste their energies arguing with each other. For Barry, the solution is a return to properly understood enlightenment principles, which are principles of fairness. In the process of engaging with those political theorists Barry presents as most indicative of the errors of politics of difference, he raises criticisms of their understandings of culture, as well as the relationship between individual identity and culture that are in the same spirit as the critique of reductionist understandings of culture. While Barry does not neatly fit in with those arguing against a reductionist conception of culture, he is broadly critical of many of the current conceptions of culture used by contemporary liberal theorists, and seeks to provide an alternative to multicultural approaches. Thus, one can ask, does Barry provide a viable alternative to the approaches of the multiculturalists and their understanding of culture?

Barry sees himself as defending enlightenment philosophies, as he calls them, from the criticisms of contemporary post-modern and multicultural political theorists. These theorists,

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[269] Brian Barry, *Culture and Equality,* Cambridge Mass: Harvard University Press, 2001, p.5 The primary theorists he associates with these labels are Iris Marion Young, Charles Taylor, and Will Kymlicka respectively, although other theorists also are designated as falling into these categories, including James Tully and Chandran Kukathas.

he argues, criticise enlightenment liberal rights approaches for their claims to universality, for the failure to appreciate that identities and values are the product of a variety of contingent and historical circumstances, and for their homogenizing influence on society.[270] Much of *Culture and Equality* is framed in opposition to such arguments and other theorists, and so explicating Barry's general position will often require references to his understanding of those he is criticising. A difficulty with *Culture and Equality* is that none of the theorists Barry criticizes are discussed systematically, but their views are presented somewhat haphazardly whenever they are pertinent to the issue Barry is considering at the time. I do not wish to spend much time addressing the validity of Barry's representations of these thinkers, except where those representations are related to the issues of this thesis. My purpose is to extract the alternative approach that he suggests, and to determine whether that approach is useful for building a political philosophy around a non-reductionist conception of culture. In this section I hope to show that Barry's own alternative is underdeveloped and somewhat ad hoc. While some of his criticisms of the politicization of culture are important, his own alternative is presented in a manner almost as piecemeal as his criticisms of other thinkers, and cannot serve as an adequate foundation for a response to the political issues of modern political societies. Thus, ultimately, Barry fails to provide a viable alternative to the reductionist approaches of Taylor, Kymlicka, and Rawls.

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[270] Barry argues that there isn't really any such thing as the 'enlightenment project' per se, and suggests that the target of the multiculturalists may be understood to be Rawls' *Theory Of Justice* (1971), and that his book, *Culture and Equality,* can be seen as a defence of Rawls' book. Barry, Brian. *Culture and Equality,* Cambridge Mass: Harvard University Press, 2001, p.16

5.2.2 Is Barry's Understanding of Culture Anti-Essentialist?

How does Barry fit into the model of the anti-reductionist theories of culture? Barry, drawing upon the work of Alison Jagger, claims that "ethnic groups, it has been said, are seen by multiculturalists as 'self-evident, quasi-biological collectives of a reified "culture." Barry argues that this is an over-simplification. He takes the same critical stance as Benhabib does toward assuming that cultures are clearly observable and recognizable entities, that is, clearly determinable wholes.[271] Speaking directly of Kymlicka's book *Multicultural Citizenship*, Barry argues that Kymlicka assumes that the "basis of all social groups is cultural" and that this is a mistake as "national identity may or may not be based on a sense of cultural distinctiveness and the demand for a degree of national autonomy may or may not be bound up with the desire to control the institutions responsible for cultural production, such as the schools and the media, so as to ensure the perpetuation of the national culture. Scotland lies at one extreme, Quebec at the other."[272]

Kymlicka might respond to Barry by arguing that not all social groups that exist have a cultural basis, but that the ones that he is concerned with do, which is precisely why they have legitimate cultural demands. The issue that needs to be addressed is whether cultural groups have a distinctiveness that makes them uniquely important, or at least of preeminent importance, for considerations of political justice. This is an argument that I have been suggesting is

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[271] Brian Barry, *Culture and Equality,* Cambridge Mass: Harvard University Press, 2001, p.11

[272] Ibid., p.19

unfounded because the concept of culture itself is problematic. If one takes the position that the concept of culture is itself problematic, and cannot be easily disentangled from the supposedly non-cultural traits of identity recognized by Barry, then Kymlicka's attempt to limit the discussion to his definition of cultural groups becomes impossible. Barry, however, is more likely to argue that individuals should be the appropriate targets of political rights and action, and not any form of group, be it cultural or not, given his focus on economic justice. Thus, as a result of the of the conceptual and theoretical weaknesses in the definition of culture he diagnoses in the multiculturalists, he asserts the superiority of an approach that focuses on rights instead of culture.

Barry points to many ways in which cultural forms may not fit the traditional coherent structure. Discussing the example of native fishing rights suggests that in some cases a prohibition on fishing "does not in itself make the change a threat to their cultural 'identity', unless we define 'cultural identity' so that it is destroyed by any change in the culture."[273] This is one of Barry's insights I hope to retain. Taking this position allows one to be more flexible when it comes to cultural preservation than if one takes the rigid position that nothing can change. As Barry notes, individuals change many of their beliefs and ideas and we nonetheless consider them to be the same individual. Barry also argues that he is aware of the ways in which an individual or group may claim an identity that has little actual content in terms of shared practices and values. Such an identity "may linger on for many generations even after the first or second generation it has little cultural content and none that could form the basis for any

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[273] Brian Barry, *Culture and Equality,* Cambridge Mass: Harvard University Press, 2001, p.256

special demand on the polity."[274] On the other hand he argues that there can be "additive assimilation" where an individual maintains the various aspects of their original culture but adds additional practices to that original culture.[275] In considerably more detail he points to the ways in which some of the most relevant identity groups that require special treatment according to pluralist theorists do not fit a simple cultural model:

> The group consisting of women makes up half the human race, but (except for rare cases parasitic upon general practice) membership of it is defined on the basis of physiology, not cultural characteristics. Old people are defined by age, not by sharing some 'old people's culture'. 'The disabled' simply describes the group made up of people with disabilities. It is true there may be said to be a 'deaf culture' built around sign language. But we still have to say that deafness is, as a matter of definition, a physical condition rather than a cultural trait. Gay men and lesbians are defined by their sexual orientation: some choose to adopt a 'gay lifestyle' while others do not. Class is defined by position in the class structure, and it may or may not be associated in a certain country or region with something recognizable as a distinctive 'working class' culture.[276]

There is a kernel of truth in Barry's claims here, but I would argue that he should draw other conclusions than he does. What these examples show is that a wide range of objective conditions, both physical and historical, can lead to particular cultural practices. The examples

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[274] Ibid. p.22

[275] Brian Barry, *Culture and Equality,* Cambridge Mass: Harvard University Press, 2001, p.81

[276] Ibid., p.96, Barry has Iris Young and Kenneth Karst as his critical targets in this particular case.

point to the fact that the traditional definition of culture is too restrictive to address adequately the many political dilemmas that arise in contemporary pluralist societies, and the way particular practices and ways of living may arise out of conditions not traditionally deemed cultural. A more inclusive and yet more precise manner of dealing with these issues of identity is needed.

5.2.3 The Targets of Barry's Critiques.

Barry often refers to those he is criticising as 'the multiculturalists."[277] He divides his critique into three main parts. Firstly, Barry claims that "a core assumption of multiculturalism" is the "proposition that identical treatment is to be contrasted with equitable treatment."[278] He hopes to show that identical treatment is a proper response to cultural pluralism. This is to say, an appeal to equality and equal human rights is the best response to the conflicts that arise as a result of clashes among the various values and practices that are the product of diverse

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[277] While this is an admittedly rough categorization, in his review of *Culture and Equality* Samuel Freeman attempts to provide a quick summary of the position of the 'multiculturalists'. He notes that they are often very similar in their foundational beliefs to the communitarians, and that "multiculturalists contend that, because achieving one's cultural "identity" is so central to a person's good, each distinct cultural group in a multicultural society should recognize and respect the cultural practices of others and not impose its own norms, particularly liberal norms, on them." Freeman, Samuel. "Review of Culture and Equality." In *The Journal of Philosophy*. November, 2002. Vol.99. I.11. pp.600-601

[278] Brian Barry, *Culture and Equality,* Cambridge Mass: Harvard University Press, 2001, p.11. Barry considers 'equitable treatment' to be a goal of the multiculturalists, and claims that it involves special measures or exemptions that apply to particular groups in order to rectify past injustice. It is thus concerned more with outcomes than with process. This distinction will be detailed further in the examination of Barry's account of evenhandedness.

societies. For Barry, in these cases "justice is guaranteed by equal opportunities."[279] An equal distribution of these opportunities is all that is required by a commitment to equality.

As has been shown, arguments made in favour of multicultural approaches may include, for instance, that being a member of a certain culture may disadvantage an individual in particular ways, or make it difficult to maintain certain aspects of that culture; and these difficulties require special funding, exemptions, or group-differentiated rights to rectify. Most importantly, the criticism is that liberal approaches, with their focus on identical treatment and rights, are incapable of addressing these injustices. Barry's defence of his liberal position is presented within a critical look at these arguments. One argument that he attributes to multicultural theorists is that certain laws have a different impact on different individuals, therefore special exemptions need to be made. In response he argues that it is no surprise that different laws have different impacts on individuals and that this is no hindrance to the equality of these laws. "If we consider virtually any law," Barry argues, "we shall find that it is more burdensome to some people than to others. Speed limits inhibit only those who drive fast."[280] For Barry the "subject of fairness is the distribution of rights, resources and opportunities."[281] Therefore the different effects of laws or social structures that go beyond these rights, resources and opportunities do not constitute inequalities that matter for justice.

Barry takes issue with the arguments against liberal theory which proposes that identical treatment inevitably leads to a sort of 'difference blindness' that makes it unable to address

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[279] Ibid., p.33

[280] Ibid., p.34

[281] Ibid., p.34

cultural inequalities, and thus fails to provide equitable treatment. Barry often refers to Charles Taylor's arguments in this context, and he quotes Taylor's work *The Politics of Recognition* as arguing that the liberal egalitarian position is "inhospitable to difference."[282] Barry then points out that the egalitarian liberal conception of justice is not blind to differences "between rich and poor, employed or unemployed, well-educated and ill-educated and so on."[283] He argues that, on the other hand, the responses of the multiculturalists themselves involve polices that "are not in general well designed to advance the values of liberty and equality, and that the implementation of such policies tends to mark a retreat from both."[284] Like most major liberal positions it is 'liberty and equality' that are the foundational principles to which one must adhere. Barry does, however, allow that there may be departures from the concern for equality, but insists that these exceptions should only be defended pragmatically. He is willing to support 'affirmative action' but only "as long as 'disadvantage is defined in universal terms – as a lack of things (resources and opportunities) whose possession would generally be agreed to be advantageous."[285] This would seem to have the consequence of increasing the number of groups that would potentially qualify for affirmative action, and adding to the more common candidates of race, gender, culture, and disability. But any special rights in this case will only be

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[282] Charles. Taylor, "The Politics of Recognition," in *Multiculturalism: Examining the Politics of Recognition.* Amy Gutmann (ed.), Princeton, NJ: Princeton University Press, 1994. p.60. Quoted in, Brian Barry, *Culture and Equality,* p 65

[283] Brian Barry, *Culture and Equality,* Cambridge Mass: Harvard University Press, 2001, p.61

[284] Ibid., p.12

[285] Ibid., p.12

temporary. This special treatment will cease as soon as the inequality which brought it about is alleviated.[286] This is in contrast to the multiculturalists, who Barry suggests argue that "even where resources and opportunities are equal, the members of a group are entitled to special rights if their distinctive culture puts them in a position such that they are in some way less well placed to benefit from the exercise of the rights that provide the standard resources and opportunities than are others."[287] For Barry, liberalism is not blind to differences, but aware of the kinds of differences that matter, and these are primarily economic differences. This debate constitutes part one of Barry's book.

Secondly, in part two of his book Barry examines policies directed towards groups. The argument that he believes needs to be countered is one that, as we have seen, is similar to that put forward by two of the authors central to this thesis, Charles Taylor and Will Kymlicka. This is the argument that political structures based on liberal principles are not as neutral with respect to differing conceptions of the good as liberals claim they are. Barry's gloss on the central argument of this approach is:

> "egalitarian liberal principles, unless modified in ways proposed by exponents of the 'politics of difference', are liable to be destructive of the independence of associations and communities that are the bearers of minority cultures. Since these principles do not impose similar constraints on the associations and communities of the mainstream society, it is suggested that they

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[286] Barry claims that this approach can be contrasted with that of the multiculturalists in that they would support such rights as long as the group maintains a particular and distinctive culture.

[287] Brian Barry, *Culture and Equality,* Cambridge Mass: Harvard University Press, 2001, p.13

> have an unfair impact on cultural minorities and thus again fail the test of mandating really equal treatment."[288]

Barry is not opposed to attempts to support cultures *tout court*, but believes there are acceptable and unacceptable means of going about this. In the category of unacceptable measures Barry includes some of Kymlicka's and Taylor's recommendations. Barry, chastising both, argues, "The fundamental error, which is central to Taylor's project, is encapsulated in the title of a collection of essays edited by Will Kymlicka: The Rights of Minority Cultures. Cultures are simply not the kind of entity to which rights can properly be ascribed. Communities defined by some shared cultural characteristics (for example a language) may under some circumstances have valid claims, but the claims then arise from the legitimate interests of the members of that group."[289] Here Barry is asserting the primacy of individual rights. One reason that cultural rights do not trump economic and traditional rights is that rights for cultures are nonsensical.

His defence of this position, as is typical in this work, consists of pointing out what he thinks is the absurdity of the alternative presented by the multiculturalists. Referring to the case of language laws that aim to protect the French language in Quebec, he argues that "once the goal of cultural survival is elevated to an end in itself" this has the implication "that if – as may well happen – the Anglophone community in Quebec dwindles at some time in the future (due to further emigration and increased assimilation) to the point at which its survival is threatened,

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[288] Ibid., p.17

[289] Brian Barry, *Culture and Equality,* Cambridge Mass: Harvard University Press, 2001, p.67

its members could be legitimately be compelled to use English-speaking public schools, as their francophone counterparts are now compelled to use French-speaking ones."[290] Barry then notes that "this is the kind of nonsense that follows from attributing an intrinsic value to cultural survival, detached from the interests of the individual bearers of that culture."[291] To what extent someone might see this consequence as nonsense is debatable, and I suspect that some of the nonsensical feel of this possibility is a result of the improbability of this future actually occurring. While there may be other valid reasons why members of a language group should not be forced to school their children in that language, Barry's highly unlikely future is not a very direct argument for his case.

Elsewhere, further showing his opposition to minority rights, Barry comments that "for liberals, the right amount of diversity – and the right amount of assimilation – is that which comes about as a result of free choices with a framework of just institutions."[292] Here his argument in favour of his traditional definition of equal rights, rests on the claim that there isn't really a problem to be solved regarding culture if his criteria for a just society are already met. He argues "culture is not the problem and culture is not the solution."[293] While Barry does not believe that the state should be involved in the protection and maintaining of cultures, he does believe that liberalism is not inimical to pluralism, and as Samuel Freeman puts it "on the

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[290] Ibid., p.67-78

[291] Ibid., p.68

[292] Brian Barry, *Culture and Equality,* Cambridge Mass: Harvard University Press, 2001, p.71

[293] Ibid., p.317

contrary, liberalism (unlike other political views) respects cultural differences... by allowing freedom of association and other liberties needed for a distinct culture to survive in a diverse society."[294] This freedom of association leads to the right amount of cultural pluralism in a society.

The third main argument that Barry counters, is that moral universalism is false. Barry explicitly argues that moral universalism is 'valid'. He writes, "Culture is no excuse. If there are sound reasons against doing something, these cannot be trumped by saying – even if it is true – that doing it is part of your culture."[295] I do not want to engage this argument to any great extent here. Barry's argument itself consists mainly of pointing out the terrible or absurd things that cultures could possibly justify on the basis that it is part of their culture. For Barry it is simply a fact that "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."[296] One needs to appeals to universal values because without them one merely has an "anthropological observation."[297] Naturally, if some non-controversial argument for moral universalism were available, that would make life easier for all political philosophers, but suffice to say at this point Barry's argument is far from non-controversial. Barry requires this universalism because his case for equal liberal rights hinges on the ability

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[294] Samuel Freeman, "Review of Culture and Equality," Journal of Philosophy, 99 (11) 2002, p.606

[295] Brian Barry, *Culture and Equality,* Cambridge Mass: Harvard University Press, 2001, p.258

[296] Ibid., p.258

[297] Ibid., p.252

to defend universal laws. For as we have seen, Barry believes that "either there is a good enough case for having a law to foreclose exemptions or alternatively the case for having a law is not strong enough to justify its existence at all."[298]

5.2.4 Barry's Alternative Position: Liberal Egalitarianism.

Barry's primary response to the problems of multiculturalism is to defend classic liberal principles and institutions. The importance of culture can be accommodated by liberalism without going down the same road as the liberal nationalists. No special group-differentiated rights, and in very few cases are special exemptions from standard law are required as suggested by the liberal nationalists. In fact, as Pratap Bhanu Mehta points out, in Barry's view liberal institutions have "succeeded in privatizing religion and culture, successfully assimilating diverse cultures, and providing more opportunities for immigrants than multiculturalists acknowledge, and these successes need to build upon deepening liberal justice rather than abandoning it."[299] Barry's position is basically a return to the liberal rights tradition. He argues that fundamentally "the egalitarian liberal position is that justice requires *equal rights and opportunities* but not necessarily equal outcomes defined over groups."[300] Further, "appeals to 'cultural diversity' and pluralism under no circumstances trump the value of basic liberal rights."[301] But Barry's

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[298] Ibid., p.321

[299] Pratap Bhanu Metha,"Review of Culture and Equality," in *The Journal of Politics*, 64 (2) May 2002, p.682.

[300] Brian Barry, *Culture and Equality,* Cambridge Mass: Harvard University Press, 2001, p.92 My emphasis.

[301] Ibid., pp.132-133

position cannot be merely a return to a standard liberal rights theory; some introduction of the effects of modern pluralism is called for, if only in the form of a "deepening" of liberal justice, as Mehta puts it. So, what role does Barry have for culture in this revised liberal scheme?

Barry still leaves room for illiberal practices within groups, and he does this by supporting individual rights to free association. If individuals freely choose to be members of certain groups – with the crucial caveat that exit from such groups must be possible and without excessive costs – then the state should not intervene.[302] But, Barry goes on to argue, liberalism does not claim to be neutral between cultures, (as suggested by the critics) and argues that it is in fact impossible for a theory to be culturally neutral in this way.[303] He claims "it would seem that for liberalism – or any other doctrine for that matter – to be culturally neutral, there would have to be no existing (or possible?) world view with which it conflicts."[304] Since this is an "absurd" proposition, Barry concludes that is obvious that liberalism is not culturally neutral in that manner. He argues that there is a difference between equal treatment and equality of 'impact'. For Barry it is a mistake to think that equal treatment should have equal impact. He points to the law, noting that laws have different impacts on criminals than they do on ordinary citizens, but this does not mean that all are not equally subject to the law.[305] This leads Barry

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[302] Here Barry takes a similar approach to Kukathas, as we saw in chapter three. Thus, he is subject to the same criticisms. If one has problematised the boundaries and shape of cultural groups, then it will be unclear to whom or what an individual has 'freely associated'.

[303] Barry cites Charles Taylor as one of the theorists who claim this. Brian Barry, *Culture and Equality,* Cambridge Mass: Harvard University Press, 2001, p.27

[304] Ibid., p.27

[305] Ibid., p.34

to his position; that while his liberalism is not neutral, it is what he terms "fair," and what fairness means for him is *evenhandedness.*[306]

Barry sees the public policies that arise from the multicultural debate as being of two kinds, those providing exemptions from certain laws, and those that stipulate policies which provide advantages to individuals on the basis of membership in certain groups. For Barry, more often than not, the case for an exemption can be turned into a case for altering the law in general. He claims that "usually, though, either the case for the law (or some version of it) is strong enough to rule out exemptions, or the case that can be made for the exemptions is strong enough to suggest that there should be no law anyway."[307] A law should apply to all equally, or it should not be a law.

At other times Barry presents a weaker version of this approach, that suggests one could work out a "less restrictive" version of the law rather than getting rid of it all together. But such cases are very rare on Barry's account, and for Barry, "the argument for a general rule coupled with a specific exemption has to made on balance-of-advantage grounds."[308] And, for example, in the case of Sikhs in England who objected to helmet laws – which required they remove their turbans so as to wear crash helmets – Barry agrees that "inability to ride a motorcycle does not

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[306] Ibid., pp.28-29. Barry provides an example of fairness, "a fair way of dealing with religions will incommode those who wish to make claims on behalf of their own religion that cannot be accommodated within the constraints prescribed by fairness." P.28. A little further he notes, "We can say such policies are neutral in the sense that they are even-handed, and that is the only sense that matters." P.29.

[307] Brian Barry, *Culture and Equality,* Cambridge Mass: Harvard University Press, 2001, p.39

[308] Ibid., p.48

prevent a Sikh from observing any demands of his religion."[309] Thus, as long as no fundamental traditional liberal rights are violated, the Sikhs must merely accept that they cannot ride motorcycles unless they remove their turbans. As Alan Wolfe puts it, "one can still question whether they need to ride motorcycles."[310] The calculus that is being appealed to here does seem to be rather vague. How is one going to determine the balance of advantage? But worse, the category of what one "needs to do" seems a rather small range of action. How much does one really 'need' to do? To just limit the question to employment one can note that almost all individuals could engage in some other occupation after all, perhaps with only a slight reduction in salary. But even if that reduction in salary were not so slight, would that count as a factor in determining what one needs to do? What degree of psychological distress would could as something one 'needs' to do? Is all other activity really fair game for being the kind of thing that one must give up if it conflicts with some policy of the society you find yourself in? That kind of a framework is unlikely to lead to even questioning the balance of advantage that Barry hopes to examine. There simply would not be enough situations, and it does seem that there may be cases where engaging in just such a questioning of advantages and disadvantages may be useful, but how is one even to get to that stage if the conditions of a valid claim are so stringent? It seems that with such limiting conditions the balance of advantage calculus will rarely be needed, as if it really is a case of something that someone "needs to do" then surely an appeal to basic human rights will suffice.

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[309] Ibid., p.45

[310] Alan Wolfe, "Alien Nation - Citizens, Immigrants, Philosophers," *The New Republic*, 224 March 26, 2001, p.30

In his review of Barry's book Roland Pierik questions Barry's claims to equal treatment and notes that one of the ways in which Barry's approach fails to provide this equal treatment is in terms of the parties who were part of developing it in the first place. He argues that the terms of the pursuit of "culturally derived objectives...might be universal, but they are determined without the consent or even participation of cultural minorities. They entered the game after it had already begun, and the terms were already fixed."[311] If the law should benefit the citizens of a nation then it should be open to re-examination and contestation on the basis of the will of the citizens, subject to the appropriate protections for human rights. Barry could respond that he is open to including the desires of cultural minorities in determining 'cultural objectives,' but he is merely arguing that laws and policies that were brought in for precise reasons should not be changed frivolously. So what counts as non-frivolous? This brings us back to the balance of advantage question, who benefits and who does not, given the current structure of laws? For the precise means of determining this, Barry gives little guidance other than fairly ad hoc judgements of relative importance of practices.

Barry's role for culture in this liberal scheme is inconsistent. Barry at times argues that culture is important; in fact, it is just because it is such a source of conflict that it is important to avoid the pitfalls of the multiculturalists. The approach of equality before the law that Barry supports is the best one, he believes, for addressing the reality of cultural difference. One takes this approach not because culture and identity are not important but because this is the best manner of addressing the conflicts that arise, and he suggests that, for instance, "demanding that

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[311] Roland Pierik, "Review of Culture And Equality,"in *Political Theory*, 30 (5) October 2002, p.753

churches and other religious bodies should fit their activities within a uniform legal framework is one way of responding to the importance of the role that religion may play in people's lives."[312] Because religion is important and religious conflicts are intractable, we must exclude it from the sorts of goods the state attempts to manage for its citizens. This acceptance of a traditional definition of culture marks a retreat from those places in which Barry takes a non-reductionist stance to culture.

Despite this, and in a somewhat contradictory manner, Barry also argues that "Culture is not the heart of the matter." and the core of common national identity is a common commitment to the welfare of the larger society."[313] Thus, there is clearly some tension between his view that culture is so important that it must be excluded, or included in the right way in political discourse, and the view that cultural and identity issues are secondary to economic and rights considerations. In the first view culture is not being trumped by the importance of egalitarian considerations; it is so important that it must be excluded from being, for example, a source of group rights. In second approach, culture and group rights just are not as important as egalitarian considerations. But both of these approaches do not easily mesh with Barry's third critical approach, which as noted above is his appeal to moral universalism. In that argument culture will simply not count as an argument if there are universally "sound reasons" for doing or not doing something.

As a consequence of Barry's scattershot style of criticising the positions of the

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[312] Brian Barry, *Culture and Equality,* Cambridge Mass: Harvard University Press, 2001, p.68

[313] Ibid., p.88

multicultural theorists, Barry ends up with not being fully consistent in the role he implies culture *should* play in politics. The dominant position he takes is that most cultural considerations should be excluded from judgments regarding justice, but then he frequently notes that multicultural conflicts need to be determined on "a balance of advantage grounds". I hope I have sufficiently shown that determining the 'balance of advantage' in many cases will require that some cultural phenomena be taken into consideration. Barry's exclusion of almost all cultural considerations does not leave him with the tools to navigate the conflicts typical of diverse societies. In the next section I will look at the theorist Joseph Carens, who begins from a similar liberal foundation as Barry, and is also a non-reductionist regarding culture, but who comes to a very different conclusion about the role that culture should play in determining fairness.

5.3.1 Joseph Carens' Alternative Approach.

In *Culture Citizenship and Community* Joseph Carens suggests that his central theme is "that a commitment to liberal democratic principles is often compatible with and may even require public recognition of different cultures and identities."[314] On the face of it, this does not seem a very promising foundation from which to derive a non-reductionist critique, and fits nicely in with the post-communitarian liberal agenda of Will Kymlicka. But, as we have seen, Carens strongly criticizes Will Kymlicka's conception of a societal culture. A detailed analysis of those arguments was presented in chapter three, addressing the work of Will Kymlicka, and

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[314] Joseph Carens, *Culture, Citizenship, and Community: A Contextual Exploration of Justice as Evenhandedness*, Oxford: Oxford University Press, 2000, p.1

thus I will not re-examine them in much detail here. I take those arguments to show clearly the manner in which Carens can be seen to exemplify a non-reductionist position regarding culture. Carens provides a quick and thorough summation of his position (and the anti-essentialist position regarding culture in general), in his argument that "cultures change over time; that cultures are influenced directly and indirectly by other cultures; that cultures contain conflicting elements; that cultures are subject to many different, often conflicting interpretations, both by members and outsiders."[315] But what is Carens' alternative? Carens uses similar terminology to Brian Barry; where Barry spoke of "justice as fairness," Carens calls his theory "justice as evenhandedness." And both theorists explain these concepts in a similar manner. So, the first question that must be answered is how does Carens' theory differ from Barry's? Generally, in Carens' theory the elaboration of what justice in plural societies requires is more fleshed out and leans toward the work of the post-communitarian liberals. Caren's work is clearly more receptive to special rights for minorities and a willing to countenance legal exemptions in ways Barry was not willing to. They do however begin from a similar foundation, that is, a concern for fairness. Thus I hope to show that with some modifications, the approach of Carens can be seen as taking the best insights of Barry's criticisms, but instead of returning to a universalist framework as a response, Carens moves in the opposite direction and develops a theory that is more sensitive to the particular circumstances of each issue. Where Barry's attempts at fairness led him to reject the notion of culture as important in determining what is fair, Carens sees fairness as requiring cultural considerations. I see this as an advance over Barry which allows Carens to consider a wider range of evidence when balancing competing claims. But, Carens'

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[315] Ibid., p.15

anti-reductionist position regarding culture leaves him without enough of a framework to negotiate his own attempts at evenhandedness. Where Barry included too little, Carens includes too much.

In *Culture Citizenship and Community* Carens claims that his approach has three distinctive features. Firstly, it places a greater importance on context, which allows one to discern the effects a theory will have in actual practice, but also, "encourages us to consider whether existing institutions and practices may embody forms of wisdom that are missed by the prevailing theories."[316] For Carens one must continually move back and forth between theory and actual practice if one is to come to a better understanding of justice. This concern for context naturally lends itself to a non-reductionist approach in that it attends to the specificity of the situation. Context is not everything however, and Carens, in a similar argument to Barry's, notes that claiming "'that is just the way we do things around here' (or in liberal democratic states generally) is never a sufficient justification for our practices."[317] Thus, Carens does not abandon the hope for some form of theoretical basis on which to make claims of justice. He still locates his work solidly within the liberal tradition, but believes there is a fairly broad range of acceptable interpretations of that tradition, and that his task is partly to map out some of the possibilities within that spectrum of interpretations. Secondly, Carens notes that the range of phenomena he considers is greater than most theorists. This greater range is partially due to Carens' more sophisticated understanding of culture, a conception that places

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[316] Joseph Carens, *Culture, Citizenship, and Community: A Contextual Exploration of Justice as Evenhandedness*, Oxford: Oxford University Press, 2000, p.3

[317] Ibid., p.4

him squarely in the non-reductionist camp. Thirdly, Carens' approach is distinct because of "its underlying conception of justice which draws upon two different views of fairness, one requiring the state be as neutral as possible towards culture and identity and the other that the state be evenhanded."[318] Carens contrasts his approach with the idea of justice as neutrality. For Carens justice as evenhandedness requires "a sensitive balancing of competing claims for recognition and support in matters of culture and identity."[319]

Carens states that he will "criticise or defend the policies and practices of particular states in the name of principles that I argue mark off the range of morally permissible institutions and policies for all liberal democratic states." But then he notes that, "at other points I insist that context is morally decisive, that our moral judgements should turn on our understanding of the history and culture of a particular political community."[320] Both these approaches can be seen as forms of justice as fairness. On the one hand there is the traditional liberal approach that seeks to be neutral between conceptions of the good, and on the other hand his attempts to be sensitive to the context of particular issues. Carens hopes to appeal to both these approaches as necessary. He agrees with the argument that liberal states cannot be completely neutral with regard to culture, but argues that "we could regard cultural particularism as a regrettable necessity, something to be accepted only when unavoidable and to be avoided

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[318] Joseph Carens, *Culture, Citizenship, and Community: A Contextual Exploration of Justice as Evenhandedness*, Oxford: Oxford University Press, 2000, p.1

[319] Ibid., p.12

[320] Ibid., p.7

as much as possible.[321] In this Carens is similar to Barry who, as we have seen above, also argues that full neutrality is not possible, and states that "that liberalism is not culturally neutral asserts something that could not conceivably be denied."[322] For Barry liberalism was able to deal with this inevitable lack of neutrality by being fair. For Barry, as we have seen, "the way liberalism is neutral is that it is fair."[323] And fairness for Barry means "evenhandedness." Carens himself states that:

> "what fairness entails is a sensitive balancing of competing claims for recognition and support in matters of culture and identity. Instead of trying to abstract from particularity, we should embrace it, but in a way that is fair to all the different particularities. Now being fair does not mean that every cultural claim and identity will be given equal weight but rather that each will be given appropriate weight under the circumstances within the framework of a commitment to equal respect for all."

Thus it seems that both Carens and Barry's approaches ultimately appeal to evenhandedness and fairness as the ideal for the resolution of multicultural conflicts. Further both see themselves as grounding their approaches in traditionally liberal concerns with equality. Thus while both Carens and Barry use almost identical terminology, the question remains, however, whether they are actually using these terms in the same manner. To determine this I

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[321] Ibid., p.7. For the argument regarding the impossibility of a completely neutral state Carens draws on Kymlicka's arguments which suggest that states will inevitably need to make decisions that cannot be neutral with regard to culture, for example, decisions about which language to use in government.

[322] Ibid., p.34

[323] Ibid., p.28

will take a closer look at how they implement these ideas as mediating concepts in cases of conflict.

5.3.2 Evenhandedness and the Importance of Context.

We saw that with Barry the meaning of evenhandedness was unclear and generally ended with fairly ad hoc decisions on Barry's part. Carens does provide a slightly different account of what evenhandedness means. For Carens, his conception of justice is:

> "derived from the assumption that to treat people fairly we must regard them concretely, with as much knowledge as we can obtain about who they are and what they are about. This approach to justice requires immersion rather than abstraction. It emphasizes contextually sensitive judgements more than general principles. ... And it opens the door to the idea that we may sometimes come closer to equality by adopting practices of differentiated citizenship than by insisting on identical formal rights."[324]

It seems that Carens is far more willing than Barry to return to cultural context for the resolution of conflicts. But how does one appeal to this context? Alan Wolfe, in his review of *Culture Citizenship and Community* charges Carens with maintaining "double standards" and "shifting the discussion away from any discussion of principles of justice and toward an argument rooted in the empirical realities of the day."[325] For Carens, we have seen, it is unjust

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[324] Joseph Carens, *Culture, Citizenship, and Community: A Contextual Exploration of Justice as Evenhandedness*, Oxford: Oxford University Press, 2000, p.8

[325] Alan Wolfe, "Alien Nation - Citizens, Immigrants, Philosophers," (Review) *The New Republic*, 224, March 26th, 2001 p.30

to distinguish between immigrants and societal cultures.[326] Wolfe thus asks why Carens is willing to allow Quebec to impose unfair restrictions on immigrants to that province. For Carens, Wolfe argues , "justice it would seem, all depends on context," and he quotes Carens, "a language policy that might be unjust in one set of circumstances might be morally permissible in another and even morally required in a third."[327] The problem with this approach is not just the lack of a unifying theory, but that "taking context into account, as Carens would have us do, would mean changing our standards of justice as frequently as we change our conversation partners."[328] Thus, one significant question that must be answered is: what are the features that mark off a case that can be decided by appeals to universal standards, from those cases that should be decided by context? Of course Carens is not hiding the fact that justice will depend on context. The question is, however, will it change so often as to render it almost free of any generally applicable principles that can be appealed to. Is Wolfe merely exaggerating, or does Carens really leave us with little direction?

Carens states "what justice requires or permits is contextually specific in some respects – dependent on the history and cultures(s) of a political community – but generalizable in other

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[326] As we have seen, Carens' first critique is that the manner in which Kymlicka draws a distinction between immigrant and national minorities, has "fatally undermined the principled case for policies designed to take the cultural concerns of immigrants (and their descendants) in account, despite his efforts to defend them." Joseph Carens, *Culture, Citizenship, and Community: A Contextual Exploration of Justice as Evenhandedness*, Oxford: Oxford University Press, 2000, p.56

[327] Ibid., p.78

[328] Alan Wolfe, "Alien Nation - Citizens, Immigrants, Philosophers," *The New Republic*, 224, March 26th, 2001, p.30

respects."[329] This appeal to history and culture(s) (even if culture is named in the plural) looks quite similar to the traditional communitarian approach. More detail is needed to determine how the cultures and the 'detail' that Carens hopes to look at will be determined. Carens has made it clear that cultures are not the easily demarcated entities that multicultural theorists would like them to be, but this creates a problem for any contextual approach, as such an approach must now set out an alternative system of marking what is relevant and what is not. The "culture(s)" that Carens hopes to appeal to in his contextual approach are no longer self-evident. This presents a difficulty for Carens, as, while his criticisms of essentialist descriptions of culture hit their mark, he does not sufficiently supply an alternative to them. He explicitly states "I will not try to provide a precise definition of culture or identity. Such definitions are rarely helpful, in part because they sometimes exclude things that are morally and theoretically relevant, in part because the limiting implications of the precise definition are often lost sight of in subsequent arguments."[330] Now, while one definitely needs to be cautious regarding the dangers of traditional conceptions of culture, one still needs some manner in which to navigate the plentitude of details that are part of life. It is not necessary to replace one concept of culture with another, however, and as I shall argue, a useful limiting concept for this purpose can be what I will define as a practice.

I applaud Carens' desire to examine the context of all arguments. This adds a level of attention to the actual specific details of multicultural issues that is entailed by the anti-

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[329] Joseph Carens, *Culture, Citizenship, and Community: A Contextual Exploration of Justice as Evenhandedness*, Oxford: Oxford University Press, 2000, p.16

[330] Ibid., P.14

reductionist critique. This approach is capable of examining the features of conflicts in diverse societies in a way that Barry's position could not, and which left Barry making fairly ad hoc judgments about the balance of interests involved in some of the cases he examined. While Carens' theory shares a similar foundation to Barry's it also moves beyond the latter's work, in that it more clearly states the basis of an anti-essentialist approach, and it expands on the kinds of facts and details that can be seen as relevant to political questions. I hope to take these elements and elaborate a full conception of a 'practice' that can be a useful mediating ground, providing a middle ground between full blown cultures (in the traditional liberal sense) and a mere undifferentiated mass of details. Thus, a practice based theory both prevents one from being lost in unending details, and also avoids the overly simplifying approaches that reductionist accounts of culture are susceptible to.

5.4.1 Seyla Benhabib's Approach: The Advantages of Deliberative Democracy.

Seyla Benhabib is the paradigmatic example of the critique of reductionist approaches to the concept of culture. One might hope then, that she would be able to provide the most fleshed out response to the critique and supply a viable theory for the post-reductionist theorist. In *The Claims Of Culture*, Benhabib, drawing heavily on the work of Jürgen Habermas, argues that the conflicts of pluralistic societies can best be resolved through a discourse ethics. She argues that:

> My claim is that this emphasis on the resolution of multicultural dilemmas through the process of will- and opinion-formation in civil society is most compatible with three normative conditions: egalitarian reciprocity, voluntary self-ascription, and freedom of

> exit and association. I maintain that these norms expand on the principles of universal respect and egalitarian reciprocity central to discourse ethics.[331]

The basis of deliberative democracy is Habermas's discourse ethics. She further argues that "when compared to contemporary positions, like those of John Rawls and Brian Barry, the strength of the deliberative model consists in its dual track approach to politics."[332] These two tracks consist of, on the one hand, "a focus on established institutions," and on the other, "the political activities and struggles of social movements, associations and groups in society are brought sharply into focus through the theory of the democratic public sphere." I hope I have already provided fairly convincing descriptions of the drawbacks of both Barry and Rawls, and now I hope to show that while some aspects of Benhabib's appeal to discourse ethics should be maintained, the theory as she presents it has several failings. Firstly, a cursory examination of Habermas's own description of discourse ethics shows that it is less amenable to the non-reductionist approach than Benhabib would like. There is a danger that the discourse model falls prey to the same problems facing Rawls' account. That is, it defines a space of questions that avoids some of the more difficult conflicts in multicultural societies. Secondly, the theory is left far too vague and unfinished. Her support for a pluralist legal framework suggests that there are clearly identifiable groups to whom one would designate specialized legal spheres, without providing a mechanism for recognizing those groups. These issues will make it

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[331] Seyla Benhabib, *The Claims of Culture,* Princeton: Princeton University Press, 2002, p.106

[332] Ibid., p.106

difficult for Benhabib to remain true to her own criticisms of reductionist accounts of culture.

5.4.2 Discourse Ethics.

Benhabib suggests the basic premise of discourse ethics is that, "only those norms and normative institutional arrangements are valid which can be agreed to by all concerned under special argumentative situations named discourses".[333] Habermas, the most systematic exponent of discourse ethics, and on whom Benhabib is directly drawing, expresses this as a principle of validation where "only those norms can claim to be valid that meet (or could meet) with the approval of all affected in their capacity as *participants in a practical discourse*".[334] This approach is sometimes called Neo-Kantian in that it depends on a principle of universalization: all affected by any particular norm must be able to affirm that norm.[335]

I shall very briefly unpack a little of what is involved in Habermas's discourse ethics as much of this approach is left implicit in Benhabib's application of it in *The Claims Of Culture*. William Rehg calls Habermas's method of deducing validity a *formal-pragmatic* approach.[336] This form of analysis involves examining the actual types of arguments and practices that are part of all making and defending of truth claims. It is an attempt to determine what is

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[333] Seyla Benhabib, *The Claims of Culture,* Princeton: Princeton University Press, 2002, p,107

[334] Jürgen Habermas, *Moral Consciousness and Communicative Action,* Trans. Christian Lenhardt and Shierry Nicholsen, Cambridge: MIT Press, 1990. p.66

[335] Benhabib calls this principle itself a "metanorm". Benhabib, Seyla. *The Claims of Culture*, .Princeton: Princeton University Press, 2002, p.107

[336] William Rehg, *Insight and Solidarity: The Discourse Ethics of Jürgen Habermas,* Los Angeles:University of California Press, 1997, p.26

presupposed and acting as an implicit background in such debates. It is a theory of what Habermas calls "communicative action". When individuals engage in arguments regarding moral claims, they attempt to present each other with reasons that can be accepted by both parties. When someone is reprimanded for an action, this reprimand often implicitly asks for a justification from the accused. Rehg provides the examples "Why did you do that?" or "What do you think you are doing?"[337] Thus, if the individual feels he has not violated any norms, he will present justifications for his action, justifications that are meant to have inter-subjective force. The analysis of such situations reveals that both accuser and accused are expected to present certain forms of responses and claims. The expectations for behaviour debated in these contexts are the norms that govern a particular group.

Habermas believes these modes of argumentation to be universal, that is, they apply to all cultures and form the basic structure of all moral argumentation. Habermas believes that some form of discourse ethics is implicit in all moral argumentation. He writes, "there is no form of sociocultural life that is not at least implicitly geared to maintaining communicative action by means of argument, be the actual form of argumentation ever so rudimentary and the institutionalization of discursive consensus building ever so inchoate."[338] Rehg takes this even further and argues that one cannot even understand the basic idea of the normative justification unless one implicitly accepts something like Habermas's principle of validation. If this universalism is defensible, it is clear that discourse ethics presents itself as an option for

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[337] Ibid., p.24

[338] Jürgen Habermas, *Moral Consciousness and Communicative Action,* Trans. Christian Lenhardt and Shierry Nicholsen, Cambridge: MIT Press, 1990. p.100

addressing the conflicts of modern pluralist societies. It offers a means of building consensus rooted in actual practices of argumentation. It does not present any particular solutions, or depend on any foundations other than those present in actual practice, but presents a type of procedural approach for dealing with conflict in plural societies. But, I hope to show, one problem with this approach depends on compartmentalizing aspects of moral discourse in a way that the non-reductionist account of culture renders problematic.

For Habermas, any exchange of reasons in moral debate that is to be convincing must satisfy the principle of universalization. For a norm to be valid the following conditions must hold:

> *All* affected can accept the consequences and the side effects its *general* observance can be anticipated to have for the satisfaction of *everyone's* interests (and these consequences are preferred to those of known alternative possibilities).[339]

Only those norms are valid which are the consequence of a consensus amongst participants in the discourse regarding those norms.[340] Further, the consequences of the norm must also be taken into consideration with respect to the effects they have on the interests of the individuals

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[339] Ibid., p.65

[340] Many commentators have noted that this draws particularly on C.S. Peirce's theory of truth. For instance; Elliot, A and Larry Ray. *Key Contemporary Social Theorists.* Blackwell: Oxford, 2003. P.149. Habermas himself discusses Peirce's importance and summarizes Peirce's position in the following way: "The world as the sum total of possible facts is constituted only for an interpretation community whose members engage, before the background of an intersubjectively shared lifeworld, in processes of reaching understanding with one another about things in the world." Habermas, J. *Between Facts and Norms.* Cambridge: MIT Press, 1996, p.14

involved in the debate. Ultimately, what Habermas's theory is presenting is a theory of communicative rationality. This discourse must satisfy certain conditions of fairness; firstly, individuals affected by a norm should be party to such a discussion. Secondly, these individuals should be competent speakers and debaters. Thirdly, all crucial and relevant evidence must be presented. This is what Habermas calls the "ideal speech situation". Naturally, the ideal speech situation is not to be attained, but represents an ideal to be aimed towards. To what degree a debate can, short of such an ideal, still serve as functional source of justified norms is harder to determine on Habermas's account, and this creates some difficulties for Benhabib's appeal to it. Since Benhabib has argued that it is difficult to delineate or describe cultures she will need to provide a means to discuss the sorts of issues that typically fall under that rubric that satisfies Habermas's third condition. Nikolas Kompridis is suspicious of Benhabib's approach and argues that his "impression is that there is an assimilationist logic at work in Benhabib's normative framework for 'complex cultural dialogue.' A framework which might be acceptable in 'melting pot' political cultures, but not in all democratic political cultures. It implicitly promotes discarding 'unwanted' or disadvantageous minority identities for far more acceptable and advantageous majority identities."[341] Kompridis's concerns seem here not to recognize the full import of the non-reductionist account. It is precisely the non-reductionist account of culture that can make sense of how one might accept the outcomes of certain debates without this becoming an issue of rejecting one's minority identity in its entirety. The very idea of integrated and coherent minority or majority identities is problematic on Benhabib's account.

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[341] Nikolas Kompridis, "Normativizing Hybridity/Neutralizing Culture," In, *Political Theory*, 33 (3) June 2005, p.328

The first principle of fair discourse supplies the requirements for Benhabib's first and second conditions for the just resolution of multicultural dilemmas. These two conditions that Benhabib hopes to satisfy are *egalitarian reciprocity*, and *voluntary self-ascription*. Discourse ethics satisfies these demands by a principle of universal respect, that requires "we recognize the right of all beings capable of speech and action to be participants in the moral conversation."[342] This basic principle is valid even on the non-reductionist account. If we are to avoid 'excessively tight scripts' as Anthony Appiah warned in chapter one, then the individual needs to have a voice in the determination of definitions, and in this case, norms governing the character of the society. This is an aspect of the deliberative approach that should be retained.

The 'norms' which are valid or invalid are what regulate fair and legitimate actions for the satisfaction of needs and wants. Thus, in justifying a norm there needs to be reference to the needs such a norm might fulfill. The initial problem here is that this requires that everyone involved knows what his or her real interests are. These interests, in the non-reductionist account, are not necessarily unified and coherent. But even in ordinary understandings of individuals there is little expectation that such complete self-knowledge is to be found. Rehg himself notes that this account seems to require a degree of self-transparency and that "it is far from clear that something like self-transparency can be coherently defined for anything but angels and God."[343] If this account is to serve as a solution to the conflicts of pluralism, and, if one hopes to see cultures as having definable interests, this presents a problem given the

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[342] Seyla Benhabib, *The Claims of Culture,* Princeton: Princeton University Press, 2002, p.107

[343] William Rehg, *Insight and Solidarity: The Discourse Ethics of Jürgen Habermas,* Los Angeles:University of California Press, 1997, p.44

criticisms of reductionist accounts of culture that have been presented. As the critique of reductionist accounts has shown, at the level of culture one is particularly likely to find dissonance amongst the "needs and wants" under consideration. So there is unlikely to be a clear answer on this question that can be brought to bear on the justification of norms in this discourse ethics. This of course depends on the generality and extent of the norm in question. If a suitable framework can be devised to reign in the initial breadth of the issue at hand this will mitigate the extent of this problem for a discourse ethics. I hope to present the outlines of such a framework in subsequent chapters.

5.4.3 Habermas and Conceptual Schemes.

In Habermas's account, even to begin an argument, both parties need to be able to identify the norm in question, and this requires that both belong to a similar language or conceptual system; otherwise their arguments will not even be perceived as arguments by the disputants. Habermas is arguing, once you accept the value system that comes with a language then you can have a debate. So, as we saw in our examination of Rawls, the issue becomes whether this is real pluralism? If you set the parameters in advance, that there are fundamentals that we agree upon, then you have also set the possibility of consensus. So what degree of disagreement is left? What kinds of disagreements occur inside the acceptance of such a language system or conceptual framework? If any disagreement under consideration is resolvable by an appeal to shared norms, then, like the approach of Rawls, all that has been done is to claim that we do not disagree about fundamentals. We just need to avoid those conceptual (or comprehensive) schemes that introduce discordant and individual values and interests. If

there is still significant disagreement then we have really just put off the problem to a different level. This is basically to deny or exclude the problematic cases that seem to present clashes of values and suggest that they are not really foundational questions. It is an approach that even begins to hint at a circular defence. That is, we can reach consensus in certain arguments, because we have already reached a consensus on those types of issues. It is one also that fails to take into account the critique of essentialist conceptions of culture. If norms are similar to the value systems of the liberal account of culture, then Habermas's moral project not only presupposes unified cultures, but moral discourse depends on it. This seems a far cry from Benhabib's claims of the compatibility of discourse ethics with her criticisms of the concept of culture. But norms do seem a more precise demarcation of values than a 'culture' in the traditional sense. This represents an advantage over Rawls' and the other post-communitarian projects. The problem is that, once again there is no clear system on this account for determining the appropriate breath and inter-relationship of norms that are viable candidates for moral discourse. While a norm is potentially more precise than a culture, it is also potentially just as general.

So is discourse ethics able to address serious conflict between norms? Benhabib attempts to respond to those who argue that discourse ethics cannot deal with strong incommensurability. She argues that "strong incommensurability is an incoherent position, for if such incommensurability of frameworks and worldviews existed, we would not be able to know it, for we would not be able to state in what it consisted ."[344] Further, drawing upon the

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[344] Seyla Benhabib, *The Claims of Culture,* Princeton: Princeton University Press, 2002, p.135

non-reductionist critique, she argues that incommensurabiliy of worldviews is dependent on a traditional essentialist approach in that the "social positionality" (positions of race, class, language, or ethnicity) this criticism depends on, "falls into pure essentialism in that it is premised upon the reduction of structures of individual consciousness to delineated group identities."[345] The problem is that it is not only strong incommensurability that presents a problem for this scheme but simple conflicts of values. We can understand the other party's beliefs but they remain incompatible with some other beliefs of ours. Further, if these values cannot be reduced to a shared norm, then they are still a live problem for discourse ethics. The likelihood of this is increased if one accepts my argument that there are actual incoherencies and non-resolvable value conflicts within cultures and individuals.

While there are similarities between Rawls' political liberalism and discourse ethics Benhabib is at pains to distinguish the two approaches. She notes that in Rawls' approach the discussion is limited to a "restricted agenda" of constitutional essentials and questions of basic justice. Secondly, Rawls' approach is not a "*process of reasoning*" but a standard of how people "ought to reason about public matters". And, thirdly, "the social spaces within which public reason is exercised are also restricted."[346] For Rawls, the public sphere involves only general governing institutions and the state, and excludes, in Benhabib's mind, vital aspects of civil society. While these distinctions are clear in most respects the differences are not those which are problematic in the non-reductionist account, except for the claim that the deliberative model

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[345] Ibid., p.137

[346] Seyla Benhabib, *The Claims of Culture,* Princeton: Princeton University Press, 2002, pp.108-109

is "much more oriented to the ways in which political processes and the "background culture" interact. One of the major criticisms of Rawls was precisely that the distinction between what is in the public sphere and what belongs to the realm of the comprehensive scheme was difficult to maintain, particularly so if one accepts the non-reductionist account of culture. So does the deliberative democracy approach provide a more integrated understanding?

Habermas claims that the kinds of conflicts that pluralist societies engender are of a different order of moral debate. Habermas distinguishes two types of questions, moral and evaluative:

> The development of a moral point of view goes hand in hand with a differentiation within the practical into moral questions and evaluative questions. Moral questions can in principle be decided rationally, i.e., in terms of justice... Evaluative questions present themselves at the most general level as issues of the good life (or self-realization). [347]

Evaluative questions involve aspects that extend beyond the shared lifeworld of the participants and therefore require a different approach. These debates are not moral debates but "ethical-political". Rehg points out that this leads to a similar worry than that which was raised earlier in my examination of Rawls. Can these two realms really be so clearly separated? Benhabib feels it is precisely the ability of a deliberative approach to recognize the interdependence that is one of its strong points. It is a central tenet of the anti-reductionist account that the boundaries of value systems are vague and in flux, this will cause difficulties if Habermas's

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[347] Jürgen Habermas, *Moral Consciousness and Communicative Action,* Trans. Christian Lenhardt and Shierry Nicholsen, Cambridge: MIT Press, 1990. p.108

approach relies too heavily on precise demarcations of social realms. Rehg notes that even at the most basic level it seems that analysis of one's interests involves examinations that extend beyond the boundaries Habermas hopes to defend. Rehg notes:

> Given the close connections between need interpretations and the ideas of the good, however, the relevance of such interpretations to moral discourse seems to endanger the distinction between moral and ethical discourse and with it Habermas's entire moral-universalist project... At the very least, though, moral discourses would seem to depend on the result of ethical discourses in which participants get clear about their needs and interests.[348]

While Benhabib is well aware of the interdependence of the moral and ethical, and argues that it represents a strength of the discourse approach as opposed to Rawls' political liberalism, she is less clear on the problems it raises for the project of discourse ethics as a whole. Rehg proposes a solution to his own criticism. He argues that:

> one can be rationally motivated to accept a norm without presuming one has the infallible self-knowledge that self-transparency would seem to suggest. It is enough rather, that at the time of their consensus the participants were rationally motivated to raise a fallible (i.e., probable) claim. At the same time, in raising a *claim* to normative rightness they are betting – on the basis of the self-knowledge they believe themselves to have – that subsequent self-discovery and changes in self-understanding will not lead them to reject the norm as altogether mistaken.[349]

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[348] William Rehg, *Insight and Solidarity: The Discourse Ethics of Jürgen Habermas,* Los Angeles:University of California Press, 1997, p.55

[349] Ibid., p.45

This answer is unsatisfactory for a couple of reasons. First, to what extent will such a tentative position supply the motivating force required for a norm? A norm is functional as an impetus for behaviour because of the confidence that arises out of intersubjective debate. But if this debate itself becomes suspect then this will undoubtedly limit the efficacy of the norm. Secondly, even if the debate leads to a confidence amongst the participants, if that confidence is based on misrepresentations or misunderstandings of interests will this not lead to a failure in providing for the interests of those involved? Thirdly, it seems that even Rehg is not willing to feel the full consequence of his own criticism when he states that the participants are betting that their claim will not turn out to be altogether mistaken, that is, they believe they have an acceptable degree of self-transparency after all.

The deliberative approach, because of its commitment to participation, also sits well with any political theory that places a fundamental value on autonomy. Contestation and debate in the public sphere is crucial to this model. But the relation of law and theory to the actual discourse of citizens is fairly undefined in Benhabib's exposition. While she notes that "the law sometimes can guide this process, in that legal reform may run ahead of popular consciousness and may raise popular consciousness to the level of the constitution; the law may also lag behind popular consciousness, and may need to be prodded along to adjust itself."[350] The deliberative approach cannot go so far as to suggest a referendum on any issue that arises. The instability and indeterminancy of such frequent overhauls of the law would be too destabilizing for a

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[350] Seyla Benhabib, *The Claims of Culture,* Princeton: Princeton University Press, 2002, p.131

society. But clearly there needs to be room for citizen participation at some level. The difficulty for Benhabib in all this, is that besides the discourse ethics approach she also argues for 'legal pluralism'. She suggests that "a legal pluralist model – consistent with the following principles, already outlined in the introduction, egalitarian reciprocity, voluntary self-ascription, and freedom of exit and association – can be a good complement to deliberative and discursive democratic multiculturalism."[351] While legal pluralism seems a straightforward response to pluralism, it seems hard to see how it could lead to anything but an unmanageable diversity of regulations and laws unless there were clearly definable groups to whom one could give legal sub-jurisdictions. It seems too difficult to see how this can be compatible with the non-reductionist approach if one takes it seriously.

Benhabib's proposal for responding to the criticisms she herself has raised concerning essentialist or reductionist conceptions of culture show promise. The appeal to a discourse ethics comes with a numbers of problems, but these problems may not be insurmountable. I have argued that Benhabib's discourse approach suffers from, firstly, an excessive reliance on the self-understanding and transparency of interests of those involved in the discourse. While discourse ethics is aware of this issue, it is only further complicated by the non-reductionist account of culture. Secondly, discourse ethics faces a similar problem to Rawls' Political Liberalism, in that it requires a certain separation of spheres of issues to be addressed, again an issue that is exacerbated by the issues raised in the non-reductionist account of culture. Finally, Benhabib feels it is necessary to add a form of legal pluralism to the discourse ethics account. This appears to be a step back from her non-reductionist account of culture and difficult to

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[351] Ibid., p.102

implement given that account. It is a solution that depends on recognizing clearly definable groups that should be members of a particular legal jurisdictions. The second of these concerns can be, I shall argue, mitigated if one begins from a practice centred approach.

5.5.1 Conclusion.

The three theorists examined in this chapter, to varying degrees, all espouse non-reductionist accounts of culture. As a result the forms of justice they feel appropriate to this understanding of culture vary. Brian Barry's argument that the proper response to the non-reductionist account to return to standard liberal definitions of equality, failed to provide enough substance to justify the judgements he made regarding the balance of interests when elements of diverse cultures conflict. While Barry excessively restricted what could be appealed to in these debates, Joseph Carens did not provide enough structure for the "context" that he felt was relevant. What is needed is a mediating concept; broader than Barry's individualism, but more structured than Carens' unwillingness to make any specific claims regarding culture. Benhabib provided the best means of actually structuring conflict resolution, but she often slipped back into reductionist conceptions of culture. The framework of deliberative democracy on its own, does not provide safeguards against reductionist accounts of culture. In the next chapter I hope to argue that a form of discourse ethics, limited and shaped by the concept of a 'practice' may provide some solutions to the dilemmas of multiculturalism.

CHAPTER 6

MacIntyre and The Concept of a Practice.

6.1.1 Introduction.

In this chapter I hope to show that MacIntyre's concept of a *practice* can be a useful tool for negotiating the problems of cultural pluralism. MacIntyre's approach as a whole encounters many of the same difficulties as do the post-communitarian liberals, but if one can extract a slightly modified concept of a practice from his overall approach, then this concept can provide a useful beginning point for addressing the conflicts and dilemmas of cultural pluralism. After laying out MacIntyre's basic position, this chapter will present four main critiques of his concept of a tradition. I argue that the concept of a practice can be divested of the more problematic aspects associated with 'tradition' as defined by MacIntyre, but nonetheless still be helpful for addressing multicultural issues. Ultimately, it is the central claim of this thesis that any modern liberal political theory attempting to find means of analyzing the problems of cultural pluralism should focus on this concept of a practice rather than that of a culture as that term is understood in current liberal theory.

MacIntyre may seem an unlikely candidate for providing useful tools for the non-reductionist approach, as he is usually identified as one of the central proponents of the communitarian position. MacIntyre is one of the strongest critics of the traditional liberal political position. He argues that "liberalism can provide no compelling arguments in favor of its conception of the human good except by an appeal to premises which collectively already

presuppose that theory."[352] The liberal fails to recognize that liberal principles are the outcome of particular historical debates and not a timeless and independent rationality. This position can be divided into four main critiques of liberalism which are neatly summed up by Mulhall and Swift. They describe MacIntyre as accusing liberalism "of presupposing an incoherent, rather unattractive conception of the person, and of being committed to a form of scepticism about the possibility of rationality or objectivity in moral matters;" further, liberalism misrepresents and underestimates "the importance of communal life to the identity and integrity of the individual;" and finally, "liberalism is less neutral than it claims between the competing conceptions of the good life for human beings."[353] These critiques lead MacIntyre to his archetypical communitarian position. The basis for MacIntyre's criticisms of liberalism is to be found in his analysis of contemporary moral and political argument, as will be further explored in the next section. MacIntyre considers liberalism to be indicative of modern moral discourse, and it is liberalism's acceptance of the central tenants of the enlightenment project that has left it unable to properly ground ethical norms.

6.2.1 Macintyre's Analysis of Modern Society: Morality, Emotivism and Liberalism.

MacIntyre's general disillusionment with contemporary moral philosophy led him to re-frame the relationship between morality, the individual, and the society of which the individual is a part. This approach to morality is a product of his historical account of rationality and the

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[352] Alasdair MacIntyre, *Whose Justice? Which Rationality?*, Notre Dame: University of Notre Dame Press, 1988, p.345

[353] Stephan Mulhall and Adam Swift. *Liberals and Communitarians*, Cambridge: Blackwell, 1996, p.71

self, which argues that the historical circumstances of moral and theoretical debates should not be ignored, and an examination of these circumstance is crucial to extricating ourselves from modern moral conundrums. Moral concepts are themselves embodied in and constitutive of the social world, and as such are subject to the vicissitudes and historical developments of that world. Without an awareness of these developments and the origins of our contemporary beliefs we will not be able to resolve the problems and inconsistencies they currently embody.

MacIntyre argues that modern day discussions about morality are predominantly characterized by a sense that moral issues cannot be rationally adjudicated. Participants in such arguments are more and more prone to taking the stance that the positions of those involved are no more than subjective "expressions of attitude and feeling."[354] MacIntyre calls this *emotivism* and considers it to be a problematic feature of the contemporary philosophical landscape that should be counteracted.[355] A primary task of MacIntyre *'s After Virtue* is to criticize and provide an alternative to this emotivist conception of morality. For MacIntyre emotivism is the product of a number of historical developments, and, in this case, it is most important to note that emotivism is the result of the failure of the enlightenment project of a universal rationality that

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[354] Alasdair MacIntyre, "The Claims Of After Virtue Alasdair,"in *The MacIntyre Reader*, Kevin Knight (ed.), Notre Dame: University of Notre Dame Press, 1998, p.70

[355] That MacIntyre sees Western culture as dominated by a single tradition, makes it clear he is willing to appeal to fairly grand and encompassing ideas of culture. One need only recall that Charles Taylor's extremely sophisticated account of the history of Westerns ideas in *Sources of the Self* was subject to critiques that it left out too much, in order to recognize that MacIntyre will be vulnerable to the same criticisms. Gordon Graham questions, for instance, "Was philosophy as an activity ever as important within Western European culture as MacIntyre claims?" See, Gordon Graham, "MacIntyre on History and Philosophy," in Mark Murphy, *Alasdair MacIntyre,* Cambridge: Cambridge University Press, 2001. p.19

applies to all persons. Philip Pettit nicely summarizes why MacIntyre feels the enlightenment project failed. It failed because "the project would have had to assume a teleological conception of human nature – a conception of human beings as they would be if they fully realized their essence – and that the scientific world view that informed the Enlightenment denied its protagonists any such teleological vision; teleology had been lost with the demise of Aristotelianism which was occasioned by modern science."[356] The result of this, he argues, was that "it was natural that one conclusion drawn from this failure to settle moral disputes rationally was that reason was impotent in this area."[357] On the emotivist view, there are no independent criteria through which one could analyze and adjudicate between the various goals and ends of different individuals; they are simply incommensurable. Further, this problematic approach is not only to be found in moral debates among individuals, but also within the individual. If debates between persons take on an emotivist character, so will debates regarding the value of certain ends within an individual's own deliberations. Mulhall and Swift note that "this entails regarding the self's relation to its ends as purely voluntaristic; and it also involves regarding that self's transitions from one position or end to another as an essentially arbitrary process."[358] This is an understanding of the self and personhood that MacIntyre finds problematic. The argument claims that if there are no external or historical values to appeal to, then decisions to do one

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[356] Philip Pettit, "Liberal/Communitarian,"in *After MacIntyre*, John Horton and Susan Mendus (eds.), Notre Dame: University of Notre Dame Press, 1994, p.178

[357] Alasdair MacIntyre, "The Claims Of After Virtue," in *The MacIntyre Reader.* Kevin Knight, Notre Dame: University of Notre Dame Press, 1998, p.70

[358] Stephen Mulhall and Adam Swift, *Liberals and Communitarians,* Cambridge: Blackwell, 1996, p.75. One could call an individual who understands his ends in this manner an 'emotivist self'.

thing or another end up merely expressing the fleeting whims of the individual. For MacIntyre the enlightenment did not only fail on its own terms, but the nature of its analysis blinded us to the historical nature of morality and the possibility of an alternative. He notes that "what the enlightenment made us for the most part blind to and what we now need to recover is... a conception of rational enquiry as embodied in a tradition, a conception according to which the standards of rational justification themselves emerge from and are part of history in which they are vindicated by the way in which they transcend the limitations of and provide remedies for the defects of their predecessors within the history of that same tradition."[359]

The contemporary social environment and its political structures result in emotivist attitudes being prevalent, and MacIntyre sees traditional liberalism as particularly embodying and supporting this view. This is a result of liberalism taking the position that "rationality requires... that we divest ourselves of allegiance to any one of the contending theories and also abstract ourselves from all those particularities of social relationship in terms of which we have been accustomed to understand our responsibilities and our interests."[360] Immediately, it is important to note that the individual shaped by emotivist notions as laid out by MacIntyre is very similar to descriptions of the non-reductionist self. MacIntyre, criticizing what he describes as

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[359] Alasdair MacIntyre, *Whose Justice? Which Rationality?,* Notre Dame: University of Notre Dame Press, 1988, p.7. MacIntyre clearly has Rawls and the original position in mind here. Brain Barry notes however, that liberals do not always exhibit such scepticism about any possibility of reasoning about goods. Later Liberal theorists have presented theories that do begin from certain goods. For instance, as was seen in Will Kymlicka's work, for many liberal theorists autonomy is a foundational value. Brian Barry, *Justice as Impartiality,* Oxford: Oxford University Press, 1995, P.129

[360] Alasdair MacIntyre, *Whose Justice? Which Rationality?,* Notre Dame: University of Notre Dame Press, 1988, p.3

a society governed by the market, and a liberal understanding of the nature of goods, describes contemporary Western society as "a range of compartmentalized spheres within each of which some good is pursued: political, economic, familial, artistic, athletic, scientific."[361] As a consequence of this "no overall ordering of goods is possible." For MacIntyre, as Bruce Ballard notes, this is one of the negative features of modern Western society:

> "By separating life into segments each with its own norms, modern life creates a kind of moral schizophrenia. This is sometimes euphemistically referred to as the wearing of different "hats." When I'm wearing my friendship "hat" I act with respect goodwill and affection. When I put on my work "hat" I may use deception and treat others as instruments. The use of gaming metaphors, particularly for business operations, is another such disguise. Oversharp divides between work and leisure, public and private, corporate and personal, childhood and old age make personal identity difficult."[362]

At this level MacIntyre in some respects accepts the non-reductionist account at the level of the individual, but sees it as something that needs to be overcome. For him the non-reductionist self is a pathological product of modern society. This self fails to be fully rational because 'oversharp divides' hinder the integration of all aspects of the self into a coherent whole. While MacIntyre's description of this modern self is very much in keeping with the non-reductionist account, I will show in this chapter that his broader schema relies on concepts very

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[361] Alasdair. MacIntyre, *Whose Justice? Which Rationality?*, Notre Dame: University of Notre Dame Press, 1988, p.337

[362] Bruce Ballard, *Understanding MacIntyre,* Lanham, New York: Oxford University Press of America, 2000, p.17

similar to the reductionist accounts of culture that this thesis has critically analyzed.

Individuals have not completely detached themselves from the history of Western moral discourse, however, and MacIntyre notes that in typical arguments individuals still use the language of morality in the same manner as in eras that believed objective standards were possible. The use of this language and its force in argument trades on the "appearance of rational determination and justification" that these terms seem to possess, but no longer do. MacIntyre argues that the concepts of 'human rights' and 'utility' are some of the "most important members of this class."[363] As Ballard notes, emotivism should have had the consequence that moral language was rejected "altogether as *morally* meaningless."[364] That we still use such language is the clue that should lead us to examine the history of our moral understanding and seek out its resources, proposes MacIntyre. Thus, it is clear that MacIntyre's four criticisms of liberalism, as outlined by Mulhall and Swift, are interrelated. MacIntyre sees modern society suffering from an *emotivist* moral discourse that is indicative of a scepticism about the ability to rationally arbitrate moral questions, which in turn results in a conception of the self that is 'unattractive.' These features of modern life are the result of failing to perceive the importance of community and history, which itself is part of the reason that liberalism fails to recognize that it is not a neutral and a-historical political theory.

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[363] Alasdair MacIntyre, "The Claims Of After Virtue,"in *The MacIntyre Reader,* Kevin Knight (ed.), Notre Dame: University of Notre Dame Press, 1998, p.70

[364] Bruce Ballard, *Understanding MacIntyre,* Boston: University Press of America, 2000, p.7

6.3.1 The Cure for Modernity's Malaise: Practice, Tradition and Narrative.

While it is the case that individuals exhibit non-reductionist characteristics, MacIntyre believes that there is still a non-relative source available to ground morality. Much of the debate begun in *After Virtue* is further developed in MacIntyre's next major work, *Whose Justice? Which Rationality?*[365] In this work he expands upon his alternate conception of moral discourse and aims to provide a new grounding for rationality by attempting to "say both what makes it rational to act in one way rather than another and what makes it rational to advance and defend one conception of practical rationality rather than another."[366] Tradition dependent rationality is not a form of moral relativism, but a "cue for dialectical or critical enquiry that can result in genuine moral progress."[367] Much of what makes one approach superior to another is found in the ability to provide more satisfactory and inclusive answers to the shortcomings of its rivals. As Horton and Mendus note, liberalism is a tradition, but "one that is deeply and irremediably flawed because it lacks the conceptual resources to resolve its own internal disagreements and tensions."[368] Superior approaches are to be found in a study of the historical situatedness of a society. One must examine the nature and traditions of the society one is in order to unearth structures and values that provide historically specific possibilities for living. These traditions

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[365] Alasdair MacIntyre, "The Claims Of After Virtue.", in *The MacIntyre Reader.* Kevin Knight (ed.), Notre Dame: University of Notre Dame Press, 1998.

[366] Ibid., p.ix

[367] John Horton and Susan Mendus. "Alasdair MacIntyre: After Virtue and After," in *After MacIntyre.* John Horton and Susan Mendus (eds.), Notre Dame: University of Notre Dame Press, 1994, p.4

[368] Ibid, p.8

may be obscured by the nature of contemporary society, but remain latent in it, and can be reclaimed as grounds for thought and action.

6.3.2 The Concept of a Practice.

In this attempt to provide a foundation for morality and virtue in the modern age, *tradition* is only one of three interwoven concepts MacIntyre relies upon. These three concepts are "that of a practice, that of the narrative unity of a human life, and that of a tradition."[369] Each concept in turn represents a broader harmonization of goods and practices. For MacIntyre, drawing on Aristotle, "each earlier stage is both modified and reinterpreted in the light of, and also provides an essential constituent of, each later stage."[370] MacIntyre's theory is an integrated system of concepts, and therefore, if his analysis is correct, society has a similarly integrated structure. The most basic of these three concepts is a practice. MacIntyre's definition of a practice is:

> Any coherent and complex form of socially established co-operative human activity through which goods internal to that form of activity are realised in the course of trying to achieve those standards of excellence which are appropriate to, and partially definitive of, that form of activity, with the result that human powers to achieve excellence, and human conceptions of the ends and goods involved, are systematically extended.[371]

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[369] Bruce Ballard, *Understanding MacIntyre,* Boston: University Press of America, 2000, p.82

[370] Alasdair MacIntyre,. *After Virtue,* London: Duckworth, 1984, p.187

[371] Ibid., p.176

Some examples of practices might include the creation of a form of art, a game such as scrabble, or a sport such as soccer. MacIntyre points to examples of such "types of activity as farming and fishing, the pursuit of the sciences and the arts, and the playing of games such as football and chess."[372] These practices have activities internal to them that on their own would not meet the requirements for a practice. As Ballard notes "skillful passing is incoherent without the game of football, as are brick-laying and turnip planting apart from the practices of which they are elements."[373] Ability to accurately wield a paintbrush is pointless without having the goal of a painting as a final product. Some activities are too simple to be called practices; others would be meaningless without being subsumed under a practice. The same activity may change in meaning depending on the practice it is a part of. MacIntyre also "contrasts practices with technical skills and with institutions. Such capacities and such organizations are designed for the achievement of certain goods, as practices are, but the goods which they are meant to achieve are external to them."[374]

Genuine practices are characterized by having goods that are 'internal' to that activity. There are both internal and external goods that arise as the result of practices. For MacIntyre external goods are primarily to be distinguished from internal goods by how they can be

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[372] Alasdair MacIntyre, "The Claims Of After Virtue," in *After MacIntyre.* John Horton and Susan Mendus (eds.), Notre Dame: University of Notre Dame Press, 1994, p.71. MacIntyre excludes, on the other hand, modern politics from the category of a practice.

[373] Bruce Ballard, *Understanding MacIntyre*, Boston: University Press of America, 2000, p.12

[374] Philip Pettit, "Liberal/Communitarian," in *After MacIntyre.* John Horton and Susan Mendus (eds.), Notre Dame: University of Notre Dame Press, 1994, p.183

achieved. External goods can be produced by a variety of different practices, while internal goods can only be produced via that particular practice for which they are the internal good. Ballard provides "status, power and money"as some common examples of external goods.[375] All these goods can be achieved via a great number of different practices as well as being attained through other means. Also, external goods are competitive; that is to say, the possession of these goods by one person can reduce that amount available to another. On the other hand, internal goods are, as MacIntyre notes, produced through attempts both to undertake the practice and to achieve excellence in that particular activity, and as such internal goods benefit *all* individuals who are participants in that practice. Aficionados of practices, (when that is possible) may also benefit, in that achieving excellence or a good of a practice may deepen and extend the experience of appreciating that practice for others, but this is at best a vicarious experience.[376] Often internal goods will produce 'products,' as is clearly the case with art works. Achievement in the arts leads to great artworks, and these serve to extend the known possibilities for greatness in a particular style, develop new techniques of production and execution of that art-form, and also provide a more complex and rich experience for the individual contemplating such art.

Importantly, the internal goods of practices are set in advance. As Philip Pettit notes, "the standards of excellence associated with a practice are non-discretionary for someone who

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[375] Bruce Ballard, *Understanding MacIntyre,* Boston: University Press of America, 2000, p.12. Charles Taylor adds 'peace' and 'security' to this list. Taylor, Charles. "Justice After Virtue." In, *After MacIntyre.* John Horton and Susan Mendus(eds.), Notre Dame: University of Notre Dame Press, 1994, p.33

[376] Ibid p.13

wishes to take part."[377] And, as Horton and Mendus point out "not just anything counts as playing chess well, and the features that do count are defined by the practice."[378] However, I will take issue with this aspect of practices. The forms of excellence of a practice do evolve, and are extended by new kinds of achievements. Pettit, Horton, and Mendus all refer to the example of chess, and I think that this hampers their analysis.[379] Chess may be a practice with precisely defined standards; it is after all a game, and a fairly abstract one at that. But if one turns to the practice of painting, for instance, then it becomes clear that the standards of excellence evolve and change. The skillful representation of reality was once the standard of excellence for painting, but painting has long since left that limited goal behind, and achievements in painting have taken on many forms. New innovations often have the consequence of re-defining what excellence for that practice means.[380] Practices are not merely sets of rules of behaviour. Of course, prior to the innovation the practice came with a set of

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[377] Philip Pettit, "Liberal/Communitarian," in *After MacIntyre*. John Horton and Susan Mendus (eds.), Notre Dame: University of Notre Dame Press, 1994, p.182

[378] John Horton and Susan Mendus, "Alasdair MacIntyre: After Virtue and After," in *After MacIntyre,* John Horton and Susan Mendus (eds.), Notre Dame: University of Notre Dame Press, 1994, p.10

[379] Philip Pettit,. "Liberal/Communitarian.", in *After MacIntyre*. John Horton and Susan Mendus (eds.), Notre Dame: University of Notre Dame Press, 1994, p.182 Pettit states: "In the context of the practice it is almost silly to think of flouting [the standards of excellence], as it would be silly to want to play chess without always abiding by the rules."

[380] But even with regard to chess, while excellence is anything that leads to victory, the means by which this is achieved evolves. Stephen Mulhall points out that "it is no part of this account that acquiring such knowledge [of how to practice chess] ensures that no two competent chess players will ever disagree over what constitutes excellence in chess; what makes an argument about whether Capablanca was a better player than Kasparov a rational one is not that any competent chess player must agree with every other one as to the correct conclusion."

standards of excellence, but in the act of creativity the practitioner extends and alters those boundaries and often the nature of the practice itself. MacIntyre recognizes this when he states that "practices never have a goal or goals fixed for all time."[381] Taking this position introduces a tension in MacIntyre's theory that will re-emerge at other more general points in his theory. For MacIntyre an individual's history and social environment is constitutive of their rationality, but not so much so that they cannot change the meaning and value of the practices they engage in. The degree to which one is socially constituted and the degree to which one can reshape and alter the meanings and values of practices is not clear. Unfortunately for MacIntyre he seems to want to have it both ways. I shall explore this problem further when I examine the concepts of a tradition and the narrative unity of a life. At this point it is, however, clear that the slightly more flexible concept of a practice is more useful as a tool for the non-reductionist account, and is more representative of the flexible and constantly changing forms of culture that the non-reductionist account presents.

MacIntyre's concept of a practice is a tool for locating activities that enact certain virtues in a society. For MacIntyre 'virtue' is "an acquired human quality the possession and exercise of which tends to enable us to achieve those goods which are internal to practices and the lack of which effectively prevents us from achieving any such goods."[382] Thus, virtues are attributes necessary to successful engagement in practices: in particular, justice, courage and honesty, but also, as Ballard notes, "patience and persistence." For all activities that can be called practices, some form of these virtues will be needed if one is to achieve excellence in that practice. For

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[381] Alasdair MacIntyre, *After Virtue,* London: Duckworth, 1984, p.193

[382] Ibid., p. 200

instance, one needs to be honest to accurately assess the results of one's efforts. Further, one needs courage to strive to achieve excellence in a practice, in that one may need to break with the commonly accepted norms of how one engages in that practice in order to extend its possibilities for excellence. The necessity of the virtues to successful execution of practices is the first manner in which MacIntyre claims to have supplied a non-relative grounding for certain virtues. All cultures and human communities engage in practices of some form or other, and thus all cultures require the virtues that allow for successful engagement in those practices. But virtues are important not just for practices, they are also "to be understood as qualities required to achieve the goods which furnish individual human lives with their *telos*."[383] MacIntyre is taking his queue from Aristotle here. As John Horton and Susan Mendus point out, for Aristotle "virtues are excellences of character which enable people to move toward their goal (*telos*), and are an essential part of the attainment of that goal."[384] The next question that must be answered is what factors shape and influence an individual's goals?

6.3.3 The Concept of Tradition.

For MacIntyre "rationality itself, whether theoretical or practical, is a concept with a history: indeed, since there are a diversity of traditions of inquiry, with histories, there are, so

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[383] Alasdair MacIntyre, "The Claims Of After Virtue," in *After MacIntyre*. John Horton and Susan Mendus.(eds.) Notre Dame, University of Notre Dame Press, 1994, p.71

[384] Horton, John and Susan Mendus. "Alasdair MacIntyre: After Virtue and After,"in *After MacIntyre*. John Horton and Susan Mendus (eds.), Notre Dame: University of Notre Dame Press, 1994, p.6

it will turn out, rationalities rather than rationality."[385] Once again, prima face, this seems in line with the non-reductionist position. But the extent of this diversity and MacIntyre's attitude towards it will at times put him at odds with the non-reductionist critique. Mulhall and Swift describe MacIntyre's concept of a tradition as:

> constituted by a set of practices and is a mode of understanding their importance and worth; it is the medium by which such practices are shaped and transmitted across generations. Traditions may be primarily religious or moral (for example Catholicism or humanism), economic (for example a particular craft or profession, trade union or manufacturer), aesthetic (for example modes of literature or painting), or geographical (for example crystallising around the history and culture of a particular house, village or region).[386]

As a *set* of practices a tradition represents a more complicated and inclusive social activity. But MacIntyre's descriptions of the concept of a tradition vary. On one hand, it is traditions "which are the repositories of standards of rationality and which are crucial to moral deliberation and action."[387] This account of a tradition sounds similar to a philosophical theory. Mark Murphy seems to have this interpretation in mind when he notes, "it seems to me that the

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[385] Alasdair MacIntyre, *Whose Justice? Which Rationality?*, Notre Dame: University of Notre Dame Press, 1988, p.9

[386] Stephen Mulhall and Adam Swift, *Liberals and Communitarians,* Cambridge: Blackwell, 1996, p.90

[387] Horton, John, and Susan Mendus. "Alasdair MacIntyre: After Virtue and After.", in *After MacIntyre,* John Horton and Susan Mendus (eds.), Notre Dame: University of Notre Dame Press, 1994, p.13. Importantly, one looks not at the society as a static object, but as a temporal entity embodying a tradition, an entity that has existed over time.

notion of "tradition" which plays a such a central role in the after virtue project...is a recognizable successor concept to 'ideology.'"[388] For MacIntyre there is no objective point from which to contemplate justice or value outside of any particular tradition, and thus he unsurprisingly believes that the evaluation of practices can only occur within a tradition. However, this definition of a tradition does seem to leave out some of the examples presented by Mulhall and Swift in the quotation above. On the other hand, and similar to the description given by Mulhall and Swift, MacIntyre also claim's that "a viable tradition is one that holds together conflicting social, political and even metaphysical claims in a creative way. The activities which inform a tradition are always rationally underdetermined; that is, we can specify no set of rules, no set of rational procedures, which are necessary or sufficient to guide the activity informing the tradition as it proceeds."[389] These two descriptions pull in different directions. In one case a tradition is a clear source of rationality, in the other it is "rationally underdetermined."[390] This tension will lead to difficulties in MacIntyre's account that I will address shortly.

MacIntyre's concept of a tradition on the second account is very similar to traditional

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[388] Mark Murphy, *Alasdair MacIntyre.* Cambridge: Cambridge University Press, 2001, p.8. The notion of tradition described this way also sounds quite similar to common definitions of culture.

[389] Alasdair MacIntyre, "The Claims Of After Virtue," in *The MacIntyre Reader.* Kevin Knight (ed.), Notre Dame: University of Notre Dame Press, 1998, p.71

[390] The difficulty of determining of MacIntyre's definition of culture is so great that Jean Porter goes so far as to suggest that "even though MacIntyre discusses tradition extensively, he never defines the term (so far as I have been able to determine)." Jean Porter, "Tradition in the recent work of Alasdair MacIntyre," in Mark Murphy, *Alasdair MacIntyre,* Cambridge: Cambridge University Pres, 2001, p.38

post-communitarian definitions of culture. If "holding together" means more than merely an arbitrary set of practices, then the concept of a tradition is coming close to the traditional concept of culture. It is a logical integration of practices according to a hierarchy of goods. Mark Murphy's comment suggesting 'tradition' is a 'successor concept' to ideology only reinforces such an interpretation. As such, a tradition is very similar to some of the post-communitarian definitions of culture, and perhaps most similar to Charles Taylor's 'hypergoods'. As we saw in the discussion of Taylor in chapter two, hypergoods sort values into hierarchically ordered complexes, much as a tradition sorts the various goods associated with practices into ordered sets. There is a great deal of similarity between MacIntyre and Taylor, particularly with regard to the social origins of 'horizons of significance'. Because of their general similarities many of the same difficulties that beset Taylor in Chapter two also apply to MacIntyre. These characteristics of MacIntyre's concept of 'tradition' lead to the frequently raised concern that tying rationality and value to history in this manner ends up with a form of moral relativism. If standards of morality are merely what happens to be at any given time, what then grounds their justification?

Further, there is the worry that any significant room for individual autonomy has been lost. Where in this schema is the place of autonomy? Perhaps unsurprisingly, as the same worries can be applied to his philosophical position, Taylor defends MacIntyre on this issue, and notes that MacIntyre is at pains to point out he does not claim that traditions provide a complete unalterable set of moral doctrines. Taylor notes that traditions "including those of practices with their internal goods, are the site of ongoing debates, internal revisions, critical turns and so

on."[391] MacIntyre argues that "it is out of the debates, conflicts, and enquiry of socially embodied historically contingent traditions that contentions regarding practical rationality and justice are advanced, modified, abandoned or replaced, but... there is no other way to engage in the formulation, elaboration, rational justification, and accounts of practical rationality and justice except from within some one particular tradition in conversation, cooperation, and conflict with those who inhabit the same tradition."[392]

There is a clear tension here between the idea of a tradition as a "set" of practices, and its internal heterogeneity that MacIntyre seems intent on highlighting. If tradition can be a site of such extensive contestation, as suggested in the quotation above, what is it that makes the "set" of practices a unity at all? This is similar to the problem we saw earlier with practices. While the interpretation of a tradition as a site of contestation, where what it embodies is constantly in debate, fits nicely with the non-reductionist account, and moreover leaves room for autonomy, the content of the tradition becomes so heterogeneous that it is difficult to see how it represents much more than a mere aggregate of practices. Even if MacIntyre can manage to straddle that fine line, it begins to look like the concept of a tradition will not help much in debates regarding practices from different cultures in the standard sense. The more inclusive such a tradition, the more often the conflicts and problems endemic to diverse societies will be internal to such a tradition, and the less it is capable of providing a framework for demarcating the interests and identities of its members necessary for dealing with those problems. One will

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[391] Charles Taylor, "Justice After Virtue," in *After MacIntyre*, John Horton and Susan Mendus (eds.), Notre Dame: University of Notre Dame Press, 1994, P.34

[392] Alasdair MacIntyre, *Whose Justice? Which Rationality?*, Notre Dame: University of Notre Dame Press, 1988, p.350

still need a means of describing how the identities of those internal to the tradition differ. I will examine these problems further after I explore MacIntyre's concept of a narrative. Where a tradition suggests a social formation that has existed as a unity over time, a narrative provides unity at the level of the individual. In the communitarian argument these two are inextricably linked.

6.3.4 Narrative and the Unified Life.

Practices have internal standards for determining excellence, but how does one choose among practices? It has been shown that while traditions, on MacIntyre's account, limit the range of the debate, they do not resolve it. MacIntyre goes on to appeal to a concept of human life as a narrative to explain how one chooses the practices one partakes in. A narrative provides a unity for a life, by which certain activities become relevant to the individual. MacIntyre describes the search for a narrative as a quest to "provide the moral life with its unity," and this unity is "a conception of the good which will enable us to order other goods."[393] A narrative is that unity which binds together the elements of a person's life as if they are all part of a story leading to a particular resolution. That this is done through a good that "orders other goods" is similar to Taylor's conception of a 'hypergood'. This was precisely one of those concepts that left Taylor exposed to the criticisms of the non-reductionist account. That the construction of a narrative is a form of story telling (and importantly story *reading*) is not just a metaphor. For MacIntyre:

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[393] Alasdair MacIntyre, *"After Virtue,"* (Extract) in *The MacIntyre Reader*, Kevin Knight (ed.), Notre Dame: University of Notre Dame Press, 1998, p. 90

> I can only answer the question 'what am I to do?' if I can answer the prior question 'of what stories do I find myself a part?' We enter human society, that is, with one or more imputed characters – roles into which we have been drafted – and we have to learn what they are in order to be able to understand how others respond to us and how our responses to them are apt to be construed.[394]

Since humans are "drafted" into roles, it is clear that a significant part of an individual's narrative is pre-given. As such MacIntyre's approach is again similar to Charles Taylor's in that there are horizons of meaning that we are inescapably caught up in. The identity and the life choices of individuals are bound up with the society they find themselves in. This society provides the "background circumstances and moral context which inform and make intelligible those choices but are themselves un-chosen." This position presents the typical communitarian counter argument to what is seen as liberalism's incorrect focus on the primacy of self-choice. To determine what should organize the unity of one's life one needs to examine the roles and characters that one is already enmeshed in. This will provide answers to questions regarding what one ought to do. Ultimately, one should strive toward expressing the unity of one's life narrative. As MacIntyre states, "to ask 'What is the good for me?' is to ask how best I might live out that unity and bring it to completion."[395] This provides a telos for the individual, that as we saw above, makes possible judgements regarding what one ought to do. If there is a goal, one can be moving closer or further away from that goal.

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[394] Ibid., p.201

[395] Ibid., p.218. This is similar to Taylor's idea of a framework of meaning that provides a structure for an individual's choices.

6.4.1 Problems with MacIntyre's Philosophical Framework:

For the theorist who is looking for novel means to addressing the debates of cultural pluralism, MacIntyre's full philosophical scheme is problematic for a number of reasons. I will present three major issues where adopting his approach would cause difficulties for the contemporary multicultural theorist. These three areas address concerns regarding, (1) problems with MacIntyre's characterization of traditions as 'indeterminate' so as to leave room for autonomy; (2) the need to characterize traditions as indeterminate to avoid the critique of reductionist accounts of culture, with the consequence that traditions will be unable to address conflicts between practices; and finally, (3) the manner in which one determines the content of traditions.

Firstly, it is unclear in MacIntyre's account, how much room he leaves for revision of the traditions and roles the individual finds herself in. This is the traditional liberal concern, to protect the autonomy of citizens. And even post-communitarian liberals such as Kymlicka still hope to retain autonomy as a critical part of their theory. The question is how much room there is, in MacIntyre's scheme, for individuals to contest and critically examine the traditions and cultures into which they are born? Early commentators took issue with MacIntyre on this point; for instance, Thigpen and Downing write "MacIntyre does not identify aspects of the self that transcend social roles."[396] We have seen that for MacIntyre, the individual should seek to unify the narrative of his life via the resources available in his tradition. This process of unification

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[396] Robert Thigpen and Lyle Downing, "Liberalism and the Communitarian Critique," in *American Journal of Political Science*, 31, 1987, p.643

is already bounded by the roles in which one finds oneself. But, as we saw earlier, MacIntyre claims that selves in the modern age hold incoherent complexes of values. Given that we are born into particular roles, which are themselves sorted via traditions, how is this incoherence possible?

MacIntyre argues that some of the multiple complexes of narratives in which the individual is situated should be abandoned, and he claims that this can be done by looking at the proper aspects of the background culture. But if individuals are constituted by their tradition, and the liberal tradition is one of these, how does an individual escape that tradition? For MacIntyre the problem with modern moral discourse seems to lie primarily with the individual. The background society – if it is properly 'read' or interpreted – provides appropriately unified narratives and roles, and those are the aspects of the background culture that should be taken up. But there is a degree of freedom implicit in the injunction that one should look to the proper aspects of the background culture and not those that tend towards incoherence and present inadequate narratives. This raises the question, is all incoherence the result of 'free' un-socially constructed choice? If free choice can play a role in breaking free of tradition in this manner, then it should be able to play an important role for other forms of narrative self-creation. Further, given MacIntyre's account, why are there still acceptable and coherent traditions latently available in the society when the individuals of that society are themselves living via incoherent frameworks? The tension between what is given and inescapable – the roles one is drafted into – and the incomplete and contested nature of traditions is clear. MacIntyre needs individuals to be autonomous so that they can choose the proper traditions, but at the same time he argues that the choices of individuals are constrained by traditions.

It was shown earlier that MacIntyre hopes to argue that there is room within traditions for debating the content of those traditions. So, if one is drafted into roles that significantly shape the *telos* of an individual, how does this integrate with the indeterminacy of traditions? It would seem that if tradition and rationality were indeterminate to some degree, so should be the meaning of the roles we find ourselves in. Why would not traditions, if they exhibit incoherent traits, also place individuals in roles that share those contradictions, and not just in the roles that exhibit the positive qualities that MacIntyre points out? Not only the liberal tradition as a whole would be problematic, but also some of the social roles that result from this framework. MacIntyre could accept this, but then traditions would not necessarily play the role he hopes they will; traditions will not necessarily be the solution to the problem of emotivism he diagnosed earlier. In summary, if MacIntyre hopes to give a determinate meaningful content to the roles we find ourselves in, and if this is tied to the rationality of a tradition, then there is less room for "debates" and "conflicts" in a tradition, and for autonomy, than MacIntyre would like. Further, given the limited options for the goal of a coherent narrative that MacIntyre presents, the prescription for this unity seems to stipulate in advance a rather limited set of acceptable possible identities, that is, narrative unities.

Leaving room for autonomy by suggesting traditions are indeterminate leads to the second problem for MacIntyre. MacIntyre finds himself in a bind. If he argues that traditions are indeterminate enough to leave room for a broad range of identities and rationalities, then it is unclear how much of a role traditions can play in actually resolving conflicts among the practices or ordering these practices into integrated sets. This route leaves MacIntyre's philosophical analysis significantly weakened. On the other hand, if traditions are in fact more

determinate, then they seem to leave little room for the kind of cultural pluralism the post-communitarian liberals hope to accommodate. The former route endangers MacIntyre's whole project, while the latter makes his approach decidedly problematic as a means for dealing with diverse societies.

Does society present the individual with a clear role to adopt? MacIntyre suggests that one is presented with a *plurality* of roles. If one must fill more than one role then there is the possibility that these roles may conflict. As I have argued, if MacIntyre asserts that the background culture in fact supplies clear and coherent traditions that in turn provide obvious and coherent narratives for individuals, then he clearly falls into the reductionist camp of accounts of culture. A culture that provides such clear roles and stories for individuals is at odds with the descriptions of non-reductionist accounts. As we have seen, from the non-reductionist account, the boundaries of cultures are far less certain than most contemporary political philosophers assume. Individuals may find themselves in multiple cultures and consequently also find that there is not a clearly definable role that they may fall into. For instance, the role of a religious leader may have dramatically different requirements depending on the religion which is defining it. So, for instance, if one is born into a family that has one parent who is Buddhist and one who is Muslim, is there a sense in which the role of religious leader is clear for the child in that family? On the other hand, if the background culture that provides us with the pre-given roles and stories is also incoherent, and gives us multiple conflicting roles, then how is one to choose between these roles? At some point MacIntyre seems to clearly endorse the position that the individual is not presented with a clear framework of meaning, but instead, "in any type of practice or institution of any complexity, the modes of interpretation that constitute the practice

will not always be entirely coherent internally nor consistent with one another: the patient's understanding of the doctor-patient relationship and the doctor's understanding of that relationship, which together form to their mutual transactions are not necessarily at one." In fact the relationship between the two is a continuous debate about "sickness, health, expertise, drugs and many other topics."[397] Charles Taylor also argues that debates regarding conflicts between goods – for instance between transcendent goods and the goods of particular practices – cannot be resolved in any pre-determined way. He notes that despite MacIntyre's arguments, " we are faced with transcendent goods which command our awed consent and practices whose internal goals seem valuable, and a distressing amount of prima facie conflict between the two. There is no a priori way to resolve this; we have to work it out case by case."[398] If traditions are fairly indeterminate in their meanings, this accords well with the non-reductionist account. But this raises a new problem for MacIntyre. If a tradition is a means of resolving conflict between practices, but traditions are not completely determined structures, and worse if they are not coherently rational structures, as the non-reductionist critique claims, then how does a tradition help us in cases of conflict between practices? The concept of a tradition seems to be doing very little to resolve culture conflicts between practices, traditions, and the conflicting contents of the society in which the individual finds herself.

One way that MacIntyre suggests that cultures resolve conflicts between practices is

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[397] Alasdair MacIntyre,"Social Science Methodology as the Ideology of Bureaucratic Authority," in *The MacIntyre Reader*, Kelvin Knight (ed.), Notre Dame: University of Notre Dame Press, 1998, pp.57-58

[398] Charles Taylor, "Justice After Virtue," in *After MacIntyre*, John Horton and Susan Mendus (eds.), Notre Dame: University of Notre Dame Press, 1994, p.37

through the reduction of inconsistencies within a tradition. J.L.A. West points out that the way traditions, and the standards internal to them change is, that any new "standards support their claim through transcending the limits of previous enquiry and by providing remedies to the defects of previous accounts within that tradition. Consequently, what justifies the first principles, and the theory of justice as a whole, for MacIntyre is its rational superiority over the earlier attempts *of that tradition* to formulate its principles and theories."[399] A similar process occurs in conflicts between traditions. West writes that when different traditions come into conflict there is an "epistemological crisis, in which the fundamental principles and theories of a tradition are thrown into question in light of their own standards of rational justification."[400] A difficulty that immediately presents itself is that if the standards of rationality are truly particular to a tradition, then the encounter with another tradition will not lead to an epistemological crisis; it would most likely only lead to the perception that the other culture is irrational. For this encounter to be a crisis, there must be a will to integrate another cultural phenomenon even though prior to the integration those aspects of the other tradition seem irrational. Even to begin to understand many cultural phenomena requires concerted effort. It is unlikely that such an "epistemological crisis" will occur if the understanding of the elements in question is limited. MacIntyre even seems to recognize this when he points out that "the standpoint of traditions is necessarily at odds with one of the central characteristics of cosmopolitan modernity: the confident belief that all cultural phenomena must be potentially

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[399] J.L.A. West, "Impartiality and Conceptions of the Good: Brian Barry or Alasdair MacIntyre?," in *The Philosophical Forum*." XXXI, (1), Spring 2000, p.31

[400] Ibid., p.41

translucent to understanding..."[401] These considerations suggest that epistemological crisis is infrequent and predominantly occurs in limited specialized domains. But the conflicts of multiculturalism are frequent, and not these sorts of grand abstract debates.

A third problem is that MacIntyre seems to suggest that the boundaries and content of the set of practices which constitute a tradition are clearly and fairly uncontroversially perceivable. While a narrative can order the value of practices for an individual, we saw that for MacIntyre, it is a tradition that resolves conflicts between practices on the level of society, as "a viable tradition is one that holds together conflicting social, political and even metaphysical claims in a creative way." If this includes the marking off of sets of practices as integrated wholes, then here again MacIntyre collides with the critique of reductionist theories of culture. If a tradition is a set of practices, what is it that determines the content of the set? There is no more reason to think that the set of practices contained within a tradition is self-evident than there is to think that the content of cultures is self evident. This creates a problem for MacIntyre. If tradition is the means for transmitting practices, and standards of rationality, by what standards do we determine the content and boundaries of the traditions? The contents of the set cannot also act as the meta-narrative regarding the nature of that content. This is particularly a problem for MacIntyre as he argues that the nature of traditions is not "transparent." If interpretive work needs to be done to determine what is or is not a viable and appropriate part of a tradition, then what guides that interpretive work? If the meta-narrative is determined independently of tradition – which supposedly is the repository of rationality, then

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[401] Alasdair MacIntyre, *Whose Justice? Which Rationality?*, Notre Dame: University of Notre Dame Press, 1988, p.327

there appears to be an alternative rationality to that which is bound up in the tradition. These criticisms depend on seeing a tradition as the stand-in for the concept of culture. One could argue that traditions are more specific than the category of a culture, but the differences at this level of generality are quite minor. MacIntyre includes no systematic account of culture or any other social forms similar to a culture, so one might assume that he considers the concept of a tradition to fill much of the conceptual space that communitarians generally reserve for that concept. At the general level, the accounts are similar. MacIntyre's tradition, like the post-communitarian liberal accounts of culture, is a means of passing on standards of value and meaning, and these in turn shape the nature of rationality and identity in those societies.

There are additional problems regarding the possibility of determining the content of a particular tradition; for instance, at what point is a cultural change great enough to constitute a new tradition? While it is almost a truism to say that new approaches will attempt to address current beliefs, there is still a question of the degree to which a novel development is truly novel, and not merely an outgrowth of current ideas; after all, if the aim is to improve the frameworks by which one lives, it would be nonsensical to evaluate traditions that are no longer active. William Frankena notes that MacIntyre is not clear on this issue and while he frequently refers to changes in meaning of practices and moral terms over the course of history he "is not clear about what it is that changes (e.g., use or meaning) or how it both changes and is continuous with its past."[402] Most importantly, these sorts of changes are likely to happen at any given time, in a few individuals, not the culture as a whole. If individuals have the freedom to revise, as

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[402] William Frankena, "MacIntyre and Modern Morality," in *Ethics* 93, April 1983, p.583

MacIntyre suggests, then different individuals will be addressing particular conflicts and issues differently. Traditions, if they are to be the passing on of practices and not merely debates about rationality, do not conflict as wholes. The conflicts will be varied, sporadic, and often quite local. The description of cultural change and conflict presented by MacIntyre seems a case of applying the logic of philosophical enquiry to the realm of cultural change. The description given above is very much like what philosophers aim for; a refining of traditions of thought so as to eliminate contradictions and lacunae. While once again such a process might be an ideal to strive for, philosophers are not the necessarily the driving force behind cultural change. Consequently, it is also possible that such cultural change may occur in different ways in different individuals; thus, rather than unifying a tradition this process seems bound to fragment it into various new forms.

Most of the difficulties with MacIntyre's account of tradition arise out of the indeterminacy of his definition. His approach at times seems to suggest an integrated and coherent structure that leaves him open to charges that he does not leave and room for individual autonomy, and that his concept is susceptible to the reductionist critique. If he avoids these charges by arguing that traditions are indeterminate, then the concept of a tradition has difficulties playing the role that MacIntyre claims it does in his philosophical schema. MacIntyre also fails to provide a convincing account of how one determines the content of a tradition and how this content is passed on through history. Overall, while MacIntyre's concept of a practice is a useful beginning point, MacIntyre's wider schema, particularly the concept of a tradition, do not resolve the problems that arise from it. Ultimately, if one interprets MacIntyre's concept of tradition in a way that allows it to play the role MacIntyre claims it does

in his theory, then it is very similar to a reductionist understanding of the concept of culture, and is susceptible to the same difficulties which that concept faces.

6.5.1 Disentangling Practices From the Rest of MacIntyre's Thought.

Thankfully, for our purposes, non-reductionists can avail themselves of the concept of a practice, with some modifications, while disentangling that concept from MacIntyre's broader philosophy. Firstly, the definition of a practice made it clear that there are activities internal to practices that would not make sense without the wider structure of the practice. The examples of skillful passing, bricklaying, turnip planting, and skillful paintbrush manipulation were presented. But these examples themselves show how the structure of a practice and the standards of excellence internal to a practice do not necessarily depend on a wider structure. One can understand the purpose and goals of a sport without tying it to some broader tradition, in the manner one needs to with the activity of skillful passing. It may play a role in a wider context, but a definition of excellence in that practice does not necessarily depend on that broader context. The evaluation that an individual is a skillful or creative painter can be separated from the content and role of the particular painting. It is more likely, that often the passing on of practices will occur piece-meal and without an awareness of any greater whole. As Gordon Graham points out,

> "It seems that participation in a tradition could be wholly lacking in historical consciousness. Future craftsmen must be inducted into the craft by a master, and thereby have their judgements informed by previous (which is to say historical) experience reflected upon. But why must the reflection itself be expressly historical? The origins of the craft, or of a specific project, the

> names and contributions of predecessors, and indeed the historical development of the craft itself could be quite unknown to a contemporary master."[403]

This causes no problem for the transmission of practices, but does suggest that the passing on of MacIntyre's "traditions" is less likely to be a common occurrence, and more likely the purview of a more specialized group of citizens. The concept of a practice on its own is less likely to run afoul of this theoretical problem. However, it is important to note once again that a practice is a flexible concept that can accommodate almost any scale and complexity of activity that may arise.

More significantly, the role of narrative for MacIntyre is a means of providing a grounding for a virtue ethics that is not necessary for our purposes here. MacIntyre wants to create the conditions for the promotion of virtue in society. Pettit describes MacIntyre as wanting to "facilitate the self-development and self-realization of citizens – to facilitate their virtue and flourishing..."[404] My purpose here is not that goal however; but instead the determination of a useful concept for marking those social entities that should be the beginning point of analysis when attempting to find some resolution for conflicts between practices as they stand now within a general post-communitarian liberal framework. I do not have the further goal of facilitating certain forms of coherent cultures, only the goal of attempting to resolve conflict between ways of life as they exist, while leaving the greatest room possible for

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[403] Gordon Graham, "MacIntyre on History and Philosophy,"in Mark Murphy, *Alasdair MacIntyre,* Cambridge: Cambridge University Press, 2001, p.31

[404] Philip Pettit, "Liberal/Communitarian."in *After MacIntyre*, John Horton and Susan Mendus (eds.), Notre Dame: University of Notre Dame Press, 1994 p.184

autonomy, however limited that may be. Whether or not virtue ethics is a necessary part of debates concerning multiculturalism is of course a live issue, but not one this thesis seeks to address in any detail. This thesis seeks to determine whether it is possible to define a form of activity that has both, fairly definable goals, and an identifiable set of practitioners, thus, avoiding the drawbacks of essentialist notions of culture. MacIntyre's approach is more concerned with elaborating how one comes to the values and forms of rationality that one has, than with conflicts between differing traditions. Even if one accepts that there is a great deal of important debate left to be engaged in with regard to those issues, for my present purposes I bracket these concerns. MacIntyre's project is the enormous task of describing and justifying the foundations of rationality and virtue. My project is the considerably more humble one of determining the most accurate and advantageous cultural unit or group for addressing the pressing issues of plural societies.

The cultural unit that I have chosen to fill this role is that of a 'practice.' This concept is much like MacIntyre's, in that it is defined as an activity with standards of excellence and internal goods that are particular to that practice. As such it provides a far more precise and limited concept than that of a culture, and its practitioners are consequently far easier to determine. In contrast to MacIntyre, however, it must be recognized that the standards of excellence of a practice may be contested and revised. In this respect I deviate slightly from MacIntyre's definition. A study of the history of a practice is not sufficient to determine its standards of excellence. As a result, in order to determine the standards of excellence of a practice, those standards must be debated and affirmed by those partaking in that practice. This caveat makes the role and importance of Benhabib's deliberative democracy apparent. The

standards and nature of a practice must be put forth and debated by its practitioners in the discourse of a deliberative democracy. In the next section I will conclude by setting out the benefits of the concept of a practice for framing that debate, and its advantages over reductionist conceptions of culture.

CHAPTER 7

The Advantages of the Concept of a Practice.

Thus far, the argument was that the traditional concept of culture distorts and fails to accurately represent the interests and identities of modern individuals. Having accepted deliberative democracy as a framework for discussing the issues of diverse societies, the problem now was to determine an alternative to the concept of culture as a conceptual tool for demarcating some of the groups and issues in question. I proposed the concept of a 'practice'. A deliberative democracy with individuals speaking on behalf of, or as representatives of cultures, would fall prey to all the difficulties associated with the critique of reductionist accounts of culture. I will present five main benefits to using the concept of a practice rather than the concept of culture as understood by the post-communitarian liberals. Firstly, then, a practice based approach accords with the actual way such conflicts are usually examined, that is, on a case by case basis. Cultural conflict is never wholesale. Conflicts are usually between one particular practice and another. Secondly, societal changes are generally alterations of particular practices, not grand shifts in the texture of an entire culture. Thirdly, the concept of a practice is a better means of representing the individuals and interests involved in these debates and is less prone to inaccurate generalizations and distortions. It provides a more manageable framework for accurately demarcating the context of these debates. Fourthly, the concept of a practice provides means for determining the significance and relative importance of practices that is helpful for resolving conflicts between them, for instance, by providing a distinction between internal and external goods. Finally, the concept of a practice allows for

more nuance in the exploration of the varying degrees of power over the nature and form of practices than a focus on whole cultures. Exploring these benefits will provide an opportunity to further describe differences between types of practices and to begin to outline how conflict between practices may be negotiated.

From the outset however, I would like to express a scepticism about the ability of any concept to come complete with a system that can order the relative value and relevance of different practices. There seems no reason to me why there will not simply be some practices that are incommensurable. Other concepts and theories will be necessary to resolve these conflicts. But, while the conflicts will continue to be difficult to resolve, at least one will be arguing about the appropriate issues. The concept of a practice in itself does not tell you how to solve conflict between practices, but focuses the debate on the proper subject. That said, the concept of a practice can provide some tools that can be applied to these problems, and brings out the fact that the problems of diverse societies are actually even more multifarious than a conflict limited to a relatively few cultures. Being clear about the nature of the problem is an important step in finding ways to resolve it.

But aside from the theoretical benefits there is a dispositional benefit in understanding society as a complex of interweaving and overlapping practices. An awareness of one's multiple allegiances may result in feeling that one's identity is less threatened by cultural change than if it is based upon a single integrated culture, a culture that would feel the reverberations of any change through its entire extent and range of significance. An awareness of multiple identifications also presents the individual, in a very straightforward and first-hand way, a direct experience with diversity not as a concept but as a lived experience. In a similar manner it also

presents an experience of the way different allegiances and values may come about. An awareness of the multiplicity of one's commitments and group memberships not only makes one aware of the complexity of the problem, but supports a more flexible attitude to difference and change, and may allow for the possibility of hybrid solutions to the simple binary oppositions of cultural conflict. In this respect one might consider these multiple allegiances to be beneficial and not necessarily something that is entirely negative and should be overcome through a return to the proper sources of the self or some sort of unitary narrative.

7.1.1 Law, Change, and Practices

The first benefit of focusing on practices rather than whole cultures is that it accords with the manner law is actually practised, in that many of the problems that arise in multicultural societies are conflicts between practices, or concerns about the desire to continue particular practices. The culture as a whole is rarely a focus. Very often cases arise when a historical practice conflicts with some other practice. Let us look at an example, for instance, cases where the wearing of a Kirpan, a Sikh ceremonial dagger, should be allowed in public schools. The question is not one of an entire religion conflicting with the belief system of some putative Western culture, but of the importance of one particular religious practice and its relative weight when balanced against beliefs regarding safety in schools. When cases such as the wearing of a Kirpan are addressed it is not a question of the religion as a whole being allowed to continue, but merely a part of it.[405] So how does the Kirpan case fit the practice model? According to the

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[405] It is possible to imagine an individual who believes that no element of their religion can be altered. For such an individual any such alteration is tantamount to apostasy. If the practices of two such individuals conflicted there seems little that can be done to

definition we have established, wearing a Kirpan is not itself a practice. A distinction has been made between activities and practices. A practice consists of various activities which would be meaningless without that practice. A practice provides the goal or aim of the activities. In this case the practice is not the entire Sikh religion, however. A religion is a set of practices that may or may not cohere in various ways, not a single practice. In the Kirpan example the practice is the wearing of symbolic markers of membership in a religion. The practice has a goal, which is to show piety and allegiance to a particular religion through one's appearance. This practice has activities internal to it by which this goal is to be attained; in this case the wearing of symbolic makers of that piety. The activity of wearing of the Kirpan is independent and not necessary in order to fulfil some other moral command of the religion; for example, it could be required for some particular eating practice.[406] While the goal of being pious, for most religions, requires a number of activities, these do not necessarily depend on each other in some logical manner. Thus the practice in consideration is the public signification of membership in a religion.

Practices have goals, and in this example the aim of the practice is this public

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resolve the situation. In such cases one might appeal to Rawls' pronouncement that such individuals are simply not reasonable citizens. It does seem to follow that if people of diverse beliefs are to live together, when their beliefs or practices conflict with each other, there will need to be some sort of compromise. The only possibility for both continuing their practices without alteration is to separate them from each other, as was Kukathas' suggestion. But we have shown the difficulties with that solution in chapter three. Thus, if compromise is necessary, the question the must be addressed is what it the nature of that compromise?

[406] One could imagine cases where some symbolic makers were necessary in order to wear other symbolic makers. This would be a good example of the increasing importance of an activity to achieving the ends of the practice.

signification of religious membership and piety. While a practice will have rules regarding the activities that are to be followed by those taking part in it, the practice itself is not a rule, but is rather a goal or an aim. These goals and aims can explain the origins of the rules guiding the activities internal to a practice. But the rules that guide the activities do not necessarily follow from the goals in a clear logical manner.

Legal philosophy may provide some useful analogies here. I do not want to go into any great detail regarding the substance of these debates, I merely want to explore the relation of my account of practices in a general way to legal theory, and thus to law as it is understood and practised. A central debate in Legal theory is that between H.L.A. Hart's legal positivism and Ronald Dworkin's interpretive approach to law. The concept of a practice can be understood to play a role similar to that of a principle in Dworkin's account of the nature of legal theorizing. Hart was concerned to refine the separation of moral philosophy and legal theory first suggested by the utilitarians. The reason for this separation is that moral questions are too controversial and difficult to build a consensus around, and thus will create problems for any legal case that involves such moral questions. While Hart recognizes that there many difficulties with maintaining this separation he feels that there are different types of rules that will provide at least some clear determinations of what are valid legal rules, regardless of whether one considers them to be "bad law," that is, morally correct or not.[407] Hart hoped to provide a clearer ground for legal decision making and a clearer basis for determining legal rules. To this

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[407] Hart states "To insist on the utilitarian distinction is to emphasize that the hard core of settled meaning is law in some centrally important sense and that even if there are borderlines there must first be lines." H.L.A. Hart, " Positivism and the Separation of Law and Morals." *Harvard Law Review*, 71 (4) February 1958, p.614, see also, p.629

end he distinguishes between primary and secondary rules. Primary rules are simple commands and obligations such as speeding is illegal. But primary rules alone are inadequate and must be supplemented by 'rules of recognition'. Hart explains that,

> The simplest form of remedy for the uncertainty of the regime of primary rules is the introduction of what we shall call a 'rule of recognition'. This will specify some feature or features possession of which by a suggested rule is taken as a conclusive affirmative indication that it is a rule of the group to be supported by the social pressure it exerts.[408]

Rules of recognition provide the criteria by which the validity of a primary rule is determined. Now while a practice understood as goal or aim of some group shares some features of a rule of recognition in that it sets the ends the activities subsumed within that practice must aim at, it does not do this in a simple and rule-like manner. Thus, as shall be shown, a practice functions less like a rule of recognition in H.L.A. Hart's sense and more as a source of 'principle' as understood in Ronald Dworkin's account of legal practice.

Dworkin sees the concept of a principle as fundamental to his critique of Hart and the Positivists. In critiquing Hart, Dworkin writes, "my strategy will be organized around the fact that when lawyers reason or dispute about legal rights and obligations, particularly in those hard cases when our problems with these concepts seem most acute, they make use of standards that do not function as rules, but Positivism, I shall argue is a model of and for a system of rules, and its central notion of a single fundamental test for law forces us to miss the important roles of

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[408] Hart, H.L.A. *The Concept of Law.* Oxford: Oxford University Press, 1961, p.94

these standards that are not rules."[409] Dworkin cites a number of cases to show the manner in which principles function in law; for instance *Riggs v. Palmer* where the case hinged on "whether a heir named in the will of his grandfather could inherit under that will, even though he had murdered his grandfather to do so." Dworkin notes that "in *Riggs*, the court cited the principle that no man may profit from his own wrong" and thus denied that the grandson was eligible for the contents of the will.[410] This decision involved appealing to principles that were not directly codified into the legal structures of law. Thus law cannot be conceived of as a simple logical structure with master rules and the various laws that result from them. Rules, Dworkin argues, are "applicable in an all or nothing fashion".[411] Principles, on the other hand, have a "dimension of weight or importance."[412] The aim of a practice as I define it can be seen to function like a principle on Dworkin's account. The activities which the practice suggests do not follow like logical consequences but may be more or less important to the achievement of the goal of that practice. Dworkin explains that while weighing principles will not be a cut and dry logical process, there are still means for determining their relative significance:

> It is true that generally we cannot demonstrate the authority or weight of a particular principle as we can sometimes demonstrate the validity of a rule by locating it in an act of Congress or in the opinion of an authoritative court. Instead we make a case for a

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[409] Dworkin, Ronald. "The Model of Rules." *University of Chicago Law Review*. 35 (14) p.22

[410] Ibid., p.29

[411] Ibid., p.25

[412] Ibid., p.27

> principle and for its weight, by appealing to an amalgam of practice and other principles in which the implications of legislative and judicial history figure along with appeals to community practices and understandings.[413]

Thus one can see how a practice approach such as I am outlining here would fit in with Dworkin's account of legal practice. Further, Dworkin's account also provides the beginnings of a framework for understanding how debates between the relative significance of practices might be determined. From the quote above it is clear that this must be done in a manner which looks to the nature of the practice over time and the importance it holds for its various practitioners. The manner in which significance will be determined on a practice account will be explored further in subsequent sections of this chapter. The purpose of this very quick sketch of what is a complicated and extended debate in the philosophy of law was merely to show that the concept of a practice accords with some of the dominant theoretical constructs found in that debate.

How are these considerations reflected in the case of wearing a Kirpan? Though the actual conclusions reached in deliberating such a case would be a result of the various actors discussing it in a suitable deliberative forum, one could imagine a conclusion where it was felt that the marking of membership in a religious community could be achieved in other ways. This is to say that the wearing of a Kirpan can be seen as only one way to achieve the good of the practice. The goal of signaling membership could be achieved in other ways by other symbolic gestures. The goals or aims of a practice do not necessarily specify in a non negotiable way

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[413] Ibid., p.37

what the activities of the practice should be. As noted these aims function more like principles than rules. The wearing of the Kirpan is not a practice itself but merely an activity, and thus may be revised while remaining true to the goals of the practice.[414] One possible response to such cases is to ban the wearing of religious markers entirely, for instance in France where schools used this justification to prohibit the wearing of a head scarf or hijab. If in such a case all symbolic markers of religious membership are outlawed, then the practice is itself in question, not merely the means by which the goods internal to it are achieved, and different principles will apply. On a practice approach one can first determine whether the activities internal to a practice can be adjusted before one needs to address the question of incommensurable practices. Hopefully, framing the problem in this way will show that many conflicts between practices are not incommensurable and thus insurmountable but can instead be resolved at the level of the activities internal to the practices.

These examples allow us to see why 'activities' as understood here can not on their own make sense of what were called 'cultural conflicts' by minority rights theorists, and these examples also show why it is unnecessary to move to even more general, broader entities like cultures to handle such cases. If one focused merely on activities the requisite questions of value and significance would be difficult to determine. What is required is a level of abstraction that can make sense of a social goal or good, which a determinate set of individuals seek to achieve. While practices may be interrelated with other practices, that is, some goals may be

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[414] It may be argued that the Kirpan has special significance as a result of various historical factors particular to the Sikh religion. While a particular symbolic gesture may be related to the history of a religion, most religions are of a great enough complexity to offer a vast range of important doctrinal and historical elements that can serve to ground symbolic references to membership.

connected with others, this will not necessarily lead to a culture, and in the modern western world it is highly unlikely that it will to such a formation. Thus the practice approach is capable of appealing to a flexible range of social formations, some culture-like in scale and others much smaller. And in most cases the social formation will be considerably smaller than a traditionally defined culture. Again the benefit of the practice approach is that it can accommodate culture-like structures but does not presuppose them, thus it is capable of understanding and accommodating a greater range of phenomena than approaches that being with the assumption that these are conflicts between cultures.

Since cultural change and cultural conflict does not occur wholesale, understanding it in terms of conflicting practices is more likely to accurately represent the nature of the actual problem. This is the second benefit of a practice approach. It accords with MacIntyre's injunction to look at the actual historical practices of a society when exploring moral debates. If the non-reductionist account of culture is correct, merely because one aspect of what was formerly considered a culture changes, does not mean that every aspect of that culture changes. As was shown in the discussion surrounding MacIntyre's concept of tradition, conflicts do not occur between traditions in their entirety. Since cultures are not fully integrated wholes, one need not assume that any change will lead to a change in the whole. Conflict generally occurs between individual practices or the particular activities of practices. However, even if one were to retain an approach that saw large cultural groups as existing entities, a concept such as a practice would still be required to analyze the kinds of changes and conflicts that any such culture faces. It is not always a problem of the continued existence of a complete culture that marks multiculturalism, but the question of how much change can reasonably be demanded or

imposed on the ways of life of individuals. Thus, some form of the conception of a practice would be required even if one wished to maintain some conception of large scale cultures, otherwise one would not be able to make sense of piecemeal change. Thus in addition to accommodating a greater number of social structures than traditional approaches centered on culture, the practice approach also has theoretical benefits that would be required *even if* one maintained a theoretically problematic idea of culture.

7.2.1 Practices and the Constitutive Elements of Society

The third benefit of an approach focused on practices is that it brings a sharper focus to the individuals who are affected in cases of cultural conflict and escapes some of the difficulties that accompany reductionist concepts of culture. Given that the critique of reductionist conceptions of culture necessitated finding new conceptual tools with which one might deal with dilemmas of contemporary pluralism, this third benefit of the concept of a practice is naturally crucial and central to the other benefits that follow. A significant part of the first chapter was devoted to showing how the various uses of the concept of a practice avoid the reification and inaccurate generalizations concomitant with the use of the traditional conception of culture. The most important aspect of the concept of a practice is that it avoids organicist conceptions of culture that impose a false coherence on social structures and which do not match the lived experience of individuals. Beginning with practices allows a theorist to be true to the diversity of modern Western society. The first chapter provides an analysis and made an extended case for this benefit of the concept of a practice; here I merely want to summarize the main thrust of these arguments, and show how some of these benefits may play out in the

conflict between practices and multicultural theory.

Authors like Amartya Sen show that approaches and beliefs that tie individuals to single cultures are a recipe for conflict and violence. The practice approach makes the understanding of how individuals may have multiple allegiances to diverse social structures and systems possible. The use of the concept of a practice can elucidate how individuals may take part in multiple social structures and share varying overlapping and diverse identities. Understanding onself to be a part of many cultures leaves one less likely to see different people as unequivocally "other" and incommensurably different. The practice approach is also able to make sense of Margaret Archer's distinction regarding the difference between the causal consensus regarding social systems and the logical consistency of those systems. This is important as it allows us to recognize that there may be a great deal of shared practices among some members of a society, without those practices cohering into logical structures. Any set of practices will have a definable number of practitioners, but if those practices do not cohere or depend on each other, then this lack of a necessary link reduces the claim such a group might have for any one of its practices. This is a consequence of the critique of reductionist accounts that the theorists who originally framed the critique failed to notice. Using the concept of a practice one can understand how individuals may move between elements of a society that do not exhibit logical consistency with each other, yet may all be part of a particular geographical society.

Taking part in these various practices may result in a great deal of cognitive dissonance on the part of the individual. Such cognitive dissonance is difficult to explain if one regards individuals as inhabiting single cultures; in that case all cognitive dissonance would merely be

an improper understanding of the culture. But, any process that simply slots individuals into single cultures will do an injustice to the variety and diversity of commitments of modern Western individuals. It will in a significant way not merely be tolerating or recognizing the membership of people in such cultures, but will be making demands on the identities of such individuals. Some practices, because of their lack of coherence with the whole, would be not part of that individual's 'culture' and therefore often be overlooked in debates regarding the consequences of that individual's minority culture membership. The recognition of the diversity of singular coherent cultures can too easily have the negative effect of stifling an awareness of the diversity among the citizens considered members of those cultures. A practice approach, because of the specificity and flexibility it allows, avoids or reduces all these difficulties, and this is thus the primary characteristic which recommends it over traditional conceptions of culture. A practice based approach can understand the constitutive aspects of living in a society while being flexible enough to recognize the great diversity of associations and communities that are part of what shapes and influences individual identities.

7.3.1 Conflict Between Practices

Starting with the examination of practices is of course merely the first step, and the evaluation of the relationship between practices and the importance of any particular practice to an individual will be a complicated process. A culture, the non-reductionists contend, is a difficult entity to define. A practice on the other hand is a fairly clear and more precise concept. It is difficult to determine who is actually part of a culture, and what the interests at stake in relation to that culture are. The definition of a practice has given us a fairly clear ground –

though it is not free of all interpretative problems – for determining who is and is not partaking in a particular practice. It is important to note that while determining the content and extent of a practice will involve interpretation, which is to say that practices are not free of problems of recognition, the problems associated with recognizing practices in this regard are considerably less unwieldy than those associated with recognizing cultures. Thus, an advantage of looking at practices is that one need not examine an entire culture, in the traditional sense, to determine who is involved and who benefits from any legislation or support. The focus on a practice acts as a manageable starting point and focus for multicultural debates. It is able to elaborate a social formation that is neither a completely disassociated individual, as is the case in some renditions of liberalism, nor the much larger traditional conception of an ethnic group that is often the main object of examination by the theorists of cultural pluralism. Those two focus points have formed the bookends of much debate on the modern multicultural state and citizenship, and a middle road must be sought between them. The idea of a practice forms a middle ground between the unwieldily inaccurate concept of a culture and the completely disassociated individual. Thus, this approach begins to address the concern that Ronald Beiner voices when he notes that,

> A central reason for my concern with citizenship is the feeling that there must be a third alternative beyond liberalism and nationalism, which represent two opposing extremes in the relationship between the individual and group identity. Liberalism seeks to give the individual primacy over the group, even at the price of an alienation from any and every group identity. Nationalism seeks to give the group primacy over the individual, which – as we see with more stark evidence today –

contains the seeds of real human evils.[415]

The political and philosophical problem deeply ingrained in the traditional concept of culture was how can diverse groups of people to live together? Kukathas nicely sums up the main questions of this debate when he asks: "what is the principled basis of a free society marked by cultural diversity and group loyalties? More particularly...[does] such a society require political institutions which recognize minorities: how far it should tolerate such minorities when their ways differ from those of the mainstream community; to what extent political institutions should address injustices suffered by minorities at the hands of the wider society, and also at the hands of the powerful within their own communities; what role, if any, the state should play in the shaping of a society's (national) identity; and what fundamental values should guide our reflections on these matters."[416] The nature of many of these debates is going to change fundamentally if the focus is shifted from cultures to practices. In some cases, however, the same conceptual resources can be applied, merely with a sharper focus. A practice approach does not alleviate the issues that arise between minorities and majorities. In fact the scale of groups who may be considered a minority is greatly extended. Some practices will have very few members, some will have many. Some practices will extend beyond the boundaries of the state. This multiplication of entities is an inescapable result of an increased accuracy in the description of the actual practices of a society. The scale of the membership of

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[415] Beiner, Ronald, *Liberalism, Nationalism, Citizenship: Essays on the Problem of Political Community*, Vancouver: UBC Press, 2003.

[416] Chandran Kukathas, *The Liberal Archipelago*, Oxford: Oxford University Press, 2003. p.3

a practice however, just as it would be in the case of cultures, is not the important feature of a practice. Its importance is related to its significance for the goals and life plans of its participants.

Let us look at an example, when two practices conflict, for instance aboriginal fishing practices and conservation practices. Theorists such as Brian Barry argue that one should balance the interests of those concerned, in this case the interest a society has in controlling fishing practices, against an interest in maintaining traditional hunting practices. On a non-reductionist view of culture the interest in each case in not a question of a culture as a whole being in danger, but more precisely, an interest in maintaining that practice. The relation of that particular practice to other practices would need to be examined. In this way, this approach avoids becoming a simple individualist approach while still being fair to the particularity of each case. Beginning with practices allows one to develop *context specific* strategies, in the manner that Joseph Carens suggests, that broader more abstract approaches cannot. The difficulty with Carens's approach was that merely suggesting that one look at context does not provide enough structure to determine what elements are significant. A practice based approach provides a context that can limit and structure the analysis. It does not however limit the approach to only the local. One can begin with a practice and examine its connections with other practices as need be. Are the traditional hunting practices tied with other religious practices, or are they a relatively autonomous historical practice?[417] These relations will be a crucial factor in

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[417] One can see in this example that other considerations of justice may also come into play here. For instance, questions of economic justice. Is this traditional hunting practice the central means by which this group provides its livelihood? Are there other possible ways of achieving this? What are their associated costs? Again, however, in such questions it makes sense to consider the group who directly makes their livelihood through

determining the significance of a practice.

7.4.1 Practices and Significance.

Looking at practices does not absolve one from any questions of meaning or significance. This however raises the question of comparing practices and their relative significance. To determine the import of a practice to a group requires examining the understandings and beliefs that go along with that practice. As was noted in the discussion of Dworkin and his concept of principles, one does not end up with an empirical science. This approach does, however, sharpen the focus. The questions one must ask are now: who is engaged in this practice, who benefits from this practice, who would like to see the practice continue, and how important is this practice relative to other practices that are part of the society of those concerned? Some practices may depend on other practices. The greater the number of practices that depend on one particular practice, the more significant that practice is. This provides an initial manner of determining the relative importance practices must be accorded when they conflict. Practices on which many other practices depend have a greater importance and should be given priority in cases of conflict. If the loss of a practice would result in the loss or re-structuring of many other practices, then there is clearly a case for the greater significance of that practice. Thus in cases of conflict with more independent practices, or cases where state support of practices is at issue, this will need to be taken into consideration. The flexibility of the practice approach is that it can allow for some very intricately connected structures between practices. There is

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this practice as the proper social entity for the debate, and this group will be smaller and more specific than an entire culture.

nothing that stops this approach from discovering that there are clusters of practices that are so extensive and integrated that they begin to look like traditional cultures. While it may be possible that such structures can arise, they can not be assumed to exist a priori and their scale will vary greatly. Beginning with practices does not exclude such formations but does not presume it either. It marks a clear benefit over the traditional assumption of large ethnic cultures that a practice based approach can both include large culture-like formations and smaller single practices, and that it has an understanding of the relative importance of practices in each case.

The mere number of practices that are dependent on a particular practice cannot in itself determine the significance of a practice. One could have grand clusters of fairly unimportant practices. A second means of determining significance of a practice is to examine how central it is to the to the identity of the individuals who partake in it. Since, in chapter five it was argued that a deliberative democracy is an appropriate framework for addressing these issues, one can conceptualize the process in the following manner. Individuals debating in the deliberative realm each account for the role of the practices at issue in the narratives of their lives. Focusing on the role that a practice plays in the narratives of the individuals in question provides a means of determining the significance of a practice while avoiding an appeal to the relevance of these practices to some larger culture. An appeal to the "role of the practice in a culture" would face all the problems associated with the traditional account of culture.[418] Instead of relating the practice to a culture, and facing all the difficulties that the critique of

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[418] To recall just one example, the case of Salman Rushdie and Iran in chapter one raised many questions regarding who the proper authorities on the content of cultures should be, and what kind of influence they should wield.

reductionist conceptions of culture points out, one appeals to the particular narratives of individuals. This will require the facilitation of opportunities for those involved in the practices to give their own accounts of the role of that practice in their lives, and will thus facilitate greater civic engagement in general. This in a very direct way provides the conditions for meeting Benhabib's normative condition of voluntary self-ascription where as we saw, "an individual must not be automatically assigned membership to a cultural, religious, or linguistic group by virtue of his or her birth. An individual's group membership must permit the most extensive forms of self-ascription and self-identification possible."[419] If in order to determine the significance of a practice one must consult the individual narratives of those taking part in the practice, then the process of determining significance has embedded in its structure a mechanism that satisfies a crucial condition required by Benhabib of any theory if it is to be compatible with the deliberative democracy model.

The concept of a practice provides a fourth general benefit in this regard. Practices have internal and external goods. External goods as we have seen can be produced in a variety of practices while internal goods are particular to that practice. It would seem a fair judgement then that when a practice conflicts with an activity whose benefits are primarily external, then an additional weight would be given to defending the practice whose goods are internal. The goods of the other activity can be produced in other ways, so deciding in favour of the practice does not necessarily rule out those goods for the individuals affected. In the example of historical hunting practices, the question can be raised is there a good to this practice that cannot

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[419] Seyla Benhabib, *The Claims of Culture,* Princeton: Princeton University Press, 2002, p.19

be achieved in another manner? The answer to this will of course depend on how the hunting practice is characterized. Is it tied in an avoidable way to say another religious practice? What are the other means of livelihood in the region? Which way does the scale tip when balancing the relative weight of the goods of this practice against the goods of the practices that it conflicts with?[420] Further, the same considerations can be applied in comparing significance when one moves outward from the practice to those affected by it. The practice based approach suggests that one should place a greater significance on the concerns of those engaged in the practice as they are the primary beneficiaries of that practice's internal goods, but that it should not blind us to the ramifications that practice may have for others. The resolution of such conflicts will depend a great deal on the kinds of debates that happen in the deliberative realm, and as much theoretical room as possible should be left for those discussions. The analysis of the resolution of conflict between practices is a topic for future research, and will require other concepts. What this thesis has argued is that the concept of a practice is a suitable means of avoiding the confusions that would arise if individuals entered those debates arguing from the standpoint of a culture.

7.5.1 Practices and Power

The fifth benefit of a practice approach is that it provides a more flexible means to

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[420] One can note here that these concerns regarding the varying importance or weight of practices present a very different approach than an all or nothing 'rights' based theory. Perhaps it is unsurprising that when values conflict – values that all those involved have equal rights to – then something other than rights will likely needed to resolve the conflicts. One could of course merely claim that there are other additional rights, but there is nothing to stop those further rights from themselves coming into conflict with each other.

address questions regarding inequalities of power and structures of power. To further explore this benefit and how the concept of a practice can be used in traditional debates concerning power relationships in multiculturalism and minority rights, it is necessary to distinguish between some basic types of practices. While practices will exhibit an almost endless range of variation, limited only by human creativity; the existence of nation states in Western civilization makes some basic distinctions necessary.

There are many associations and practices that individuals take part in that have accompanying rules and standards of excellence, but that are in an important way *voluntary*. While attaining citizenship in most Western states is to some degree voluntary, emigration is rarely easy or without extensive costs when it is possible. Further, while many are born into roles that require participation in certain practices, these practices are not required by the state, and do not have the force of law behind them. Therefore practices which are to become the means of determining the laws that apply to all citizens are different from the sorts of practices that are at issue in the traditional debates regarding culture.[421] Unlike traditionally understood 'cultural' practices, such as a religious injunction to wear some specific ceremonial attire, the practice of law creation is governed by a different sort of formalized procedure. And the results of this procedure are to apply to all citizens equally. The legal system itself seeks a unity and coherence which is not necessarily to be demanded of the lives of its citizens. The manner of

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[421] A law itself is not a practice. The accepted principles behind determining the legitimate means of producing legal rules and decisions do however constitute practices. Thus, while law and legal theory can produce some useful analogies for the realm of practices, and conflicts between practices will be an issue that law must address, the law aims ultimately to be a coherent, logical system in a manner which the diversity of practices in contemporary Western societies are not.

understanding the relationship between legal practices is premised on the necessity of their cohering in a logical hierarchical way. Legal practices are those that all citizens of a state must obey. They are produced through particular methods that are themselves situated in historical traditions of practice. The normal means of determining the legitimacy of such practices is through democracy and the appointment of judges to oversee legal processes. The debate regarding the merits and justice of the state as the final repository of judicial power is a separate task from the exploration I am undertaking here, which is the examination of practices that arise out of membership in voluntary and sub-state associations. When it comes to determining the relations between legal practices, a unity, coherence, and integration is required that one cannot require of the various practices and values of citizens. This sets this entire debate aside from the debates of responses to practices that are not shared by all members of a state. This is a discussion of diversity within the state, not of the state itself. When a sub-state practice conflicts with a state practice this is a conflict of different realms of legitimacy and power. That said, given the framework set up for examining the significance of practices – for instance the importance of their relation to other practices – when the legal practice of a state conflicts with a sub-state practice, the integration and logical coherence of the legal system does set a high standard for the sub-state practice to meet if it is to carry enough weight to override the legal system.

If we remain at the level of sub-state practice conflict and inequality there are some further important distinctions to be made. There is the question of the degree to which practices are voluntarily chosen. As has been shown, there is no reason why individuals may not find themselves born into practices, and their identities may be constituted by certain practices in

much the same way as the communitarian theorists suggested that individuals were encumbered and constituted by cultures. The practice approach merely allows one to be far more specific about the constitutive commitments that a person has. Thus there will be practices that are more freely chosen than others. Some one will be born into, for instance a religion. For all individuals there are un-chosen conditions that are strongly influential, for instance the career paths and values of one's parents; while others will be autonomously chosen and may represent a dramatic break with the past. This recognition allows us to make sense of change and continuity in practices and societies. The more difficult it is to discontinue a practice, or the more costs are associated with discontinuing a practice the more one needs to consider support for individuals engaged in such a practice. This issue is very similar to the worries theorists such as Kymlicka and Kukathas had concerning the ability of individuals to exit from a culture. But while their continued reliance on notions of cultures made it difficult to define what exit consisted of, and what one was actually exiting from, the continuation or discontinuation of participation in a practice is easier to determine. Once again the move to the practice approach can avail itself of many of the theoretical resources and arguments provided by previous multicultural theorists, and apply them in a clearer manner to less amorphous entities.[422]

Secondly, there are practices associated with the production and regulation of other practices. These are in a sense meta-practices. One might call them productive-practices.

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[422] Rebecca Walkowitz notes that the rejection of general narratives about culture can be seen as an act of political opposition. She sees in the of the novels of Kazuo Ishiguro an emphasis on what she terms 'treason.' This is "the refusal to tell a consistent story about politics, about oneself, or about the past – as a tactic of immigrant writing and antifascist dissent." Rebecca Walkowitz, *Cosmopolitan Style: Modernism Beyond the Nation*. New York: Columbia University Press, 2006, p.31

Because they are a source and origin of practices, they take priority over basic practices in cases of conflict. The loss of productive-practices for a group constitute greater damage to the autonomy of members of that group than the loss of a non-productive practice would. Special consideration must be given to those who have the power to shape and construct practices as they represent a source of social power. Those who have less influence on practices are in an important sense dis-empowered. Much of the traditional discussion of minority rights is concerned with the relations of power between traditional cultural groups. Because of the scale of these groups, the varying power of individuals to shape practices and beliefs and the problem for justice that this varying power presents is obscured. Thus the practice approach and this distinction can be a tool to describe these power dynamics of social norm production as a fundamental problem for multicultural theory. Those who do have special responsibilities and those that are the source of their influence need to be carefully examined. Why some have this power and others do not is a complex empirical question.

Questions regarding the form, role, and control of the media is an example of one such issue. Forms of communication are by definition the means of social interaction. They are at the forefront of issues regarding the social power to shape beliefs and practices.[423] Any approach to cultural diversity needs to explore this issue as a separate but related problem to the

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[423] The importance of the media to the shape of a society is readily understood and has lead many nations to go to great lengths to maintain a national media. This media need not only have as its target the members of the nation. As Marwan Kraidy notes, "It is also evident that many countries have used their national media for transnational influence: in the United States, television has been regarded as a global strategic asset since the emergence of the free flow doctrine during Woodrow Wilsons presidency and later formulated as policy by Federal Communications Comission head Newton Minow." Marwan Kraidy, *Hybridity, or the Cultural Logic of Globalization*. Philadelphia: Temple University Press, 2005, p.97-99

relative stability and health of ethnic cultures as defined by the post-communitarian liberals. Who controls the media is not just a question of majority versus minority. Some of the strongest forces dominating the media are in fact originating from the practice of business, which is not typically defined as a culture, but has clear imperatives and goals which shape the kinds of products it produces. In this case the conflict is not between a minority culture and the state, or even necessarily a majority culture. A culture may have a great number of individuals defined as members in the media, and yet fail to reflect the nature of the culture, both because of its diversity and because of financial imperatives. Media is developing a global reach, and the development and expansion of technologies such as the internet are creating new sorts of communities of individuals. Territorially based ethno-cultural frameworks are becoming less and less applicable to these new sorts of communities. The complexity of modern communication networks requires new more supple definitions of identity.[424]

The question of media control is of course one that is intricately tied to questions of financial equality. In debates such as this, questions regarding the financial resources of the individuals involved can still come into play, and can draw upon the wealth of material produced on this issue by liberal thinkers and others. It would be difficult, although not impossible in general terms, to address specific questions of power and financial inequality in

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[424] All of these modern conditions affect not only the manner in which art is produced but the perception of its nature and origin. Writing about the work of W.G. Sebald, Rebecca Walkowitz notes, "the national or regional identity of an author depends not simply on the language of initial production but on the conditions of translation, circulation and sympathy." This example also shows how a an approach based on language, such as that of Kymlicka, would have difficulty properly accounting for the 'identity' or culture to which such artworks belong. Rebecca Walkowitz, *Cosmopolitan Style: Modernism Beyond the Nation*. New York: Columbia University Press, 2006, p.164

the cultural framework. While one might note that a culture traditionally defined has a great number of relatively impoverished individuals, some members may not be impoverished, and other may be very influential despite their lack of economic standing. It is not very useful to speak of a culture being wealthy or not. While it may be difficult to determine the role a culture has as a whole in creating wealth, it is less difficult in the case of particular practices. Thus a final benefit of the concept of a practice is that, rather than being limited to a framework that focuses on power imbalances between cultures, it allows for more nuance in the exploration of the relations of power between the producers of practices and types of practices in a society.

7.6.1 Conclusion

This thesis set forth three main goals. First, to defend and extend the critique of reductionist conceptions of culture. To Benhabib's original formulation of the critique were added two more concerns: the multiplicity of possible identifications, and the coherence of the values and beliefs that arise out of these various identifications. The thesis thus strengthens and deepens the critique of reductionist conceptions of culture. Secondly, the thesis presented a systematic application of that extended critique to the work of contemporary liberal political theorists. It was argued that the concepts of culture used by a range of post-communitarian liberals in their political theory can be characterized as reductionist or essentialist, and these theories were thus prone to various difficulties, often significantly limiting their viability as responses to the plurality of values and beliefs characteristic of modern Western societies. The thesis thus presents a sustained analysis of the consequence of the application of the critique to contemporary post-communitarian political thinks and provides an analysis of the similarities

and differences in the susceptibility of their work to the critique. Further, the thesis addressed the question of how consistent and useful the alternative theories of those criticising reductionist accounts are. Thirdly, the thesis set out to outline a more useful conceptual tool for understanding the characteristic issues and conflicts of contemporary multiculturalism. This thesis has argued that the concept of a 'practice' is more helpful for conceptualizing these debates and less prone to inaccurate generalizations regarding the citizens of modern societies. This concept provides a novel way of addressing the questions and conflicts of diverse societies and provides new tools for negotiating those debates.

The critique of reductionist conceptions of culture consists of four general arguments. Firstly, cultures cannot be simply demarcated into [discrete] integrated wholes. Secondly, it is not possible to determine clearly the membership and composition of such cultures. Thirdly, if one starts from the definition of culture as a set of values and meanings, individuals actually inhabit multiple cultures. Fourthly, the various cultures individuals are a part of can conflict. The third and fourth arguments are additions to Seyla Benhabib's initial formulation of the critique. All of these arguments have important ramifications for political theorists concerned to address issues of contemporary pluralism. The first three chapters of the thesis applied the critique to the theories of three representative post-communitarian liberals. This is a group I defined as theorists motivated by the traditional liberal values of autonomy and tolerance, but who also were concerned to show the importance of culture for political theory. The primary theorists I examined were Charles Taylor, Will Kymlicka, and John Rawls.

The first theorist I investigated was Charles Taylor. The examination of his work showed that his notion of culture was structured very much like language. This analogy

suggested a very integrated and interdependent structure very susceptible to the reductionist critique. His notion of 'hypergoods' only exacerbated the difficulties with his fairly implicit notion of culture, and often were defined in such general terms as to be fairly unhelpful for addressing the debates of multiculturalism. Taylor's notion of 'horizons of significance' was however appealing, as it was a considerably more flexible concept than a culture or hypergood, and capable of more specificity. As such it formed a good template for the range of meaning and value that is indicative of a practice.

The second theorist to be explored was Will Kymlicka. Of the post-communitarian liberals, Kymlicka provided the most precise definition of the kind of culture he felt deserving of group-differentiated rights. While his definition was precise, it was also limiting. Kymlicka's definition of a 'societal culture' was explicitly defined in terms of language. Thus his definition had a considerable kinship with that of Taylor. For Kymlicka, however, the definition was so closely tied to language that he had difficulties defending many of his policies, and many that are at issue in typical multicultural debates. Ultimately, a language is capable of sustaining many different values and beliefs, and therefore is a poor means of determining group-differentiated rights as Kymlicka hoped to do. While his theory was a useful means of addressing language issues, it was less useful for exploring other problems. I further explored the work of Chandran Kukathas as an alternative to Kymlicka's work. "The Liberal Archipelago" is presented as an explicit alternative to Kymlicka by Kukathas and was thus examined to determine whether it could resolve the most significant problems plaguing Kymlicka's approach. While Kukathas was cognizant of the many problems with attempts to protect minority rights and recognize cultures, and his theory contained many non-reductionist

leanings, his alternative of multiple political jurisdictions faced many of the same problems with defining membership and boundaries as Kymlicka's. The 'islands' of his archipelago were either overly compartmentalized, or their porousness made Kukathas' judicial pluralism untenable. A similar problem was later encountered again in the work Seyla Benhabib.

Thirdly, I examined the recent work of John Rawls. In the case of Rawls, the closest he came to defining culture was the concept of a comprehensive scheme. This was a quite vague notion, and this vagueness was both its strength and its weakness. It was vague enough to avoid some of the criticisms reductionist concepts face; however, the more vague it became the less useful it was as a conceptual tool for multicultural debates. It also seemed that, since the public political sphere is affirmed from within the private comprehensive schemes, and these schemes are seen to do this in a reasonable manner, that there was an implicit coherent integration to these comprehensive schemes that could fall prey to the reductionist critique. Most problematically, many of the main conflicts of multiculturalism simply could not be addressed in Rawls' public sphere. Thus while such an approach might be coherent, it fails to provide the resources to deal with many of the dilemmas of multiculturalism.

After comparing the post-communitarians and determining their strengths and weaknesses, the next task was to do the same type of comparison with the alternative approaches provided by some of the critics of reductionist conceptions of culture. I elucidated the theories that these critics felt were appropriate responses to the critique of reductionist conceptions of culture. In this section I looked at the work of Brian Barry, Joseph Carens, and Seyla Benhabib, ultimately deciding that the most promising approach was provided by Benhabib. Barry's suggestion was a return to standard liberal individualist definitions of

equality, but he failed to show convincingly how he applied these standards in what seemed like fairly ad-hoc decisions regarding the balance of interests in particular cases. While Barry excessively limited the kind of considerations that could be appealed to in such debates, Carens on the other hand included a great deal, arguing that decisions in such debates should be based on context. The problem for Carens was that he failed to provide means for determining what constitutes relevant elements of the context and what does not. It was argued that a middle-ground was needed between the limited individualism of Barry and the unstructured inclusiveness of Carens. Finally, after noting some inconsistencies with Benhabib's response, I agreed with her recommendation of deliberative democracy as the best framework for debating the conflicts of diverse societies. This approach is far less restrictive in the issues it can address than Rawls' public sphere.

I have argued that the concept of a 'practice' provides a useful starting point for addressing the dilemmas of cultural pluralism, and that the concept of a practice provides the appropriate mid-point between the generality of the traditional concept of culture, and the specificity of a focus on the individual. This approach provides the appropriate level of abstraction required in order to best frame the debates and conflicts typically associated with multiculturalism. The concept provides a useful conceptual tool that can make sense of the manner in which individuals are situated in social frameworks of value without presupposing that these frameworks cohere into larger systematic and recognizable cultures. I further argued that MacIntyre's more general concept of a tradition was subject not only to its own internal issues, but was prone to many of the same weaknesses as the post-communitarian concept of culture. There were three main critiques of the concept of a tradition. First, MacIntyre's

account raised concerns regarding the amount of autonomy that is possible on this scheme. MacIntyre's own attempts to assuage these concerns led to difficulties with the consistency of his own framework. Secondly, if one accepts the non-reductionist account, it would be far less likely that there be the sorts of clear and apparent roles and traditions that MacIntyre suggests there are. This leads directly to the third difficulty, which is that MacIntyre's account does not provide a framework for how one goes about determining the boundaries and contents of a tradition. The concept of a tradition failed to reflect accurately the manner in which culture develops, encounters other cultures, and is expressed in the individual. Thankfully, theorists can avail themselves of the concept of a practice without necessarily adopting the rest of MacIntyre's philosophical schema. This is in part because MacIntyre's project is a different and much larger one than that which this thesis examined. The aim of this dissertation, an attempt to outline the proper social formations from which to begin examining and addressing cultural conflict, is a far more limited goal than MacIntyre's, and thus for the time being those larger issues are bracketed.

In conclusion, it is my position that the best manner in which to address the typical issues and conflicts that arise in multicultural societies is to use the concept of a practice to frame the debate in a deliberative democracy. The conception of culture that the post-communitarian theorists rely on has been shown to be inaccurate and to distort the interests and identities of the individuals involved. In each case this causes difficulties for the philosophical approaches of these theorists. To escape these problems political philosophers should avoid appealing to concepts of culture that are reductionist and instead build their theories around the more precise and more flexible concept of a practice. I propose that the use of the concept of a practice in

the debates that arise out of diverse societies produced five general benefits. Firstly, appealing to practices accorded with the manner in which such problems arise and are addressed, that is, on a case by case basis. Secondly, the practice approach allows one to conceptualize societal change in a focused manner. Thirdly, the concept of a practice provides a more precise means of demarcating those groups of individuals and their interests which are at the heart of the problems and conflicts that arise in diverse societies. The concept is far less prone to inaccurate generalizations and distortions of the groups and interests involved in these debates. Fourthly, the concept of a practice has structural characteristics which allow for weighing the relative importance or significance of practices against each other. Fifthly, and finally, the concept of a practice allows for a more subtle and precise analysis of problems of power in modern societies.

The more complex understanding of the social world that arises out of the critique of reductionist accounts of culture, and the resulting appreciation of the role of practices in one's life has not only a theoretical benefit but also may mitigate some of the psychological dispositions that arise when one understands oneself to be a member of a single culture. Amartya Sen has noted with concern how these attitudes often lead to conflict and violence. The concept of a practice provides just enough of a framework to determine and address the sorts of activities that are most often the locus of actual conflict in culturally plural societies, without falling prey to the criticisms of the non-reductionist account of culture, and it further provides an understanding of identity that avoids simplistic understandings of community that can often lead to conflict and violence. The concept of a practice can make sense of and take into account the particular goals that members of a variety of groups hope to achieve. A culture

as traditionally understood does not in itself have an aim or a goal, but the process of living a life is fundamentally one of setting goals. Thus, to understand a person it is vital to ask what are their aims, what do they hope to achieve in their life? The practice approach to human diversity focuses on this crucial element of human life.

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