

The Philosophical Anthropology of Liberal Cosmopolitanism

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Abstract

This thesis fills a gap in the political philosophy of liberalism by elaborating the conceptions of the human subject implicit in a central ideal of liberalism. The essence of that ideal is that fortuitous facts about an individual – one’s race, gender, religion, nationality, sexual orientation – ought not to determine one’s life chances. This ideal, I maintain, presupposes a philosophical anthropology. Tacit but essential in this presupposition is that contingency and vulnerability are ineliminable features of the human condition. One of the central aspirations of liberalism is to construct a world in which fortuitous facts about an individual do not determine the individual’s prospects of having a flourishing and dignified life.

This thesis argues that a close scrutiny of leading theories of liberal justice reveals that the indisputable fact of human vulnerability is regularly depicted as peripheral. I contend that the marginal depiction of vulnerability in liberalism constitutes a basic problem in the philosophical anthropology implicit in liberalism. I demonstrate this claim by analysing three broad models of philosophical anthropology that can be uncovered in liberal theories and that are the subjects of this study: the *Economic Model*, as exemplified in Rawls among others, the *Sociological Model*, exemplified in Will Kymlicka and theorists focusing on cultural concerns, and the *Integrationist Model*, occurring in at least two somewhat contrasting versions, one by Martha Nussbaum and one by Kwame Anthony Appiah.

I argue that the *Economic* and *Sociological Models* are in some ways inconsistent with the motifs of contingency and human vulnerability. Unlike the two other models, the *Integrationist Model*, I argue, is compatible with the motifs of the ideal of liberalism insofar as this Model portrays human beings as *vulnerable subjects*, as a consequence of universal features of humanity but also of specific features associated with a legitimate degree of local rootedness and partiality. The thesis thus argues by way of the *Integrationist Model* that liberal cosmopolitanism furnishes liberalism with a matching philosophical anthropology.

The overall aim of the thesis is to counter the tendency in an array of liberal theorists to ignore or deny the need for an underlying philosophical anthropology and ultimately to elaborate the essentials of the requisite conception.

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Introduction

This thesis provides a critical exploration of the moral foundations of the political philosophy of liberalism, foundations which I elucidate by reference to the notion of a philosophical anthropology. In broad strokes, two familiar motifs underpin liberalism, namely: moral individualism and moral universalism. These two motifs or foundational ideas maintain: firstly, individuals, irrespective of race, religion, nationality, ethnicity, sexual orientation, and gender, are the ultimate units of moral concern – not groups or collectivities; secondly, contingent facts about an individual's life should not determine the individual's chances of leading a flourishing life. In short, an indisputable aspiration of many forms of liberalism¹ is to mitigate the impact of contingencies on the prospects of individuals anywhere and everywhere. However, a fundamental presupposition of liberalism thus implied that is not standardly disclosed or adequately addressed is that of human vulnerability. *Vulnerability* will be a major normative analytical category for analysing and evaluating the liberal theories to be studied in this work.

What has come to be debated frequently that might seem to exhaust this topic are such themes as brute luck, option luck, and luck egalitarianism, but the problem of luck is rarely mentioned in tandem with the larger, all-important issue of human vulnerability. The debates on luck principally centre on distributive justice, and are too exclusively focused on a lack of

¹ Alan Ryan provides a taxonomy of different kinds of liberalism in his article, "Liberalism." In the article, he notes that liberalism is not one but many. It includes: classical liberalism, modern liberalism, libertarianism, egalitarian liberalism, social liberalism, etc. For more on this see, Alan Ryan, "Liberalism," in, *A Companion to Contemporary Political Philosophy*, eds. Robert, E. Goodin and Philip Pettit, (Oxford: Blackwell Publishing, 1995), 291 – 311. Also see, Michael Freeman, *Liberalism: A Very Short Introduction*, (Oxford: Oxford University Press, 2015), 19 – 36. While I do not examine the classifications of liberalism in this thesis, the views of liberalism scrutinized in this thesis does not include libertarianism in that the moral underpinnings of libertarianism do not reflect a core liberal idea of contingency and vulnerability. For more on libertarianism, see Jason Brennan, *Libertarianism: What Everyone needs to Know*, (New York: Oxford University, 2012).

resources.² I will demonstrate in this thesis that liberalism therefore frequently portrays vulnerability as a marginal feature of human lives. This negligence significantly skews the shape of leading theories of liberal egalitarianism and their supporting philosophical anthropologies. I will argue that the marginality of acknowledging vulnerability in liberalism constitutes a basic problem in its implicit philosophical anthropologies.

One of the aims of this thesis is thus to uncover and scrutinize the implicit philosophical anthropologies of prominent theories of liberal egalitarianism. In examining leading theories of liberal egalitarianism, I will be guided by the following questions: What image of the self is implied in this theory? Does the image of the self duly register human vulnerability? Is the philosophical anthropology a sound basis for the moral individualism and the moral universalism of liberalism, especially given certain strictures of culture or other identity-based essentialisms? Does the underlying philosophical anthropology have an adequate conception of human flourishing or of moral psychology?

In assessing various leading theories of liberalism, I identify three broad models of philosophical anthropology that will constitute the focus of this study: the *Economic Model*, the *Sociological Model* and the *Integrationist Model*. The *Economic* and *Sociological Models* are in

² Some prominent writings include, Ronald Dworkin, “What is Equality? Part Two: Equality of Resources,” *Philosophy and Public Affairs* 10 (1981): 283 – 345; Richard Arneson, “Equality and Equal Opportunity for Welfare,” *Philosophical Studies* 56 (1989): 77 – 93; Gerald Cohen, “On the Currency of Egalitarian Justice,” *Ethics* 99, no. 4 (1989): 906 – 944; Elizabeth Anderson, “What is the Point of Equality?” *Ethics* 109, no. 2 (1999): 287 – 337; Elizabeth Anderson, “The Fundamental Disagreement between Luck Egalitarians and Relational Egalitarians,” *Canadian Journal of Philosophy* (Supplementary Volume) 36 (2010): 1 – 23. It is worth noting that Elizabeth Anderson who coined the concept of ‘luck egalitarianism’ does not adequately appreciate the significance of luck egalitarianism. In insisting that luck egalitarians misconstrue egalitarianism as simply consisting in compensating people for undeserved misfortune, she overlooks the importance of the intuition underpinning luck egalitarianism – the idea that misfortune can also undermine relational egalitarianism. Another notable article is: Kasper Lippert-Rasmussen, “Justice and Bad Luck,” in *Stanford Encyclopedia of Philosophy*, 2014, <http://plato.stanford.edu/entries/justice-bad-luck/#7>, etc. I think it is plausible to argue that the idea of luck is also present in John Rawls. I will discuss the presence of issues of contingency in John Rawls in the first chapter.

ways at odds with the motifs of moral individualism and universalism that underscore liberalism, and a due recognition of human vulnerability. They are both lopsided philosophical anthropologies. The *Integrationist Model*, I shall argue, shows more compatibility with the motifs of the ideal of liberalism.

The Economic Model is a model of the self that ascribes primacy to economic rationality. In this model, the self is conceived primarily in terms of its relation to a schema of economic efficiency. The self is conceived as an enlightened independent productive member of a cooperative social scheme. *The Sociological Model* construes the self as constituted and realized in societal cultures. In this model, culture is foregrounded as a primary good the absence of which the flourishing of the self is imperilled. In this model, the self is constitutively bound to a cultural community. *The Integrationist Model* conceives the self through the lens of the constitutive strictures of human beings and the background of contingency within which every human life is situated. This model of the self adopts a theoretical framework in which vulnerability and contingency are normatively central.

A theme throughout this thesis is that liberalism needs a matching philosophical anthropology and this thesis seeks to fill that lacuna. I will show that a minimum requirement for any liberal theory to be consistent with the requisite philosophical anthropology is to furnish an adequate account of human fulfilment or flourishing. John Rawls's conception of distributive justice will be the exemplar of the *Economic Model* while Will Kymlicka's theory of multiculturalism will provide the main materials for the *Sociological Model*; supplementary materials will be drawn from Charles Taylor. The capabilities approach of Martha Nussbaum and Kwame Anthony Appiah's theory of liberal cosmopolitanism both offer versions of the *Integrationist Model*.

Let me immediately provide an important definitional clarification regarding what I mean by a philosophical anthropology. It is in fact, a longstanding notion in philosophy, indeed a continuing one, even if currently underused or, in some quarters, a supposedly antiquated one. In broad terms, by a philosophical anthropology, I mean any conception of the general nature of human beings or of the human condition that derives from abstract philosophical reflection supplemented with ideas derived from history and available social, psychological, and biological knowledge. A philosophical anthropology consists of reasonable assumptions, ideas and facts regarding basic human needs, desires, limitations, and forms of fulfilment and the accompanying implications for how humans should live and organize society. It comprises a mix of descriptive and normative elements, that is, about how human beings fundamentally think and behave and about how they ought to best think and behave.

The history of philosophy is replete with conceptions of philosophical anthropology and they occur also in current philosophical theorizing: concepts like human nature, the human reality, and the human condition, the self, the human subject are suggestive of a philosophical anthropology.³ The concept of human nature, though, is notoriously controversial; it conjures up the idea of a fixed and unchangeable human essence that imposes conventional limits on what is morally acceptable.⁴ But the idea of a human nature need not be conceived in metaphysical,

³ Charles Taylor, *Sources of the Self: The Making of the 2nd Ed.* (Cambridge: Cambridge University Press, 1998), 50; Leslie Armour, "Economic Rights and Philosophical Anthropology," in, *Philosophical Theory and the Universal Declaration of Human Rights*, ed. William Sweet, (Ottawa: University of Ottawa Press, 2003), 41 – 69; Thomas Hurka, *Perfectionism*, (Oxford: Oxford University Press, 1996), 9 – 22; John Christman, *The Politics of Persons: Individual Autonomy and Socio-historical Selves, Modern Identity*, (Cambridge: Cambridge University Press, 1989), Michael Sandel, *Liberalism and the Limits of Justice*, (Cambridge: Cambridge University Press, 2009), 1 – 2; Ian Shapiro, "Human Nature," in *The Shorter Routledge Encyclopedia of Philosophy*, ed. Edward Craig, (New York: Routledge, 2005), 390 – 395.

⁴ Michael Sandel, *Liberalism and the Limits of Justice*, 50; Peter Loftson, *Theories of Human Nature*, 3rd ed. (Peterborough: Broadview Press, 2006), Joel Kupperman, *Theories of Human Nature*, (Indianapolis: Hackett Publishing Company, 2010), Louis Pojman, *Who Are We? Theories of Human Nature*, (New York: Oxford University Press, 2005).

unempirical terms. I think it is a useful concept for denoting assumptions, arising from experience, about broadly shared human characteristics. I intend to avoid the metaphysical baggage that the concept of ‘human nature’ sometimes entails, and I definitely do not endorse the view that there is a universal, fixed and immutable human essence that is independent of human choices and historical contexts. When speaking of a philosophical anthropology, I shall be using terms like the self, the human subject, the human person, and the human condition to convey the idea that human life is lived in contexts pervaded by contingency, finitude, biological and sociocultural constraints.

In broad strokes, my arguments will be of two kinds: critical and constructive. The arguments to be advanced in the appraisal of the *Economic* and *Sociological Models* will be mainly critical on account of the inadequacies of their philosophical anthropologies. On the other hand, the *Integrationist Model* will be more constructively scrutinized insofar as it is more in keeping with the ideal of liberalism. Another merit of the *Integrationist Model* is that it includes the humane intuition of the ideal of cosmopolitanism – it combines what can be defended as the best aspects of liberalism and the best aspects of cosmopolitanism.⁵ Appiah and Nussbaum both draw on the ancient cosmopolitanism of the Cynics and the Stoics, in constructing their distinctive conceptions of cosmopolitanism. A key element of ancient cosmopolitanism that they retrieve is that the contingencies of one’s life ought not to determine one’s life chances. In other words, the cosmopolitanism of Appiah and Nussbaum rests on the ideal of fostering a sense of solidarity with

⁵ A. A. Long writes approvingly of the ideal of ancient cosmopolitanism thus: “what Stoic cosmopolitans advocated our doing, is for us to treat persons, no matter who or where, as quasi-siblings, whose claim on our care and fair treatment are grounded simply in the fact that we are all human beings;” A. A. Long, “The Concept of the Cosmopolitan in Greek and Roman Thought,” *Daedalus*, (Summer 2008), 50 – 58, 51. Long notes elsewhere that Stoicism contains elements of egalitarianism: “Stoic conceptions of the common identity of human beings in virtue of rationality exclude any grounds for ranking men’s innate aptitudes ahead of women’s, or for positing natural slavery, or for treating anyone as ethically superior to another on the basis of wealth or social position or race; “Stoic Communitarianism and Normative Citizenship,” *Social Philosophy and Policy* 24, no. 2, (2007): 241 – 261, 243.

all human beings. However, in their distinctive conceptions of cosmopolitanism, they reject the presumption of radical self-sufficiency and invulnerability that was a key feature of stoic morality. Since Appiah and Nussbaum are the focal points of this model, I have opted to subdivide the *Integrationist Model* with Appiah representing *Integrationist Model 1* and Nussbaum *Integrationist Model 2*.

In chapter One, I will examine the *Economic Model*, concentrating specifically on John Rawls's notion of *moral personality* which is the nucleus of his philosophical anthropology. Rawls's image of moral persons is that of symmetrically situated rational, free and independent physically able persons endeavouring to advance their respective enlightened interests. Rawls's conception of the self is the *Independent Subject*. Pictured as such, Rawls, I will argue, homogenizes human beings. In so doing, his philosophical anthropology is incapable of capturing the irreducible heterogeneity of human beings.

The *Sociological Model* will be scrutinized in chapter two. This model is a critique of the liberal ideal of universal humanity. It endorses the claims of minority groups to recognize their cultural uniqueness. As a difference-based, cultural critique of the liberal ideal of universal humanity, it employs the concept of culture as a category of 'minoritarian' challenge to majoritarian domination. This point of view is forcefully advanced in Will Kymlicka's theory of multiculturalism in which he argues that group-differentiated rights are compatible with liberal equality. A key thesis of the underlying philosophical anthropology is that an autonomously constituted liberal self needs a secure societal culture in order to flourish. I shall demonstrate that by making cultural identity a primary source of one's identity and self-respect, Kymlicka's thesis oversimplifies the ways in which one's multiple identities structure one's manifold experiences. In aspiring to acknowledge human vulnerability, the theory actually misrepresents it.

Unlike the earlier two models, the *Integrationist Models* adequately reflects a philosophical anthropology that is consistent with the liberal ideal that arbitrary facts about a person's life should not determine the person's chances of leading a flourishing life. One reason for this is, again, that the *Integrationist Models* draws inspiration from the ideal of cosmopolitanism. That is ultimately why the third model is superior to the other two models.

Following up on that theme, Chapter three strikes a more constructive tone. It examines the *Integrationist model 1*, that is, the philosophical anthropology of Kwame Anthony Appiah's theory of rooted liberal cosmopolitanism. Grounded in moral individualism, Appiah's rooted liberal cosmopolitanism espouses a qualified view of the moral universalism of liberalism. This is reflected in the moral psychology of his theory. He tries to show that the universalist outlook of liberalism is compatible with elements of moral partiality and a particularistic identity. His perspective on the human capacity for self-constitution is *moderately constructivist*. He sketches a theory of identity that holds that humans are so constituted that they are open to manifold ways of flourishing. Contrary to the thesis of the *Sociological Model*, Appiah contends that individuals do better in contexts that expose them to a broad diversity of human ways of being and living. I will argue that Appiah supports his theory of rooted liberal cosmopolitanism with a suitably matching philosophical anthropology, one that accords with the ideal of liberalism.

Chapter four takes up the second part of the *Integrationist Model*. Martha Nussbaum articulates a rather hesitant conception of cosmopolitanism that is grounded on a vision of human vulnerability and the way contingencies of birth potentially imperil human flourishing. With this vision, she urges that we take account of the lives of others, the fate of our fellow human beings anywhere. This vision is encapsulated in and fleshed out by her "capabilities approach". Her theory comprises a liberally grounded neo-Stoic, neo-Aristotelian conception of human flourishing. It

amounts to an exceptionally well elaborated conception of human persons in that she develops an objective normative account of human functioning for evaluating the efficacy and adequacy of political institutions. For her, the ideal of liberalism requires an adequate account of a flourishing human life, one that precedes liberal theories of good societies. A key merit of her work is that it strongly advocates that human life should not be left to the mercy of luck, or the accidents of birth. As a consequence of this, she employs vulnerability as a normative category for constructing her philosophical anthropology. I will be making a case for why her theory is a good resource for constructing the philosophical anthropology of liberal cosmopolitanism.

In chapter five, I offer my resulting conception of what an adequate philosophical anthropology of liberal cosmopolitanism ought to be. Further to some elements in Appiah and Nussbaum, I will make explicit and essential a motif that contemporary liberal Anglo-American political philosophy does not adequately bring out: that liberalism and cosmopolitanism both aspire to diminish the impact of luck on the life chances of individuals; that this aspiration supervenes on a conception of human beings as *vulnerable subjects* who are constantly susceptible to misfortunes that could undermine their well-being. I will insist that vulnerability should no longer be a marginal element of liberalism; it has to be visibly represented in a plausible liberal conception of the self. As a consequence of the ineluctable vulnerability of the human condition, any liberal theory of a good society ought to reflect the following philosophical anthropological facts – that human beings:

- (i) Do not have any antecedently fixed and universally shared human essence;
- (ii) Are vulnerable subjects, born with undeveloped abilities and consequently require environments that would foster the development of those abilities;

- (iii) Have a constitution that is remarkably malleable and are consequently able to identify in some measure with and take pleasure in their *natal patria* while also fashioning distinctive self-identities from foreign and heterogeneous sources;
- (iv) Are capable of cultivating capacious imaginations in a world that refrains from essentializing collectivities and defining individuals only in terms of solidified identities.

I will argue that the aforementioned facts are normative criteria for assessing the adequacy of any liberal philosophical anthropology. The category of vulnerability will be the key organizing and normative analytical resource that I will be using to advance my thesis. Just as cosmopolitanism is conceived as an ideal theory, the philosophical anthropological theory I will be advancing in this thesis – that is; the philosophical anthropology of liberal cosmopolitanism is a normative theory that is rooted in biological and psychological facts about human being, at least from the perspective of liberalism.

In brief, by the philosophical anthropology of liberal cosmopolitanism I mean a philosophical conception of human beings that ascribes normative priority to the undeniable vulnerability of human beings. Because of the constant and pervasive presence of vulnerability in human experience, it structures our ideas of harm and well-being, interests and rights, equality and inequality. It is nurtured by core moral principles of liberalism: that individuals, not collectivities are the ultimate units of moral concern and that individuals regardless of nationality, race, gender, religion, etc. are of equal moral worth. It is animated by the cosmopolitan aspiration that the contingencies of birth which pervade every human life, should not determine the life chances of individuals. In this connection, it resists the reification of identity categories. This implies that we should not think of human beings as determinately subsumed in identity categories.

Insofar as liberalism validates the view that individuals have the capability to live lives in pursuit of aims that they themselves endorse to be necessary for a flourishing life, a theory that makes this view applicable to and plausible for all individuals is indispensable. Liberal cosmopolitanism cannot avoid a corresponding philosophical anthropology.

Chapter One

The Philosophical Anthropology of the Economic Model

John Rawls

1.1 Introduction

John Rawls's philosophical anthropology is a variant of egalitarianism. A portrait of his philosophical anthropology can be pieced together by scrutinizing the philosophical anthropological presuppositions of his arguments in *A Theory of Justice* (hereafter *TJ*), and *Political Liberalism* (hereafter *PL*). Although this involves some covering of well-known ground, the purpose is to probe it anew for its layers and their solidity. I will begin by uncovering the philosophical anthropology that informs his arguments in *TJ* and *PL* and consider whether they are compatible with the ideal of egalitarian justice. I will also refer to *Justice and Fairness: A Restatement* (hereafter *JF*) where appropriate to indicate views that have been revised or abandoned and to stress views that he continued to espouse as articulated in *TJ*. This chapter will specifically argue that the Rawlsian theory of justice is significantly informed by assumptions that drive standard economic theories of human behaviour.

1.2 The Philosophical Anthropology in *TJ* and *PL*

A major feature of contemporary liberalism is the idea that the life chances of individuals should not be determined by fortuitous facts about their lives. This idea holds a central place in John Rawls's ground-breaking work, *A Theory of Justice*. One of the aims of Rawls in *TJ* is to articulate a theory that would help diminish the effects of luck, of natural contingencies in the lives of individuals. His theory of justice has as its background the problem of contingencies and how they could undermine or enhance the lives of individuals. The following passage captures this motif:

[N]atural distribution is neither just nor unjust, nor is it unjust that persons are born into society at some particular position. These are simply natural facts. What is just and unjust is the way that institutions deal with these facts. Aristocratic and caste societies are unjust because they make these contingencies the ascriptive basis for belonging to more or less enclosed and privileged social classes. The basic structure of these societies incorporates the arbitrariness found in nature. But there is no necessity for men to resign themselves to these contingencies. The social system is not an unchangeable order beyond human control but a pattern of human action. In justice as fairness men agree to avail themselves of the accidents of nature and social circumstances only when doing so is for the common benefit. The two principles are a fair way of meeting the arbitrariness of fortune; and while no doubt imperfect in other ways, the institutions which satisfy these principles are just.⁶

Rawls's desire to devise a procedure for diminishing the effect of luck in the lives of individuals presupposes a number of assumptions he makes about human beings and the kinds of social conditions that either enhance or diminish the quality of their lives. Social conditions that enhance the quality of their lives are good for them and those that diminish the quality of their lives are bad. Rawls's critique of inegalitarian societies is underpinned by some philosophical anthropological assumptions. Inegalitarian systems are informed by inegalitarian philosophical anthropologies. In the above citation, Rawls identifies socially sanctioned inegalitarianism (aristocracy, caste systems) as unjust because it legitimizes the domination of some people.⁷ Rawls observes that injustice arises when certain interpersonal differences are valorized and used as the standard for deciding who is superior or inferior. Legitimizing and perpetuating what is arbitrarily given surrenders human well-being and possibilities to contingencies.

The injustice generated by inegalitarian philosophical anthropology partly constitutes the object of Rawls's critique. His response to the deficiencies of inegalitarian philosophical anthropologies leads him to articulate a philosophical anthropology that supports his theory of

⁶ John Rawls, *A Theory of Justice*, Revised ed. (Oxford: Oxford University Press, 1999), 87 – 88.

⁷ John Rawls, *Political Liberalism*, (New York: Columbia University Press, 1993), 33. Rawls reiterates his criticism of hierarchical societies. Slaves for instance are not viewed as self-authenticating sources of valid claims. Even when laws abrogate mistreatment of slaves, they are “not based on claims made by slaves but on claims originating from slaveholders or from the general interests of society.”

justice. The same philosophical anthropology also supports his project in *PL* insofar as the concept of the person he uses in this work is more or less the same as that which shapes his arguments in *TJ*.

Rawls builds *TJ* on an egalitarian philosophical anthropology. This project is conceived as a hypothetical contract amongst symmetrically situated self-interested individuals bargaining for their individual advantages from a condition of primordial ignorance – “the Original Position.” The reason for symmetrically situating the individuals is to bracket off the arbitrariness of the world so that no one is more advantaged than others. Accordingly, the contracting parties are conceived as roughly equal, free, independent, and rational.⁸ Rawls homogenizes the contracting parties by ascribing qualities of generally physically able (productive) and independent individuals to them (the contracting parties). These qualities are encapsulated in his notion of *moral personality* which is the nucleus of his philosophical anthropology. For Rawls, two features can be predicated of moral persons: “first they are capable of having (and are assumed to have) a conception of their good (as expressed by a rational plan of life); and second they are capable of having (and are assumed to acquire) a sense of justice, a normally effective desire to apply and to act upon the principles of justice, at least to a certain minimum degree.”⁹

Those two capacities are the bases of equality. They are features requiring that human beings (persons) “are to be treated in accordance with the principles of justice.”¹⁰ In other words, they are the key conditions that make one eligible for membership in a moral community of individuals deserving of equal respect and dignity. Moral persons “are entitled to equal justice.”¹¹ It is to moral

⁸ Rawls, *T.J.*, 3 – 13. Being roughly equal, free, independent and rational capture the idea of correspondence and identical proportionality that are implied in the notion of symmetry.

⁹ *Ibid.*, 442.

¹⁰ *Ibid.*, 441.

¹¹ *Ibid.*, 442.

persons that the principles of justice apply. This point is being emphasized because of the centrality of moral personality to Rawls's philosophical anthropology as articulated in *TJ* and *PL*. When Rawls talks about the *parties to the contract*, he means *moral persons* – the sorts of beings owed the guarantees of the principles of justice.

Rawls maintains that the contracting parties choose two principles of justice behind the veil of ignorance that would produce fair institutions to govern their lives. Rawls's arguments here are very familiar. However, they are being featured here to highlight the philosophical anthropology that underpins them. The principles are as follows:

1) Each person has an equal right to the most extensive liberties compatible with similar liberties for all.

2) Social and economic inequalities should be arranged so that they are both (a) attached to offices and positions open to all under conditions of equality of opportunity (*equality of opportunity principle*) and (b) to the greatest benefit of the least advantaged persons (*the difference principle*).¹²

While Rawls posits two principles, it seems the principles could be classified into three: the liberty principle, the equality of opportunity principle and the difference principle.

The first principle, *the liberty principle*, has priority over the second. The priority of the liberty principle essentially entails that the contracting parties would not be disposed to trade off their basic liberties for the sake of economic gain or for the common good.¹³ Rawls assumes that a just society would give each of its members an identical set of liberties: freedom of expression, freedom of thought, freedom of religion, freedom of association, freedom of occupation, freedom

¹² Rawls, *TJ*, 53. He reiterates this point in *PL*, 291.

¹³ *Ibid.* 3, and 53 – 54. This is also why he maintains that “the concept of right is prior to that of the good.” 347

from psychological oppression and physical assault, the right to hold personal property, freedom from arbitrary arrest, etc.

The second principle, divided into two parts, is concerned with equality of opportunity and social and economic inequalities. The first part of the principle (*the equality of opportunity principle*) is meant to ensure that all the parties enjoy equality of opportunity through the process by which they reach the unequally rewarded positions in society. It involves the elimination of restrictions on entry or access to advantageous social positions. It is a rejection of the hierarchical ascription of favoured social positions which some enter into simply by birth. It aims to correct social disadvantage arising from class differences: “those with similar abilities and skills should have similar life chances... The expectations of those with the same abilities and aspirations should not be affected by their social class.”¹⁴ The second part (*the difference principle*) allows for inequalities to the extent that they, over time, improve the position of the worst-off. Rawls’s criterion for identifying the worst off position is determined by people’s possession of *primary social goods*.¹⁵

Situated as they are in a condition of partial ignorance, the parties to the contract have a limited view of a rational plan of life. They do not know their conception of the good but they normally prefer more primary social goods rather than less. What are primary social goods? According to Rawls, they are:

things which it is supposed a rational man wants whatever else he wants. Regardless of what an individual’s rational plans are in detail, it is assumed that there are various things which he would prefer more of rather than less. With more of these goods, men can generally be assured of greater success in carrying out their intentions and in advancing their ends, whatever these ends may be. The primary social goods, to give them in broad categories, are rights, liberties,

¹⁴ *Ibid.*, 63.

¹⁵ *Ibid.*, 79.

and opportunities, and income and wealth. (A very important primary good is a sense of one's own worth...) ¹⁶

By the sense of one's own worth, Rawls means self-respect. Self-respect undergirds the importance of life-plans for individuals. This is why Rawls says: "perhaps the most important primary good is that of self-respect." ¹⁷

In *PL*, Rawls's notion of primary social goods is undergirded by what he calls a political conception of justice, that is; "a political understanding of what is to be publicly recognized as citizens' needs and hence as advantageous to all." ¹⁸ It is a free-standing measure for determining what is just from everyone's point of view. As such, it is independent of particular conceptions of what is good.

While persons may have disparate comprehensive conceptions of the good, the political conception of primary social goods is the focus of an overlapping consensus. As the focus of an overlapping consensus, even though people have divergent conceptions of the good, they nonetheless share a view of what constitutes rational advantage. ¹⁹

Primary social goods provide an objective metric for making publicly observable interpersonal comparisons of individual holdings of those things anyone would desire to have as an element in their lives. Primary social goods specify the needs of persons from the point of view

¹⁶ *Ibid.*, 79.

¹⁷ *Ibid.*, 386.

¹⁸ *PL*, 179.

¹⁹ In the words of Rawls, persons: "affirm the same political conception of themselves as free and equal persons; and second, that their (permissible) conceptions of the good, however distinct their content and their related religious and philosophical doctrines, require for their advancement roughly the same primary goods, that is, the same basic rights, liberties, and opportunities, and the same all-purpose means such as income and wealth, with all of these supported by the same social bases of self-respect. These goods, we say, are things citizens need as free and equal persons, and claims to these goods are counted as appropriate claims," *PL*, 180.

of justice. They are “bare essentials”²⁰ that any rational person would want. They are goods, the possession of which allow for the pursuit of “a wide variety of conceptions of the good.”²¹

Endowed as they are with the capacity for pursuing the good whatever it is, the contracting parties know that they value primary social goods – goods indispensable for attaining their ends. They may have particular conceptions of the good but they are united in their motivation for primary social goods. In other words, they have a common conception of the good – what Rawls calls the “thin theory of the good.”²² Rawls’s thin theory of the good, “is thin in the sense that it incorporates minimal and widely shared assumptions about the kinds of things likely to be useful to all particular conceptions of the good, and therefore likely to be shared by persons whatever their more specific desires.”²³ The thin theory of the good embraces what may be called the common interests of all, a view of the good that has sufficient neutrality, goods that are supposedly not subject to controversy because they are ‘bare essentials’ for life. Since the right, what justice demands, is prior to the good for Rawls, it is understandable that his thin theory of the good, as captured in the list of primary social goods is closely related to the principles of right.

Over and above the relationship between his thin theory of the good and primary social goods, it is worth pointing out at this juncture that Rawls’s thin theory of the good, as encapsulated in the list of primary social goods, has philosophical anthropological suppositions. One way to ferret out these suppositions is to ask: what in Rawlsian egalitarianism constitutes a flourishing human life? What should one look at in order to ascertain whether an individual is living a

²⁰ Rawls, *TJ*, 348.

²¹ Samuel Freeman, *Rawls*, (New York: Routledge, 2007), 152.

²² *Ibid.* 348.

²³ Michael Sandel, *Liberalism and the Limits of Justice*, 25.

flourishing life? In other words, what standard is one to use when making interpersonal comparisons of the quality of lives of individuals?

Rawls's answer to these questions lies in his conception of who the worst off, the least advantaged, are. As noted earlier, Rawls's criterion for identifying the worst off position is determined by people's possession of primary social goods: liberty, opportunity, income, wealth, and the social bases of self-respect. In *TJ*, Rawls characterises the least advantaged as "persons whose family and class origins are more disadvantaged than others, whose natural endowments (as realized) permit them to fare less well, and whose fortune and luck in the course of life turn out to be less happy, all within the normal range."²⁴

Rawls uses three variables to illustrate the least advantaged, namely: family or class origin, talents or ability, and misfortune. It seems the third variable – misfortune – is superfluous since the other two variables (family or class origin and talents or ability) can be affected by fortune or misfortune. Accordingly, the variables are reducible to two: family or class origin and talents or ability. A more disadvantaged family or class is a family at the socio-economic base. Wealth and income are being used here by Rawls as indicators of well-being. Talent and ability are also evaluable in socio-economic terms since the rewards that accrue to talent and ability are determined by the contingencies of supply and demand. The value of a person's skill is a function of how society values the skill. A person at the bottom of the hierarchy of advantage might be there on account of the poor value of his skill in society.

²⁴ Rawls, *TJ*, 83.

The implication of this analysis is that Rawls primarily defines the least advantaged or the worst off in socio-economic terms. In *JF*, he makes the point in no uncertain terms:

[T]he least advantaged are those belonging to the income class with the lowest expectations. To say that inequalities in income and wealth are to be arranged for the greatest benefit of the least advantaged simply means that we are to compare schemes of cooperation by seeing how well off the least advantaged are under each scheme, and then to select the scheme which the least advantaged are better off than they are under any other scheme.²⁵

The corollary of this is that the most advantaged are construed in socio-economic terms. From this, it follows that the mode of interpersonal comparisons for the well-being of individuals is socio-economic. Samuel Freeman confirms the economic character of Rawlsian outlook on well-being when he writes that Rawls regards:

the least advantaged to be the economically least advantaged people in a society...*the least advantaged working person*, as measured by the income he/she obtains for gainful employment. So the least advantaged are, in effect, people who earn the least and whose skills are least in demand.²⁶

The socio-economic bent of Rawls's criterion of well-being is further corroborated by the leverage he gives to the difference principle as an objective metric for making interpersonal comparisons of well-being.²⁷ The difference principle is given high prominence in the determination of how well a person's life is going. It is an incentive-driven and efficiency-based principle that is designed to improve the lot of the worst off.²⁸ It is the principle for the distribution of income and wealth. Improving the lot of the least advantaged, of the worst off is to maximize their wealth and income.

²⁵ Rawls, *JF*, 59 – 60.

²⁶ Samuel Freeman, *Rawls*, 105 – 106.

²⁷ Rawls, *TJ*, 79.

²⁸ Gerald Cohen criticizes Rawls for using the difference principle to demonstrate how justice could be compatible with inequality (economic). In making his case against Rawls, Cohen contends that economic and prudential considerations inform Rawls's yardstick for measuring a flourishing life. Gerald Cohen, *Rescuing Justice and Equality*, (Cambridge, MA: Harvard University Press, 2008), 27 – 86.

The high prominence that income plays in the determination for who is well off and who isn't is at the heart of why the Rawlsian theory of justice has been categorized as a resource-based approach by some theorists.²⁹ Amartya Sen and Martha Nussbaum with their Capabilities Approach to justice seek to provide an alternative to the inadequacies of the resourcist orientation to justice in Rawls and others.³⁰ I shall examine Martha Nussbaum's distinctive articulation of the Capabilities Approach and the underlying philosophical anthropological assumptions of her theory in chapter four.

By noting that the economically worst off are the least advantaged, Rawls highlights the central element that undergirds his philosophical anthropology. It gives economic resources an architectonic place in its theoretical framework and views advantage or disadvantage as reducible to a single good – socio-economic good.

This point underscores the tension in the Rawlsian indexing of the theory of goods. As captured in the list of primary social goods, Rawls's theory of human good or flourishing suggests that it has a complex pluralistic nature; yet, when it comes to identifying what being advantaged or disadvantaged consists in, one gets a monistic picture. The complex pluralism of his theory of goods is imperilled by his prioritization of economic resources. This point highlights a tension and lack of clarity in his theory of goods. Jonathan Wolff and Avner De-Shalit's book on this matter

²⁹ Ingrid Robeyns and Harry Brighouse portray the social primary goods approach of Rawls as also a resource-based approach. See "Introduction: Social Primary Goods and Capabilities as Metrics of Justice," in *Measuring Justice: Primary Goods and Capabilities*, Kindle Ed., ed. Ingrid Robeyns and Harry Brighouse, 1. In the same book, Elizabeth Anderson writes in her article, "Justifying the Capabilities Approach to Justice," that Rawls's social primary goods approach is resource-based because it focuses on means rather ends; 86.

³⁰ For instance, Amartya Sen observes in his book, *The Idea of Justice*, that "The capabilities approach focuses on human lives, and not just on the resources people have, in the form of owning – or having use of – objects of convenience that a person may possess;" Amartya Sen, *The Idea of Justice*, (Cambridge MA: The Belknap Press of Harvard University Press, 2009), 253. The same idea is also present in Sen, *Development as Freedom*, (Oxford: Oxford University Press, 1999), 13 – 14. Martha Nussbaum shares a similar idea in *Women and Human Development: The Capabilities Approach*, (New York: Cambridge University Press, 2000), 65 – 69.

highlight the complexity of the idea of disadvantage and in so doing expose the shortcomings of Rawls's view of the least advantaged.

Jonathan Wolff and Avner De-Shalit demonstrate in their work, *Disadvantage* that disadvantage is plural and not singular in nature: “disadvantage is plural in the sense that it is not always the case that a disadvantage in one respect can be discharged or overcome by greater provision of a particular universal currency such as money or preference satisfaction.”³¹ Being least advantaged entails being in a condition in which there is a convergence of a cluster of deprivations that undermine an individual's well-being. Rawls's construal of the least advantaged misses this point, hence the tension entailed in his argument.

To appreciate this tension, it is important to note, in the first place, that Rawls gives lexical priority to the first principle (*the liberty principle*) and relatedly to the idea that “self-respect is perhaps the most important primary social good.” The relatedness of the priority of liberty and self-respect is underlined by the fact that equal liberty is the primary status indicator that furnishes the ground for the social basis of self-respect. So self-respect is a social good, the acquisition of which requires social conditions conducive to the idea of the equality of all persons. Self-respect is imbricated in the priority of equal basic liberties such that the non-distribution of equal basic liberties to all persons would expose those so excluded to disadvantage. The unequal distribution of basic liberties smacks of disadvantage.

But in the second place, Rawls says that membership in a low income class is the primary indicator of disadvantage. Apparently, two components of the primary social goods seem to be competing for which is the primary indicator of disadvantage. Is it equal basic liberties or

³¹ Jonathan Wolff and Avner De-Shalit, *Disadvantage*, Kindle Ed. (Oxford: Oxford University Press, 2007), location 311 – 505.

income/wealth? The following passage suggests that for Rawls, a state of affairs that denies equal basic liberties to all puts those denied equal liberties at a disadvantage:

The basis for self-respect in a just society is not then one's income share but the publicly affirmed distribution of fundamental rights and liberties. And this distribution being equal, everyone has a similar and secure status when they meet to conduct common affairs of the wider society. No one is inclined to look beyond the constitutional affirmation of equality for further political ways of securing his status. Nor, on the other hand, are men disposed to acknowledge a less than equal liberty. For one thing, doing this would put them at a disadvantage and weaken their political position. It would also have the effect of publicly establishing their inferiority as defined by the basic structure of society.³²

Based as it is on the priority of equal basic liberties, if the social basis of self-respect counts more in the securing of advantage, of well-being, why does Rawls use income/wealth as an indicator of advantage and disadvantage? This is clearly a case of inconsistency. It seems Rawls's view is settled on the idea of the singularity of the yardstick for the identification of advantage even as his theory of goods, as captured in the list of primary social goods suggests that it has a complex pluralistic nature. If disadvantage has a complex pluralistic character, it seems logical that the solution to disadvantage corresponds to this complex pluralism.

This is why the critiques of Sen and Nussbaum against Rawls hold true. They both note that one major drawback they identify in Rawls's approach is that his use of economic resources as the standard for measuring well-being disregards a significant fact of life: the indubitable heterogeneity of human beings. How does Rawls's theory fail in this regard?

For Rawls, primary goods are goods that are distributed by social institutions. And for him, people's claims to these goods are not dependent on their natural endowments. By implication, people's fate could be influenced by arbitrary factors since natural endowments are arbitrarily

³² Rawls, *TJ*, 477.

given. If the worst-off position is determined by people's possession of income and wealth, it entails that two people are equally well off if they have identical amounts of income and wealth, even though one of the two might be disabled, or suffering from poor health. Rawls's theory fails to see that individuals have disparate needs for resources and differ in their ability to convert those resources into capabilities to function in key ways. His resource-based model ignores the conversion variation between resources and capabilities. In other words, access to a standardized package fails to acknowledge interpersonal dissimilarities in needs and endowments.³³

But resources by themselves do not fully encapsulate what well-being entails. In combination with other goods, they facilitate flourishing. They are a means for achieving well-being and not the standard for identifying well-being. Rawls focuses on resources as opposed to what resources do for human beings. The resource-based approach gives the means to decent human living priority over the ends of good living. The allocation of resources should be sensitive to the specificity of the needs and natural endowments of individuals. The weak sensitivity to the diversity of human beings runs through the Rawlsian notion of *moral personality*. His notion of moral personality is critical to unpacking the philosophical anthropological assumptions of his theory of justice. The next section discusses this point.

1.3 The Philosophical Anthropological Implications of Moral Personality

I said earlier that the Rawlsian notion of *moral personality* captures the essence of the philosophical anthropology upon which he constructs his arguments in *TJ* and *PL*. By way of

³³ Amartya Sen, "Equality of What?" in *Contemporary Political Philosophy: An Anthology*, ed. Robert Goodin and Philip Pettit, (Oxford: Blackwell Publishers, 1997), 482 – 483. (This essay was originally published in *The Tanner Lectures on Human Values*, in 1980. Sen advances the same critique in some other works: *Commodities and Capabilities*, (Amsterdam: North-Holland, 1985); *Inequalities Re-examined*, (Cambridge, MA: Harvard University Press, 1992); *The Idea of Justice*, (Cambridge, MA, The Belknap Press of Harvard University Press, 2009). Martha Nussbaum discusses her critique of the resource approach in *Frontiers of Justice: Disability, Nationality, Species Membership*, (Cambridge, MA: The Belknap Press of Harvard University Press, 2006), 113 – 116.

recapitulation, moral persons are said to have the capacity for a conception of the good and the capacity for a sense of justice. In singling out these two properties (or the potential for using them) he suggests that they are morally significant. To the extent that he considers these two characteristics as morally relevant for ascribing moral personality to individuals, Rawls indicates that rational capacity is an architectonic feature of human beings.

However, cognizant of the fact that there are interpersonal variations in the capacity for these two characteristics (that is, of rational capacity), Rawls identifies “a range property”³⁴ – a threshold level of rational capacity below which moral personality cannot be predicated of individuals below the threshold. All individuals above this threshold are considered to be equal in moral status regardless of whether one has more or less of these capacities. As Rawls puts it, “while individuals have presumably varying capacities for a sense of justice, this fact is not a reason for depriving those with a lesser capacity of the full protection of justice. Once a certain minimum is met, a person is entitled to equal liberty on a par with everyone else.”³⁵ By implication, individuals below this threshold are not moral persons insofar as they lack the requisite potential to be counted as equals from the moral point of view, that is, from the standpoint of moral personality.

Rawls’s threshold level of rational capacity is an attempt to homogenize the relevant mental and psychological capacities of all potential moral persons so that all who meet the cut-off point will be considered eligible for the full protection of justice. Rawls’s portrait of the contracting parties (roughly equal, free, independent, and rational), is continuous with the properties he predicates of moral persons. Rawls makes the point thus:

Now whether there is a suitable range property for singling out the respect in which human beings are to be counted equal is settled by the conception of justice. But the description of the

³⁴ Rawls, *TJ*, 444.

³⁵ *Ibid.*, 443.

parties in the original position identifies such a property, and the principles of justice assure us that any variations in ability within the range are to be regarded as any other natural asset.³⁶

Given that the properties of moral persons are predicable of the contracting parties, it could be said that Rawls works with a ‘one size fits all’ approach. His philosophical anthropology homogenizes human beings. This homogenization of human beings raises a couple of questions for the adequacy of his philosophical anthropology as a satisfactory candidate for an egalitarian conception of justice that would meet the aims of liberal cosmopolitanism. The questions concerning the adequacy of his philosophical anthropology are as follows:

1. How reliable are the epistemic foundations of Rawls’s range property specification?
2. Is it capacious enough to encapsulate the irreducible heterogeneity of human beings?
3. Does the contractual structure of his conception of society supervene on an economic substructure that provides that the strictures of the accompanying philosophical anthropology?

My answer to these questions will attempt to demonstrate that while having the appearance of inclusiveness, of being all-encompassing, Rawlsian egalitarianism as articulated in *TJ* and *PL*, does not have the comprehensiveness requisite for an adequate philosophical anthropology of liberal cosmopolitanism.

1.4 The Epistemic Foundations of Moral Personality

Rawls’s attempt to homogenize human beings while cognizant of the fact that there are interpersonal variations in the possession of the capacities for moral personality is a way of

³⁶ *Ibid.*, 444 – 445.

indicating that, up to a point, differentials in these capacities do not imply a hierarchical categorization of moral personality. Homogenizing human beings makes it possible for one to be indifferent to interpersonal variations in the possession of these capacities. However, on close scrutiny, one notices that there is a major problem regarding how Rawls arrives at drawing the line distinguishing between persons and sub-persons. All that he supplies by way of explanation for the yardstick of personhood is the rather arbitrary and indeterminate “range property”. This range property merely provides a hazy condition for moral personhood, which is, in a nutshell: that one possesses to a “certain minimum,” the potential for the capacity for a conception of the good and the capacity for a sense of justice.

It is not clear how to empirically determine or delimit the boundaries of this “certain minimum” requirement in order to separate persons from non-persons. The epistemic assumptions of his threshold specification about the bounds of acceptable rationality to qualify for moral personality is arbitrary and indeterminate based as it is on tenuous epistemic foundations. Richard Arneson’s observation of the arbitrariness of the Rawlsian threshold for moral personality is in order:

Once one is above the threshold, one is in the range, and no one, whatever his exact levels of the moral personality capacities, is in the range to a greater extent than anyone else with above-threshold levels. But it is not at all clear where one might nonarbitrarily place this threshold such that all beings above it are persons and all beings below are nonpersons.³⁷

The epistemological deficiency of Rawls’s threshold specification for moral personality is indicative of the fact that it is an attempt by Rawls to provide a rational justification for his conception of egalitarianism. Personhood, it appears, is a status term for Rawls designed to furnish

³⁷ Richard J. Arneson, “What, If Anything, Renders All Humans Morally Equal?” in *Peter Singer and His Critics*, ed. Dale Jamieson, (Oxford: Blackwell, 1999), 109. Peter Singer also raises questions against the arbitrariness of Rawls’s conception of moral personality, based as it is on the notion of ‘range property.’ See Peter Singer, *Practical Ethics*, (Cambridge: Cambridge University Press, 1993), 18 – 20.

the ground for being eligible for equal justice. His theory of moral personality is designed to fit his conception of society as a scheme for mutual advantage populated as it is by roughly equal, free, independent, and physically capable persons.³⁸

As a matter of interest, the arbitrariness of Rawls's threshold specification for moral personality is not uncommon. It is a problem for ethicists that continues to defy specific definition. While personhood is a foundational concept in ethics and political philosophy, its definition continues to remain elusive.³⁹ For much of its history, the concept of personhood has been based on metaphysical assumptions and theological beliefs. Theories of personhood that derive from metaphysical and theological assumptions are inherently challengeable and epistemically unreliable. The epistemic unreliability of metaphysical and theological approaches to personhood has weakened the plausibility of theories constructed from them. The epistemic weakness that bedevils metaphysically and theologically based theories has occasioned the rise of naturalistically-oriented approaches. In the wake of a general naturalistic turn in philosophy, especially in ethics, some philosophers have called for the construction of theories of personhood that are continuous with naturalism.⁴⁰

³⁸ I am not suggesting that providing a rational justification for one's theory of egalitarianism or personality is wrong. The plausibility of a rational justification is based on its corroboration by empirically adequate sources and the adequacy of its normative claims. My point is to stress that one's conception of personhood has practical consequences for beings included or excluded from the boundary of personhood. As such, it is important that the normative implications of one's conception of personhood be carefully thought out to avoid constructing a theory that has pernicious consequences for beings excluded from the bounds of personhood. In keeping with the focus of my thesis, when I discuss personhood, I mean human beings.

³⁹ There is no shortage of materials on this controversy. Some works worthy of note in this debate include: Peter Singer, *Practical Ethics*, 2nd ed. (Cambridge: Cambridge University Press, 1993), Mary Anne Warren, *Moral Status: Obligations to Persons and Other Living Things*, Kindle ed. (New York: Oxford University Press, 1997), Tom Beauchamp, "The Failure of Theories of Personhood," *Kennedy Institute of Ethics Journal*, 9 (1999): 309 – 324; Jeff McMahan, *The Ethics of Killing: Problems at the Margins of Life*, Kindle ed. (New York: Oxford University Press, 2002).

⁴⁰ Annette Beier, "A Naturalistic View of Persons," *Proceedings and Addresses of the American Philosophical Association* 65, no. 3 (November, 1991): 5 – 17; Virginia Held, "Moral Subjects: The Natural and the Normative," *Proceedings and Addresses of the American Philosophical Association* 76, no. 2 (November, 2002): 7 – 24.

The compelling deliverances of neuroscience and evolutionary psychology offer possibilities for constructing theories of personhood that are empirically based. In a study undertaken to explore the possibility of constructing a naturalistically based theory of personhood, Martha Farah and Andrea Heberlein attempt to ascertain whether personhood is a *natural kind*, that is, a biological trait. Their approach was to “seek objective and clear-cut biological criteria that correspond reasonably well with most peoples’ intuitions about personhood.”⁴¹ Following a synthesis of several empirical neuroscience-based results indicating how brains represent personhood markers, they conclude that personhood is not a *natural kind* and that “neuroscience may show us that personhood is illusory, constructed by our brains and projected onto the world.”⁴²

It is sufficient to note that Farah and Heberlein’s claim that personhood is an illusion was challenged by a number of respondents to their thesis. Respondents like Adina Roskies, John Banja, Zahra Meghani, and Christopher Meyers contend that while personhood may not have an entity with which it corresponds in the natural world, it does not follow as Farah and Heberlein claim, that personhood is an illusion. They insist on the contrary that what Farah and Heberlein’s study demonstrate is that personhood is an elusive concept.⁴³

Given that these respondents concur that personhood continues to remain elusive, it means that objective and clear-cut biological criteria do not offer a solution to the epistemic problem that plagues the nebulous Rawlsian specification for moral personality. The best that empirical criteria offer is a rejection of any metaphysical underpinning for personhood. Over and above that, the

⁴¹ Martha J. Farah and Andrea S. Heberlein, “Personhood and Neuroscience: Naturalizing or Nihilating?” *The American Journal of Bioethics* 7, no. 1 (January, 2007): 39.

⁴² *Ibid.*, 40.

⁴³ Adina L. Roskies, “The Illusion of Personhood,” 55 – 57; John Banja, “Personhood: Elusive But not Illusory,” 60 – 63; Zahra Meghani, “Is Personhood an Illusion?” 62 – 63; and Christopher Meyers, “Personhood: Empirical Thing or Rational Concept? 63 – 65; all in *The American Journal of Bioethics*.

debate regarding how to decompose the intractable polysemy of personhood continues. This point notwithstanding, a synopsis of the submissions of Adina Roskies, John Banja, Zahra Meghani, and Christopher Meyers is that: (1) personhood is a socially constructed moral concept that supervenes on a biological substructure and (2) rational and psychological characteristics are the yardstick by which persons are to be identified.

Notice that while continuous with naturalism, they espouse rationality as a characteristic requisite for the attribution of personhood. Their view is in this connection consistent with the view espoused by Rawls; that is, that the requisite qualities for moral personality are the capacity for a conception of the good and the capacity for a sense of justice. The point of divergence between their approach and Rawls's approach is that Rawls does not build his claims on the strength of the findings of neuroscience and evolutionary psychology. But they nonetheless stipulate as does Rawls, that rationality is requisite for personhood.

From the above evaluation of the epistemic foundation of the Rawlsian view of moral personality, it can be seen that neuroscientific findings do not seem to offer clear-cut standards for drawing the line separating persons from non-persons. In other words, one is still in a poor epistemic position to empirically identify candidates for personhood. The line between who is above the threshold and below the threshold, between person and non-person⁴⁴ may be too thin and therefore consequential for those excluded from the class of persons since as Rawls maintains, moral personality makes one eligible for membership in a moral community of individuals deserving of equal respect and dignity. Following this point, the absence of a reliable epistemic

⁴⁴ Charles, W. Mills uses the notion of *subpersonhood* to describe humans to whom full personhood is predicable on account of their race. His use of the concept of *subpersonhood* is intended to convey the idea of *non-personhood*. *Blackness Visible: Essays on Philosophy and Race*, (Ithaca: Cornell University Press, 1998), 6. – 10. So *subpersonhood* designates a lower moral status attributed to humans (and nonhuman animals) that lack the requisite qualities for full personhood and in fact personhood.

foundation for moral personality and given the significance of being considered ineligible for personhood, it seems appropriate to seek an alternative framework for identifying eligibility for personhood.

1.5 Moral Personality and Human Heterogeneity

Before pursuing an alternative framework for identifying eligibility for personhood, it would be useful to further evaluate the import of the homogeneous portrait of the parties to the contract as articulated by Rawls and show why it is inadequate. Recall that it has been established that the properties of moral persons as posited by Rawls, are predicable of the contracting parties, that when Rawls talks about moral persons, he has in mind the parties to the contract and vice versa. The issue to be investigated here is whether this model as envisioned by Rawls is capacious enough to encapsulate the undeniable heterogeneity of human beings and in so doing demonstrate consistency with the ideal of liberal egalitarianism. This investigation is relevant in light of the fact that the injustice generated by inegalitarian philosophical anthropology partly constitutes the object of Rawls's critique. The plausibility of Rawlsian egalitarianism depends on its ability to avoid, as much as possible, the exclusionary and pyramidal structure of inegalitarian philosophical anthropology. The symmetry of the qualities of the parties to the contract (roughly equal, free, independent, and rational) is a deliberate strategy in this connection. But does this symmetry, this homogeneity deliver a solution that avoids the problem that Rawls aims to address?

Prima facie, symmetry and homogeneity both convey the idea of equality insofar as they suggest the elimination or absence of differences in some ways. Symmetry and homogeneity do have a subtle semantic kinship with equality. The significance of this point is to insist that Rawls's depiction of the parties to the contract makes them seem so strongly similar in their rational and physical capabilities that imagining interpersonal differences amongst them is difficult. This

implies that the homogeneous framework with which Rawls constructs his egalitarianism is too undiversified to adequately capture the complexity, the manifold dimensions of the human condition. In effect, Rawls avoids inequality by neglecting diversity. This homogenizing motif gives an inkling into his normative conception of human beings. His normative conception of human beings underscores the inadequacy of his conception of egalitarianism.

The conception of egalitarianism implicit in Rawls does not reflect the variegated nature of egalitarianism. On the surface, the idea of egalitarianism seems simple and straightforward because it conveys the idea that two things are ‘identical’, or basically ‘similar’ in relevant respects. However, further scrutiny shows that the idea is not only complex and multifaceted, its justification, the source of its core claim is unclear, especially when applied to human beings. Consider, for instance, the claim of the equal moral worth of human beings; when it is said that all persons are equal, it is not meant to suggest that persons are equal in skill, intelligence, strength, talents, etc. It is rather used to suggest that they are equal in their being human beings. By implication, the claim is merely a reminder of the fact that we are human beings and nothing more. Bernard Williams avers that the claim does not do much.⁴⁵ On a similar note, Louis Pojman insists that empirical evidence contradicts the plausibility of the claim that human beings have equal moral worth. Pojman makes the point thus:

Take any capacity or ability you like: reason, a good will, the capacity to suffer, the ability to deliberate and choose freely, the ability to make moral decisions and carry them out, self-control, sense of humor, health, athletic artistic ability, and it seems that humans (not to mention animals) differ in the degree to which they have those capacities and abilities.⁴⁶

⁴⁵ Bernard Williams, “The Idea of Equality,” in *Equality: Selected Readings*, Ed., Louis Pojman and Robert Westmoreland, (Oxford: Oxford University Press, 1997), 91

⁴⁶ Louis Pojman, “On Equal Human Worth: A Critique of Contemporary Egalitarianism,” in *Equality: Selected Readings*, (282 – 299), 294.

In fact, on the strength of a study of works by key liberal theorists on egalitarianism (political equality), Hilliard Aronovitch contends that there is no variable or property with which a valid justification for human equality could be furnished.⁴⁷ The observations of Williams, Pojman, and Aronovitch highlight the fact that claims of human equality are more often assumed than defended. Their objections demonstrate that egalitarianism is an idea in need of a grounding principle. Grounding it on the Rawlsian notion of a “range property” fails to suffice not only because of its tenuous epistemic support but also because it relies on a homogeneous and normative conception of human beings. The homogeneous slant of the Rawlsian conception of egalitarianism fails to attend to the issues of heterogeneity, complexity and justification integral to the ideal of egalitarianism. This problem imperils the normative conception of human beings implicit in Rawlsian egalitarianism.

Rawls’s normative conception of human beings is continuous with the depiction of the parties to the contract: roughly equal, free, independent, and rational. In other words, Rawls constructs his egalitarianism by privileging the experience and features of the physically able, the rational, the free, the independent – those who “have the capacity to take part in and to act in accordance with the public understanding of the initial situation.”⁴⁸ All the “scattered individuals”⁴⁹ who lack this capacity, are not included. The point being made here is that his normative conception of

⁴⁷ Hilliard Aronovitch, “Political Equality by Precedent,” in *Ratio Juris*, Vol. 28, No. 1, (March 2015), 110 – 126, 111. Aronovitch goes on to argue that scepticism about the foundation of political equality need not lead us to abolish the ideal or principle. A more productive way to attend to the challenge is to shift the burden of the argument by indicating why political inequality is unacceptable. He ultimately submits that a plausible defence for the ideal of egalitarianism (political equality) could be mounted by a sequential, historical and precedent-based approach.

⁴⁸ Rawls, *TJ*, 442. Rawls reiterates and elucidates this point in *Justice as Fairness* by noting that persons are regarded as equal “in that they are all regarded as having to the essential minimum degree the moral powers necessary to engage in social cooperation over a complete life and to take part in society as equal citizens. Having these powers to this degree we take as the basis of equality among citizens as persons: that is, since we view society as a fair system of cooperation, the basis of equality is having to the requisite minimum degree the moral and other capacities that enable us to take part fully in the cooperative life of society.” *JF*, 20.

⁴⁹ *Ibid.*, 443.

human beings is based on privileging the experience of ‘normal’ adult human beings. While his espousal of the qualities of ‘normal’ human beings may seem purely descriptive, it is loaded with concealed prescriptive undertones.

Two senses of normality inform Rawlsian egalitarianism. The two senses are captured by the following definition provided by Georges Canguilhem:

1. Normal is that which is such that it ought to be; 2. normal, in the most usual sense of the word, is that which is met with in the majority of cases of a determined kind, or that which constitutes either the average or standard of a measurable characteristic.⁵⁰

The above definition, gives two senses of normality: the prescriptive and the descriptive. When looked at in the light of this definition, it can be demonstrated that the portrait of ‘normal’ human beings that Rawls uses to construct his egalitarianism has a prescriptive sense and a descriptive sense. The descriptive sense of normality consists in having the properties that are statistically predominant in the majority; it consists in belonging to or behaving like the majority. Rawls clearly uses the descriptive sense of normality to delimit the scope of moral personality. He uses a characteristic, a capacity of the physically able. In his own words, “I assume that the capacity for a sense of justice is possessed by the overwhelming majority of mankind.”⁵¹ In using the experience of ‘normal’ human beings to stipulate the tenuous bounds of moral personality, Rawls dissociates human experience from that of the ‘abnormal,’ namely: the “scattered individuals.” It is invariably a bifurcation of humanity into two categories: normal and abnormal.

Furthermore, he incorporates the same motif in *PL*. In *PL*, he not only specifies what his conception of normality is, he also indicates who the “scattered individuals” referred to in *TJ* are:

⁵⁰ Georges Canguilhem, *The Normal and the Pathological*, Trans. Carolyn R. Fawcett and Robert S. Cohen, (New York: Zone, 1989), 125.

⁵¹ Rawls, *TJ*, 443.

The normal range is specified as follows: since the fundamental problem of justice concerns the relations among those who are full and active participants in society, and directly and indirectly associated together over the course of a whole life, it is reasonable to assume that everyone has physical needs and psychological capacities within some normal range. Thus the problem of special health care and how to treat the mentally defective are set. If we can work out a viable theory for the normal range, we can attempt to handle these other cases later.⁵²

This dichotomization of humanity into the normal and the abnormal, “active participants” versus “the mentally defective,” simultaneously discloses Rawls’s descriptive and normative conception of human beings. By describing the characteristics of those who fall within ‘the normal range,’ he *ipso facto*, establishes the category of those who ought to be considered as persons and those who ought not to be considered as persons.

The “normal range” is implicitly evaluative in that it is the basis for his view of “those who are full and active participants in society”. His philosophical anthropology entails an exclusion of the experience of “the mentally defective,” the “scattered individuals” from the theoretical framework of his egalitarianism.

But why omit the case of “the mentally defective,” the “scattered individuals”? The answer seems to be that he brackets off these inescapable dimensions of human experience to enable him articulate “a clear and uncluttered view of what justice requires when society is conceived as a scheme of cooperation between free and equal citizens.”⁵³ In knowingly seeking to formulate “a clear and uncluttered” theory of justice, Rawls insists that he does not deny that “no one suffers from illness and accident; such misfortunes are to be expected in the ordinary course of life, and provision for these contingencies must be made.” Nonetheless, for the purposes of his project, he

⁵² Rawls, *PL*, 272. See also *TJ*, 83 – 84.

⁵³ Rawls, *PL*, 26.

intentionally excludes “temporary disabilities and also permanent disabilities or mental disorders so severe as to prevent people from being cooperating members of society in the usual sense.”⁵⁴

There is clearly a methodological strategy here. It requires the method of abstraction, idealization. Rawls makes the point thus:

The work of abstraction, then, is not gratuitous: not abstraction for abstraction’s sake. Rather, it is a way of continuing public discussion when shared understandings of lesser generality have broken down. We should be prepared to find that the deeper the conflict, the higher the level of abstraction to which we must ascend to get a clear and uncluttered view of its roots... seen in this context, formulating idealized, which is to say abstract, conceptions of society and person connected with those fundamental ideas is essential to finding a reasonable political conception of justice.⁵⁵

Rawls makes this point again in *JF* with the following words:

In using the conception of citizens as free and equal persons we abstract from various features of the social world and idealize in certain ways. This brings out the role of abstract conceptions: they are used to gain a clear and uncluttered view of a question seen as fundamental by focusing on the more significant elements that we think are most relevant in determining its most appropriate answer.⁵⁶

The abstract or idealized model of the person that Rawls uses to make his case for a political conception of justice is that of *the autonomous subject*. He takes this person, this idealized subject as normative.⁵⁷

⁵⁴ *Ibid.*, 20.

⁵⁵ Rawls, *PL*, 45 – 46. He says in *TJ* for instance that “My aim is to present a conception of justice which generalizes and carries to a higher level of abstraction the familiar theory of the social contract”, (10).

⁵⁶ Rawls, *JF*, 8.

⁵⁷ This approach of using idealized conceptions of human beings to construct ethical and political theories has no shortage of critics. Some notable works critical of the version of idealized conceptions of human beings include: Onora O’Neill, “Abstraction, Idealization and Ideology in Ethics,” in *Moral Philosophy and Contemporary Problems*, ed. J.D.G. Evans, (New York: Cambridge University Press, 1987), 55 – 69; Charles Mills, “Ideal Theory as Ideology”, *Hypatia* 20, no. 3 (Summer 2005): 165 – 184; Lisa H. Schwartzman, “Abstraction, Idealization, and Oppression,” *Metaphilosophy* 37, no.5 (October 2006): 565 – 588; Eva Feder Kittay, “The Ethics of Philosophizing: Ideal Theory and the Exclusion of People with Severe Cognitive Disabilities,” in *Feminist Ethics and Social and Political Philosophy: Theorizing the Non-Ideal*, ed. L. Tessman, (2009): 121 – 146. The essence of these critiques is to stress that idealizations, such as those of Rawls, tend to leave out important predicates and qualities from human lives and in so doing invite one to imagine their subjects as autonomous, independent.

By treating as the normative conception of human beings the experience of “a normal and fully cooperating member of society over a complete life,”⁵⁸ Rawls bypasses the irreducible fact of human diversity. It does not really unify diversity, it excludes difference. In Rawls’s philosophical anthropology, the monolithic, the homogeneous, the general, and the abstract prevail over the heterogeneous, the diverse, the different, the plural, the particular and the specific. This contradicts empirical reality in the sense that it uses raw materials that are not adequately representative of the dimensions of human experience. The ‘one size fits all’ approach that permeates his philosophical anthropology contradicts the indisputable plurality and difference that are obvious features of human experience.

It was noted earlier that the plausibility of Rawlsian egalitarianism is to be appraised by its ability to avoid the exclusionary and pyramidal structure of inegalitarian philosophical anthropology. Based on the foregoing, however, we can see that while Rawls’s philosophical anthropology is not pyramidal, it is nonetheless exclusionary.⁵⁹ A good way to understand Rawls’s philosophical anthropology is to imagine it as comprising a vertical dimension and a horizontal dimension. The vertical dimension corresponds to its pyramidal structure. However, the pyramidal structure turns out to be superfluous since Rawls conceives the parties to be roughly equal and entitled to identical sets of liberties. But the horizontal dimension which pertains to the expansiveness, the broadness of his philosophical anthropology is not broad enough. It is exclusionary.

The exclusionary structure of his philosophical anthropology arises from the conception of egalitarianism that he uses to support it. The egalitarianism that he uses to support his philosophical

⁵⁸ Rawls, *PL*, 18.

⁵⁹ Insofar as the scope of this work is the human subject, the objections raised against the exclusionary nature of Rawlsian philosophical anthropology do not apply to non-human animals.

anthropology is simple, even though it has the appearance of inclusiveness and being all-encompassing.⁶⁰

It has been noted that egalitarianism is a complex and variegated idea that comes in numerous kinds and degrees. The simplicity of the egalitarianism that underpins his philosophical anthropology strips the human experience of its manifold complexity. Only a complex and variegated egalitarianism can supply the plurality, specificity and particularity of raw materials needed for an adequate philosophical anthropology.

It is worthwhile to note at this juncture that the exclusionary bent of Rawlsian egalitarianism is not inconsistent with the philosophical anthropology prevalent in liberalism. *The paradigmatic subject of liberalism is the autonomous subject.* The predominant image of the human person in liberal theories is that of the autonomous, physically able individual who is purportedly immune from the infirmities of the mind and body. In Rawls, persons are characterized as fully functional over their lifetimes. The mentioning of disability, dependency and vulnerability in liberal theories is very marginal and rare.

Writing on the widespread invisibility of disability and dependency in moral philosophy, Alasdair MacIntyre observes that in the history of moral philosophy, from Plato to contemporary times, with occasional cursory references to issues of vulnerability and dependency in human lives,

⁶⁰ It worthwhile to note that there seem to be at least two senses of egalitarianism in Rawls's theory of society as a cooperative scheme for mutual advantage. They are: simple and complex egalitarianism respectively. Simple egalitarianism is marked by even-handedness, homogeneity, similarity, etc. On the other hand, complex egalitarianism conveys egalitarianism as an idea that is manifold, variegated, heterogeneous, etc. It construes equality as an idea that comes in different kinds and degrees. Rawls uses simple equality to support his notion of moral personality (democratic equality), while he uses complex equality to forge his theory of distributive justice, a theory in which he tries to integrate his conception of democratic equality with the difference principle. Norman Daniels discusses this in his article: "Democratic Equality: Rawls's complex Egalitarianism," in *The Cambridge Companion to Rawls*, ed. Samuel Freeman, (New York: Cambridge University Press, 2003), 241 – 279. Also see Michael Walzer, *Spheres of Justice: A Defense of Pluralism and Equality*, (New York: Basic Books, 1983), 3 – 30. Walzer illustratively discusses the distinctions between simple equality and complex equality.

philosophers tend to regard dependency and vulnerability as issues that are peripheral to human lives. He adds that the dominant consciousness in moral philosophy summons us to think of disability in terms of dichotomy, that is, viewing the disabled as ‘them’, as other than ‘us’. We are made to think of them “as a separate class, not as ourselves as we have been, sometimes are now and may well be in the future.”⁶¹

On a similar note, the disability theorist and mother of a disabled young woman, Eva Feder Kittay, has helped situate issues of disability, dependency and care on the agenda of liberalism by developing a dependency critique of liberalism in a number of works.⁶² In *Love’s Labor: Essays on Women, Equality, and Dependency*, partly written as a critical appraisal of Rawls’s theory of society viewed as an association of free, independent, and physically able equals, Kittay avers that Rawls’s theory gives insufficient attention to the problem of human dependency. The experience of dependency, she maintains, is a ubiquitous and irrefutable fact of every human life. It affects individuals from the beginning and other times of their lives. Consequently, any tenable theory of

⁶¹ Alasdair MacIntyre, *Dependent Rational Animals: Why Human Beings Need the Virtues*, Kindle ed. (Chicago: Open Court, 1999), 2.

⁶² Notable ones include: Eva Feder Kittay, “When Caring Is Just and Justice Is Caring: Justice and Mental Retardation,” *Public Culture* 13, no. 3 (2001): 557 – 579, “Equality, Dignity and Disability,” in *Perspectives on Equality: The Second Seamus Heaney Lectures*, ed. Mary Ann Lyons and Fionnuala Waldron, (Dublin: Liffey Press, 2005), 95 – 122; “At the Margins of Moral Personhood,” *Ethics* 116, no.1 (2005): 100-131, “Ideal Theory Bioethics and the Exclusion of People with Severe Cognitive Disabilities,” in *Naturalized Bioethics: Toward Responsible Knowing and Practice*, ed. Hilde Lindemann, Marian Verkerk & Margaret Urban Walker, Kindle ed. (New York: Cambridge University Press, 2009), 218 – 237; Licia Carlson & Eva Feder Kittay, “Introduction: Rethinking Philosophical Presumptions in Light of Cognitive Disability,” in *Cognitive Disability and its Challenge to Moral Philosophy*, Kindle ed. (Malden MA: Wiley-Blackwell, 2010), Location 119 – 468; “The Personal is Philosophical is Political: A Philosopher and Mother of a Cognitively Disabled Person Sends Notes from the Battlefield,” in *Cognitive Disability and its Challenge to Moral Philosophy*, Kindle ed. (2010), Location 5444 – 6326, and “The Ethics of Care, Dependence, and Disability,” *Ratio Juris* 24, no.1, (2011): 49 – 58. Kittay has consistently argued in her works that rational capacity is not the source of dignity or personhood. It arises, she says, from our capacity to care for one another and our being cared for by another who is herself worthy of care. Unlike Rawls, Peter Singer, and Jeff McMahan who stipulate rationality as the distinctive criterion of personhood, Kittay insists that personhood is grounded in our mutual need for care. This is due to our capacity to exhibit asymmetrical and non-reciprocal devotion to another’s well-being.

egalitarianism has to integrate this feature of the human condition. She notes that theories “which do not consider dependency at their heart may be based on the concept of persons as moral equals, but they will result in a society in which the claim to equal moral worth cannot be realized for *all*.”⁶³ She criticises Rawls for recommending that the problems of disability and dependency be dealt with indirectly or be deferred to the legislative stage.

To stress the ubiquity of dependency in every human life and society, she points out that we unavoidably depend on one another for our mobility, the production of our food, and a variety of other tasks and needs vital for our functioning, our flourishing and our daily living. In short, the pervasiveness of dependency in every human life (noticeable or not), suggests that the paradigm of the independent person constantly highlighted and proclaimed by liberalism is a myth.⁶⁴ In light of this point, she urges that the theoretical framework of egalitarian theories be so fashioned as to be spacious enough to include dependency and disability as opposed to being defined against them. Dependence and disability when viewed as not peripheral but integral to the human condition, would significantly influence our moral philosophizing.

Looked at from the standpoint of this mentality, the status of people with disabilities is comparable to that of women, homosexuals, racial and ethnic minorities who are often victimized by injurious stereotypes that undermine their wellbeing. As MacIntyre puts it, this prejudicial thinking is “part of a mindset that many of us have acquired, not only from our engagement with the enquiries of moral philosophy, but from the wider culture which provides the background of

⁶³ Eva Feder Kittay, *Love's Labor: Essays on Women, Equality, and Dependency*, (New York: Routledge, 1999), 77.

⁶⁴ Eva Feder Kittay, “When Caring Is Just and Justice Is Caring: Justice and Mental Retardation,” *Public Culture* 13, no. 3 (2001): 557 – 579, 570.

those enquiries.”⁶⁵ Barbara Arneil suggests that “the negative images and language associated with disabled persons upon which these theories are built must be purged and replaced with language and images used by disabled scholars and advocates to define themselves.”⁶⁶

Images mold our conceptions and attitudes towards things and individuals. They are the lens with which we see the world. They focus what is counted as respectable and morally significant. Divergent perspectives on the manifold manifestations of the human condition indicate the ways in which we invest human states, races, genders, and sexual orientations with meanings that shape our attitudes toward individuals. Hilde Lindemann Nelson notes for instance that “to treat someone as a person involves taking up a certain attitude or stance toward her.”⁶⁷ To predicate moral personality of some individuals as Rawls does is to regard those individuals with high esteem, to consider them as inviolable and dignified.

This is why it is crucial to interrogate and revise the prototypical trope that undergirds the human subject in the liberal literature. The liberal subject is unrepresentative of the human experience. It should be replaced by a perspective that endorses the fact that human reality includes a wide variety of differing and interdependent abilities over the span of a lifetime. This complex reality should be reflected not only in the law as Rawls avers, but also in theories and concepts. Since theories are intellectual signposts that shape conceptions of what counts as normative and respectable, it is vital that the theories be adequately representative of the human subject. As long

⁶⁵ Alasdair MacIntyre, *Dependent Rational Animals: Why Human Beings Need the Virtues*, Kindle Edition, (Chicago: Open Court, 1999), 2.

⁶⁶ Barbara Arneil, “Disability, Self Image, and Modern Political Theory,” *Political Theory* 37, no. 2 (April 2009): 218 – 242, 228.

⁶⁷ Lindemann Nelson, “What Child is this?” *Hastings Center Report* 32, (2002): 29 – 38, 33. See also Simo Vehmas, “Discriminative Assumptions of Utilitarian Bioethics Regarding Individuals with Intellectual Disabilities,” *Disability & Society* 14, no. 1 (1999): 37 – 52.

as *the autonomous subject* remains the image used to shape liberal theories (as in the case of Rawls in the Original Position), individuals whose lived realities do not meet this image will continue to be objects of insidious prejudice regardless of corrective legislative measures. Legislative measures are at best derivative; they do not correct or expunge the foundational portrait of persons considered to be eligible for justice in the foundational stage – the Original Position. Theories and ideals, to the extent that they are foundational, ought to shape and constrain the law.⁶⁸ Given that theories provide the lens with which we view diverse human states, they fix the ways in which we evaluate those states regardless of legal measures aimed at protecting those whose states are deemed to be less valuable. Against Rawls’s view, the correction should begin from the Original Position where the theoretical foundation of the other stages is laid. The normative reach of Rawlsian philosophical anthropology is inadequate. It is *restrictively normative*.

Restrictive normativity is the opposite of what Alexis Shotwell calls *open normativities*. Open normativities, she says, aim to “expand the space of what can be pursued, endorsed, and so on.” She adds that open normativities name “those normativities that prioritize flourishing and tend toward proliferation.”⁶⁹ To be openly normative is to preferentially opt for the capacious, the

⁶⁸ While it is undoubtedly plausible to hold that Rawls would support legislations like “The American with Disabilities Act” of 1990 (ADA) and the subsequent amendments of 2008, his support of such legislations would not be sufficient to undo the deprecatory image his theory introduces or fixes in the minds of people. Rawls’s idea of the four-stage sequence, which “extends the idea of the original position, adapting it to different settings as the application of principles requires,” does address the problem being raised (*PL*, 398). The problem is that the image of persons in the Original Position (the first stage) sets the tone for the image of persons across all the four stages. It influences the way persons are perceived across all the other stages. Martha Nussbaum’s critique of contractarianism on this issue scores the point: “if one starts from the idea that many different types of lives have dignity and are worthy of respect...one would acknowledge from the start that the capacity to make a contract, and the possession of those abilities that make for mutual advantage in the resulting society, are not necessary conditions for being a citizen who has dignity and deserves to be treated with respect on a basis of equality with others.” *Frontiers of Justice: Disability, Nationality, Species Membership*, 17.

⁶⁹ Alexis Shotwell, “Open Normativities: Gender, Disability, and Collective Political Change,” *Signs* 24, no. 4 (Summer 2012): 989 – 1016, 1003. The distinction between *restrictive normativity* and *open normativity* is reminiscent of Amartya Sen’s distinction between ‘closed’ and ‘open’ impartiality in his work, *The Idea of Justice*, 124 – 152. Sen used the idea of ‘open impartiality’ to critique the parochialism of Rawls’s ‘closed impartiality’. I shall come back to this issue later in this chapter.

comprehensive, so as to commend what facilitates flourishing. That is, it endorses that which enables and fosters the flourishing of all human beings, regardless of their capacities and incapacities, abilities and disabilities, dependency and independency, etc.

The notion of open normativities does not mean that all norms are acceptable. It does not operate with an ‘everything-goes-paradigm.’ The openness of open normativities is qualified. Open normativities reject normativities that are pernicious to the well-being of individuals. “Norms that proliferate nonreductive flourishing for others are better than norms that harm them or deny them well-being.”⁷⁰ In other words, the criteria of inclusion for open normativities should foster the well-being of others. The notion of flourishing and the philosophical anthropological implications flowing from it will be explored later in this thesis.

Having seen in these ways the need for an alternative framework for requiring eligibility for personhood, I shall now provide a sketch that would be compatible with the philosophical anthropology of liberal cosmopolitanism.

1.5.1 *An Alternative Conception of Personhood*

It was noted earlier that personhood is a concept whose boundary and definition is the subject of a very lively debate. Personhood is a moral status and is in the reckoning of some philosophers not taken to be co-extensive with human beings.⁷¹ That is, *human being* is not referentially identical with person. But given the nebulous epistemic grounding of personhood and the resulting untoward consequences for human beings deemed to be ineligible for personhood, it is important to articulate a conception of personhood that encompasses the diversity of human

⁷⁰ Shotwell, 1004.

⁷¹ See David DeGrazia, “On the Question of Personhood Beyond Homo Sapiens,” in *In Defense of Animals: The Second Wave*, Ed., Peter Singer, (Oxford: Blackwell Publishing), 2006, 40 – 53; Mary Anne Warren, *Moral Status*, Loc. 1077 – 1085.

beings. It should not be necessarily limited to them, but since this thesis is by scope delimited to philosophical anthropology, I shall not delve into arguments and theories advanced in support of the personhood of some nonhuman animals. My concern is to provide justification for why personhood should be ascribed to all human beings.

It was noted earlier that naturalistically based theories of personhood generally take personhood to include amongst other things, the following: (1) a socially constructed moral concept that supervenes on a biological substructure and (2) one that is identified by rational and psychological characteristics. Following the fact that personhood supervenes on a biological substructure, it would be reasonable to reconceive it in ways that are consistent with the “actual dependency, actual mortality, actual biological limitations and determinate possibilities,”⁷² of the human condition as opposed to characterizing it as free from the fragile materiality of the human experience.

The philosophical anthropology consistent with liberal cosmopolitanism should be constructed from what Martha Albertson Fineman calls *the vulnerable subject*.⁷³ Fineman’s concept of the *vulnerable subject*, because it more adequately captures and reflects the reality of the human condition, would be a better resource for forging an alternative conception of personhood, one that tracks the inescapable fragility and heterogeneity of the human experience. Reconceptualising personhood from the standpoint of its fragile materiality would help overcome the hierarchical undertones of moral personhood.

⁷² Annette Beier, “A Naturalistic View of Persons,” 12.

⁷³ Martha Albertson Fineman, “The Vulnerable Subject: Anchoring Equality in the Human Condition,” *Yale Journal of Law and Feminism* 20, no. 1 (2008): 1 – 24. Also see Martha Albertson Fineman, “The Vulnerable Subject and The Responsive State,” *Emory Law Journal* 60, no.2 (2010): 251 – 275. In these two essays, she uses the concept of vulnerability as an analytical tool to critique the use of the notion of *the independent* or *autonomous subject* as a favoured category by dominant moral, political, and legal theories of liberalism.

What then does Martha Fineman mean by vulnerability? In “The Vulnerable Subject: Anchoring Equality in the Human Condition,” she writes that she understands vulnerability as:

[A]rising from our embodiment, which carries with it the ever-present possibility of harm, injury, and misfortune from mildly adverse to catastrophically devastating events, whether accidental, intentional, or otherwise... Our embodied humanity carries with it the ever-constant possibility of dependency as a result of disease, epidemics, resistant viruses, or other biologically-based catastrophes. Our bodies are also vulnerable to other forces in our physical environment.”⁷⁴

Integrating this conception of vulnerability into the idea of personhood would give a picture of human persons not disconnected from their biological constitution, one that is constantly susceptible to not “only damage that has been done in the past and speculative harms of the distant future, but also the possibility of immediate harm. We are beings who live with the ever-present possibility that our needs and circumstances will change.”⁷⁵

Unlike Rawls’s autonomous subjects who are “normal and fully cooperating members of society over a complete life,” what is normal for Fineman’s *vulnerable subjects* is that they are constantly susceptible to harms that could bring temporary or permanent inability to be productive members of society.

I would call this alternative conception of personhood, *human-personhood*. The idea of *human-personhood* is referentially identical with human being. Being human is a *sufficient but not necessary condition* for personhood, that is, *human-personhood*.⁷⁶

⁷⁴ Martha Albertson Fineman, “The Vulnerable Subject: Anchoring Equality in the Human Condition,” 9. On a similar note, Bryan S. Turner writes that vulnerability refers to human openness to psychological harm and moral damage. He adds that “vulnerability includes the idea that human beings of necessity have an organic necessity to disease, sickness, that death and dying are inescapable, and that aging bodies are subject to impairment and disability,” Bryan S. Turner, *Vulnerability and Human Rights*, Kindle Edition, (University Park, PA: The Pennsylvania State University Press, 2006), Loc 353.

⁷⁵ Fineman, 12.

⁷⁶ Timothy Chappell has made a strong case for what he calls the “the proleptic view of personhood.” Chappell’s conception of personhood reflects human diversity, dependency and vulnerability. His conception of personhood is compatible with the idea of viewing human beings as *vulnerable subjects* in keeping with the thesis of Martha

Using membership in the human family as a sufficient factor for the attribution of personhood would prevent personhood from being a contingent possibility for any human being. The point is to insulate severely impaired human beings from abuses that arise from not being able to actualize capabilities that are typical of humans or from the actual loss of the capabilities in the wake of physical or psychological impairment.⁷⁷ The consequences of denying personhood to all humans could be damaging to those considered ineligible for personhood. History is replete with so many examples of such adverse consequences.⁷⁸ Personhood ought not to be exclusively based on precarious variables like rational capacity.⁷⁹

At the beginning of this chapter, it was noted that one of the objectives of Rawls's theory of justice is to design a theory that would attenuate the effects of contingencies in human life. Rawls presumes that a good way to address this challenge is to structure institutions so that they can adequately respond to the universal vulnerability of the human condition and the contingencies

Fineman. See Timothy Chappell, "On the Very Idea of Criteria for Personhood," *Southern Journal of Philosophy*, No. 49, Vol. 1, (2011): 1 – 27. He develops his conception of "the proleptic view of personhood," in pages 5 – 11.

⁷⁷ For instance, Harriet McBryde Johnson, a severely disabled disability lawyer and activist writes an account of her debate against Peter Singer who proposes that parents be given the legal rights to kill disabled babies. She makes a strong case against Singer's utilitarian-based proposal in her article published in the New York Times. For more on this, see: Harriet McBryde Johnson, "Unspeakable Conversations," in *New York Times*, <http://www.nytimes.com/2003/02/16/magazine/unspeakable-conversations.html?pagewanted=all>, 2003.

⁷⁸ Charles W. Mills gives a good example of this while writing about the black experience of sub-personhood. Mills notes that "white racism so structured the world as to have negative ramifications for every sphere of black life – juridical standing, moral status, personal/racial identity, epistemic reliability, existential plight, political inclusion, social metaphysics, sexual relations, aesthetic worth... the peculiar status of a subperson is that it is an entity which, because of phenotype, seems (from, of course, the perspective of the categorizer) human in some respects but not in others." Charles W. Mills, *Blackness Visible: Essays on Philosophy and Race*, (Ithaca: Cornell University Press, 1998), 6. Alison Bashford and Philippa Levine, Ed. *The Oxford Handbook of the History of Eugenics*, Kindle Edition, (New York: Oxford University Press, 2010). This work is a historical anthology of eugenics across the world. Edwin Black, *War Against the Weak: Eugenics and America's Campaign to Create a Master Race*, (Washington, DC: Dialog Press, 2012). See also

⁷⁹ Jeff McMahan alludes to the precariousness of rational capacity thus: "human organisms begin to exist before they acquire a mental life sufficiently complex to allow them qualify as persons, and it is equally clear that they may lose the capacity for self-consciousness, and therefore cease to be persons, and yet not only continue to exist but also remain alive and conscious." Jeff McMahan, *The Ethics of Killing: Problems at the Margins of Life*, Kindle Edition, (New York: Oxford University Press, 2002), Location 545. In the view of Jeff McMahan, personhood for humans is a contingent status.

that accompany it. Rawls insists that “there is no necessity for men to resign themselves to these contingencies,”⁸⁰ and subsequently criticizes hierarchically structured societies for utilizing the contingencies of nature for ascribing differential social and moral status to individuals.

When Rawls talks about “the arbitrariness found in nature,”⁸¹ he seems to be referring to the arbitrariness in the natural and unequal distribution of abilities and disabilities, fortunes and misfortunes. At the core of this observation is Rawls’s desire to find a viable solution to the problem of indisputable ubiquity of vulnerability to the human condition. It is therefore surprising that Rawls brackets off the constitutive vulnerability of human beings and instead, elects to conceive of them as *roughly equal* and *independent*, as if nature equally distributes abilities and disabilities. The image of human beings that structures his theory is, in fact, not that of people unequally endowed.

Another concern at the core of Rawls’s observation as regards the randomness inherent in nature is the fact that the fortunate, the privileged and the powerful institutionalize and perpetuate the inequality arising from the unequal distribution of abilities and disabilities. Once again, here is how Rawls words it: “Aristocratic and caste societies are unjust because they make these contingencies the ascriptive basis for belonging to more or less enclosed and privileged social classes. The basic structure of these societies incorporates the arbitrariness found in nature.”⁸² Central to Rawls’s case against the institutionalization and perpetuation of inequalities arising from nature is that they bring about morally unacceptable state of affairs. In response to this, Rawls proposes his two principles of justice to structure social institutions and an accompanying theory of *moral personhood* and egalitarianism. Notwithstanding the merits of his proposal, it has already

⁸⁰ Rawls, *TJ*, 88. The full quotation of the relevant passage is available at the beginning of this chapter.

⁸¹ *Ibid.*

⁸² *Ibid.*, 87 – 88

been argued that the criticisms of Nussbaum, Kittay and others underscore the fact that his theory of egalitarianism and moral person is inadequate on account of its overly idealized tenor.

However, this does not undermine his idea that the institutionalization and perpetuation of inequalities arising from nature is morally unacceptable because they bring about undesirable state of affairs, albeit inadequate. An adequate and improved articulation of this Rawlsian idea would hold that institutionalizing and promoting the equal moral status, the equal universal distribution of the personhood, of all human beings is just because it would facilitate the attainment of morally worthy goals. Equality is a normative ideal that aspires to foster a state of affairs that would enable the flourishing of human beings irrespective of their natural endowments. The moral worth of egalitarianism consists in the fact that it facilitates states of affairs in which human beings of diverse abilities and disabilities can expect to be treated as morally equal to all. In this ideal state of affairs, no one needs fear that the loss of one's moral powers would entail the loss of one's personhood.

From the foregoing, it seems plausible to maintain that *human-personhood* would do better as an alternative conception of personhood. Grounded as it is on the principle of open normativity, *human-personhood* does not presuppose the specific prudential rationality that informs Rawlsian moral personhood and the circumscribed theory of justice that emerges from it. The prudential rationality that shapes Rawlsian moral personhood is a function of the economic/resourcist undertones of his theory. The economic/resourcist tenor of his theory is at the heart of the inadequacy of his philosophical anthropology. It is to this issue that I now turn.

1.6 Economic Rationality and Rawlsian Philosophical Anthropology

To unearth the philosophical anthropology that grounds a theory, it is important to identify the assumptions that inform the formulation of the theory. A theory permeated by economic rationality is one which gives special prominence to productivity and efficiency. Elements of this are identifiable in the case of Rawls. Two elements in the Rawlsian theory contain clues to this, namely: the portrait of moral persons used in his theory and his conception of society. A scrutiny of each of these elements will confirm this observation. Beginning with the first element, it can be shown that the image of moral personality that he paints and the depiction of the motivation of the contracting parties derive from economic rationality.

To understand how this is the case, it bears mentioning that the sense or import of economic rationality in Rawls's theory of justice shifts somewhat from *A Theory of Justice*, to the later works, namely, *Political Liberalism* and *Justice as Fairness*. In the earlier Rawls, the motif of economic rationality is more explicit – somewhat robust; in the later Rawls, it is more attenuated – somewhat nuanced. But in both contexts, there is essentially the same framework and the same foundation.

In the earlier Rawls, the markedly economic underpinnings of his assumptions are captured in the following words:

One feature of justice as fairness is to think of the parties in the initial situation as rational and mutually disinterested...Moreover, the concept of rationality must be interpreted as far as possible in the narrow sense, standard in economic theory, of taking the most effective means to given ends.⁸³

The earlier Rawls invites one to conceive of the parties as instrumentally rational since their cooperation with others will enable them to be more likely to achieve their individual objectives. The parties are portrayed as lacking in the capacity for other-regarding motivations. The notion of

⁸³ Rawls, *TJ*, 12.

reciprocity that Rawls weaves into his contractarian theory is exclusionary. The exclusionary character of his contractarian theory occurs in envisioning society as “a cooperative venture for mutual advantage”⁸⁴ and in picturing the contracting parties as persons who have the requisite capacity for productive labour. Economic rationality is thus crucial to Rawls’s conception of society and his conception of moral personality.

In Rawls’s cooperative arrangement, each beneficiary of the resulting social product owes something to co-participants, to other contributors. It is only to the extent that one is a contributor to the cooperative scheme that one is owed an obligation. Other normative considerations are insufficient to override the justifications for this mutual advantage-seeking conception of cooperation. The reason why the motif of mutual advantage supersedes other considerations is that Rawls aims to articulate a system that is economically efficient.⁸⁵

It is on account of allowing for efficiency that the difference principle is designed to use incentives to call forth more productivity from talented individuals. Rawls’s thinking on this matter is informed by the desire to incorporate the mechanisms of the market into his theory. Samuel Freeman notes for instance, that Rawls “thinks that taking advantage of markets in production results in the most rational (productive and least wasteful) use of economic resources – land, labour, and capital.”⁸⁶ In other words, efficiency-driven considerations underlie the formulation of his theory. Given that the concept of rationality “standard in economic theory” is the mind-set that informs his theory of justice, it is plausible to maintain that, in the earlier Rawls, *homo oeconomicus* is used as the overriding paradigm of human rationality. This paradigm permeates

⁸⁴ Rawls, *TJ*, 4.

⁸⁵ In keeping with the social contract tradition, Rawls assumes that the contracting parties are not motivated by mutual benevolence or altruism.

⁸⁶ Samuel Freeman, *Rawls*, 100.

his portrait of moral personality, that is, the contracting parties. And *homo oeconomicus* is the dominant paradigm used by many behavioural economists for modelling human behaviour. *Homo oeconomicus* images human beings as primarily driven by the pursuit of self-interest.⁸⁷ Rawls represents this mentality thus:

[T]he persons in the original position try to acknowledge principles which advance their systems of ends as far as possible. They do this by trying to win for themselves the highest index of primary social goods, since this enables them to promote their conception of the good most effectively whatever it turns out to be. The parties do not seek to confer benefits or to impose injuries on one another; they are not moved by affection or rancor.⁸⁸

The incentives-based mechanism that is woven into the difference principle also reflects this assumption. It assumes that people will be unwilling to use their talents in the most socially productive way if they are not given economic incentives.

The earlier Rawls uses *homo oeconomicus* as a descriptive device for predicting the behaviour of the parties and subsequently as a normative paradigm. He uses *homo oeconomicus* as the default paradigm for shaping his theory of justice on the supposition that a just society has to accommodate the unavoidably inborn tendency for persons to be instrumentally rational and self-interested. This paradigm invites one to think of the parties without regard to basic human emotions, like affection and rancor, other-regarding motivations. Devoid of other-regarding motivations, the driving norm of their behaviour is that everyone ought to act in his or her self-interest.

⁸⁷ Amartya Sen confirms the prevalence of this mind-set in economics thus: “a very large part of modern economics has increasingly fallen for the simplicity of ignoring all motivations other than self-interest, and brand-named ‘rational choice theory’ has even elevated this false alleged uniformity in human behaviour into the basic principle of rationality.” *The Idea of Justice*, 187. For a more recent critique of this mind-set see: Richard H. Thaler, *Misbehaving: The Making of Behavioral Economics*, (New York: W. W. Norton & Company, 2015).

⁸⁸ Rawls, *TJ*, 125

In the earlier Rawls, the paradigm of *homo oeconomicus* encapsulates two ideas that shape his philosophical anthropology, namely: the homogeneous portrait of the parties and the one-dimensionality of the motivations of the parties. We are to think of the parties, the moral persons, as roughly equal, independent free, capable of having a sense of justice and a conception of the good as normally functioning productive individuals over a life time. Pictured as motivationally invariant, one is led to think of the parties as unavoidably driven to maximize their individually considered interests and only enter into contracts as a means by which to achieve this end. By using the paradigm of *homo oeconomicus*, the earlier Rawls seemingly suggests that human beings are to be conceived as constitutively homogeneous and motivationally identical.

It has already been argued that the constitutive symmetry of Rawls's philosophical anthropology is not capacious enough to encapsulate the irreducible heterogeneity of human beings. The same critique holds for the motivational homogeneity he uses to articulate his theory in *TJ*. Amartya Sen criticizes Rawls for using the single-minded pursuit of self-interest as the overriding motivation of the contracting parties. He notes that, "Rawlsian reasoning is too confined to reasons of 'extended prudence', and restricts the reflections of 'reasonable persons' to thinking ultimately about how they can benefit from 'cooperating with others.'"⁸⁹ The adequacy of this restricted conception of human motivation has also been questioned by Martha Nussbaum.

Martha Nussbaum avers that the propensity for seeking individual advantage need not exclude the presence of other-regarding motivations in human beings. Human beings, she notes,

⁸⁹ Amartya Sen, *The Idea of Justice*, 138. On a similar note, in a detailed review of the *Economics, Values, and Obligation*, edited by Avner Ben-Ner and Louis Putterman, Elizabeth Anderson discloses that the contributors to the anthology impeach the adequacy of the exclusive use of the motivational drive of *homo economicus* for explaining social phenomena. She notes that models like evolutionary theory of *homo sociologicus* offer alternative ways of comprehending social phenomena; Elizabeth Anderson, "Beyond Homo Economicus: New Developments in Theories of Social Norms," *Philosophy and Public Affairs* 29, no. 2 (2000), 170 – 200.

are “held together by many altruistic ties as well as by ties of mutual advantage.”⁹⁰ Nussbaum’s point is that the inadequacy of the motivational portrait of the human person that Rawls uses to construct his theory of justice undermines the plausibility of his theory. By failing to include affective bonds as a crucial element of reciprocal relationships amongst human beings, Rawls fails to adequately capture ineffaceable elements of human psychology. At the barest minimum, an adequate theory of justice has to derive from an adequate constitutive and motivational portrait of human beings.

Rawls is not unaware of the diverse motivational impulses of human beings; that “real” human beings are unlike his advantage-seeking human beings depicted as immune to the impulse for benevolence and malevolence. Some sections of *TJ* contain his perspective on sentiments.⁹¹ Why would Rawls bracket-off other motivational impulses of human beings for his theory? It is because he thinks that incorporating other motivational impulses into his theory of justice would jeopardize the ideas of impartiality and stability that are essential for his principles of justice. He maintains that “moral feelings are liable to be unreasonable and capricious.”⁹² Martha Nussbaum opines that Rawls sees these motivations as “uneven and partial, and thus would not support determinate political principles.”⁹³ Nussbaum’s reading of Rawls’s bracketing-off of the capacity for benevolence or malevolence suggests that Rawls’s primary aim is to construct principles that are immune to the whims and unsteadiness of “moral feeling”. If this interpretation of the earlier

⁹⁰ Martha Nussbaum, *Frontiers of Justice: Disability, Nationality and Species Membership*, 158

⁹¹ In *TJ*, Rawls extensively discusses the place of impartiality and benevolence in pages 160 – 168, and the features of the moral sentiments from pages 420 – 429.

⁹² Rawls, *TJ*, 429. This claim echoes the influence of Kantian thinking on Rawls. Kantian deontology as presented in the *Groundwork* and the *Critique of Practical Reason* is marked by a disdain for emotions and inclinations. His moral thought is built around the opposition between inclination and duty. In the *Critique of Practical Reason*, he notes that duty “proudly rejects all kinship with the inclinations.” Immanuel Kant, *Critique of Practical Reason*, Werner S. Pluhar, trans. (Indianapolis, Hackett Publishing Company, 2002), 87.

⁹³ Martha Nussbaum, *Frontiers of Justice*, 158

Rawls is plausible, it would imply that considerations for articulating determinate principles of justice constrain the accompanying portrait of human beings that the theory adopts.

Nussbaum's interpretation of why Rawls refuses to include the capacity for benevolence or malevolence in his characterization of the parties to the contract makes sense.⁹⁴ One way to determine the plausibility of this interpretation is to take a look at the procedural scheme assembled by Rawls. This transition would help show how the economic elements that inform the earlier Rawls are connected to the later Rawls.

A look at his procedural device indicates that another consideration apart from justice influences the set of facts he invokes to support his principles of justice. This is not to suggest that other considerations need not inform his strategy, but to ascertain whether justice takes precedence over any other consideration. What, in other words, does Rawls give paramount consideration to the shaping of his theory? One major consideration that competes for prominence in his procedure is economic efficiency. Economic efficiency is a crucial variable that competes with justice for primacy in the Rawlsian schema. While justice has the appearance of pre-eminence in his theory, I think a close scrutiny of his methodology does not bear this out. This point holds true both for the earlier and the later Rawls.

A scrutiny of Rawls's characterization of society, in addition to the foregoing regarding moral personality, will help show that economic efficiency has primacy in the Rawlsian schema. The earlier Rawls portrays society as a cooperative scheme for mutual advantage. The later Rawls

⁹⁴ While Sen and Nussbaum register their objections against the motivational homogeneity of the parties as depicted by Rawls, they fail to note, as I will show, that Rawls later moderated his stance on this view. Reading Sen and Nussbaum would suggest that Rawls did not come to a more attenuated outlook on this issue. Nonetheless, this observation does not negate the fact that Rawls's philosophical anthropology derives from elements of economic rationality.

retires the phrase “mutual advantage”. Instead he describes society as “a fair system of cooperation.”⁹⁵ Rawls’s retiring of the phrase does not undermine the substance of the point he wishes to make with the idea that society is a fair system of cooperation or a cooperative scheme for mutual advantage. The key idea that runs through both depictions of society is *reciprocity*. Rawls’s own words bear out this claim:

Fair terms of cooperation specify an idea of reciprocity: all who are engaged in cooperation and who do their part as the rules and procedure require, are to benefit in an appropriate way as assessed by a suitable benchmark of comparison... *The idea of social cooperation requires an idea of each participant’s rational advantage, or good.*⁹⁶

This conception of reciprocity is very restricted. Allen Buchanan’s observation on this point is in order:

Each person who benefits from the contributions of others in a cooperative enterprise in which that person participates owes something to those other contributors, and they, for the same reason, owe something to the individual, but only insofar as that individual is a contributor.⁹⁷

On a similar note, Lawrence Becker avers that the Rawlsian notion of reciprocity is oversimplified and narrow. He asserts that reciprocity when conceived this way excludes those construed as likely to be a drag on productive individuals.⁹⁸ On the strength of Buchanan’s and Becker’s observation, it is clear that the idea of society as pictured by the later Rawls has undertones of economic efficiency since the participants are all taken to be contributors. The Rawlsian conception of reciprocity is a derivative of economic efficiency. His construal of

⁹⁵ Rawls, *PL*, 15; *JF*, 5. The objectives of the aims of the later Rawls occasioned the need to retire the phrase “mutual advantage”. One of the aims of the later Rawls was how to figure out a solution to the problem plaguing modern democratic societies. These societies are marked by a pluralism of incompatible but yet reasonable comprehensive religious, moral and philosophical doctrines. In *PL*, he discloses that “political liberalism looks for a political conception of justice that we hope can gain the support of an overlapping consensus of reasonable religious, philosophical doctrines in a society regulated by it” 10. This concern occasioned some of the changes one sees in the later Rawls.

⁹⁶ Rawls, *PL*, 16. The same point is reiterated in *JF*, 6. (Italics mine)

⁹⁷ Allen Buchanan, “Justice as Reciprocity versus Subject-Centered Justice,” *Philosophy and Public Affairs* 19, no. 3 (Summer, 1990): 227 – 252, 229.

⁹⁸ Lawrence Becker, “Reciprocity, Justice and Disability,” *Ethics* 116, no. 1 (2005): 9 – 39.

reciprocity and society is pregnant with assumptions which establish the features of persons that can thrive in any society so construed. The portrayal of society as such furnishes the constitutive strictures of its inhabitants. The conception of persons corresponds with the portrait of the society.

The following passage in the later Rawls confirms this point:

Now consider the fundamental idea of the person. There are, of course, many aspects of human nature that can be singled out as especially significant, depending on our point of view. This is witnessed by such expressions as “homo politicus” and “homo oeconomicus,” “homo ludens” and “homo faber.” *Since our account of justice as fairness begins with the idea that society is to be conceived as a fair system of cooperation... we adopt a conception of the person to go with this idea...* Thus, we say that a person is someone who can be a citizen, that is, a normal and fully cooperating member of society over a complete life.⁹⁹

In the above, there is a clear if not explicit consideration of the contracting parties as having the rational, physical and psychological qualities that would be requisite for such a society to operate *efficiently*. It is because of the high premium that Rawls places on economic efficiency that he says, “For our purposes here I leave aside permanent physical disabilities and mental disorders so severe as to prevent persons from being normal and fully cooperating members of society in the usual sense.”¹⁰⁰

The economic outlook of the later Rawls modifies the motivational homogeneity used to articulate the argument in *TJ*. The later Rawls rejects his earlier view that the single-minded pursuit of self-interest is the overriding motivation of the contracting parties. In his words: “Rational agents approach being psychopathic when their interests are solely in benefits to themselves.”¹⁰¹ This modification in the view of the later Rawls might appear to suggest the

⁹⁹ Rawls, *PL*, 18. (Italics mine)

¹⁰⁰ Rawls, *PL*, 20. If one follows Rawls’s suggestion that the case of people with physical and mental disabilities is to be set aside, it is “difficult to see the disabled as more than people who lack the capacity for direct, tit-for-tat transactions at a dollar-for-dollar rate of exchange, or as people who are other than a net drain on aggregate welfare, or as people who lack the potential to thrive and flourish as human beings,” Lawrence Becker, “Reciprocity, Justice and Disability,” 34.

¹⁰¹ Rawls, *PL*, 51.

wholesale abandonment of the paradigm of *homo oeconomicus* used in the argument of the earlier Rawls. This is, however, not the case. The image of *homo oeconomicus* implicit in the later Rawls is no longer exclusively egotistical. The *homo oeconomicus* of the later Rawls has a more complex motivational impulse. Rational agents, the later Rawls insists, are not “solely self-interested...Every interest is an interest of a self (agent), but not every interest is in benefits to the self that has it.”¹⁰² Each rational participant of the fair system of cooperation has complex permutations of self-interests and common-interests. There are complex combinations of self-interest driven reciprocity and common-interests driven reciprocity.

The difference between the *homo oeconomicus* of the earlier and later Rawls is that the later Rawls is more motivationally sophisticated. Beyond that, the philosophical anthropological outlines of the later Rawls are continuous with that of the earlier Rawls. In light of this observation, the thread of economic efficiency that runs through his vision of society shapes the philosophical anthropology of the earlier and later Rawls. In other words, modifications in the Rawlsian conceptions of society and economic rationality do not undermine the claim that the motif of economic efficiency constrains the philosophical anthropological suppositions of his theory.

It might be objected that this critique seemingly downplays the significance of efficiency. Raising any such objection would be missing the point of the critique. To be sure, efficiency is an important variable when figuring out how to run societies. It should not, however, be the overriding factor of the framework of a theory that adequately represents the philosophical anthropological outlines of the human condition. The driving factor should derive from the constitutive features of human persons. Rawls does not follow this very vital consideration. The *moral person* of the earlier

¹⁰² *Ibid.*,

and later Rawls is *the autonomous subject* as opposed to *the vulnerable subject*, one whose ever-present and enduring condition of vulnerability is not adequately represented by the category of independence and its accompanying attributes: contributor, participant, etc.

Further to the fact that Rawls does not attend to this consideration, the resultant philosophical anthropology is fashioned in terms of its relation to a schema of economic efficiency. The philosophical anthropology is derivative, secondary to the economic schema. This seems to be contrary to his thin theory of the good which holds that the right is prior to the good. How is this so?

In holding that the right is prior to the good, Rawls suggests that rights and liberties have precedence over all other values. Rights and liberties are treated as not only morally prior to all values; they also constrain the bounds of the good. They furnish the framework around which the good is to be articulated and not vice versa. It is in the context of this thinking that he avers that every “person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override.”¹⁰³ The inviolability of persons is a philosophical anthropological claim. It is a claim about the high moral status of persons. The claim assumes that persons have a value so high that considerations regarding the common good ought not to imperil their inviolability. The inviolability of persons is a primary irreducible ingredient, a fixed point that constrains the good, the welfare of society (this includes economic efficiency). It is a philosophical anthropological claim that suggests that human persons are so constituted that they ought to be insulated from any state of affairs that could jeopardize their well-being.

¹⁰³ Rawls, *TJ*, 3.

Since the inviolability of human persons limits the bounds of the welfare of society, one would expect that Rawls's philosophical anthropology would be shaped by considerations that derive from constitutive facts about human persons. To say that the right is prior to the good is to be committed to the idea that any state of affairs that could potentially make an impact on the lives of human persons ought to be defined in terms of their relation to the primary irreducibility of the inviolability of human persons. The idea of the inviolability of human persons entails that the framework of the state of affairs ought to be constrained by the features or interests of human persons.

It has been noted that on account of the fact that the Rawlsian notion of *moral personhood* derives from the category of *the autonomous subject*, it endorses a condition of similar ability to qualify for equal claims to justice. The similar ability requirement is a feature that arises not from facts about human persons (since human persons are differentially able) but from the need to articulate an efficient contractual scheme that would bring about a maximum output from the cooperation of the contracting parties.

In the light of the foregoing, we can conclude that the philosophical anthropology that underlies Rawls's theory of justice is a derivative of the economic system within which Rawlsian contractarian vision would efficiently operate. The 'facts' he chooses to invoke to support his principles of justice are intended to fit into an economic model. Reliance on these 'facts' is at the heart of the inadequacy of his philosophical anthropology. Fashioned as it is to fit the economic background, Rawls's philosophical anthropology partially departs from one of the major objectives of his theory of justice mentioned at the beginning of this chapter, that is: the concern to articulate a theory that would help attenuate the effects of luck, of natural contingencies in the lives of individuals.

Implicit in his aim to construct a theory that would diminish the effects of contingencies on human life is the indisputable idea that *the human condition is inescapably vulnerable and open to reversals*. The outcome of his project is a vision of a society that is designed to guarantee justice and fairness for individuals construed as independent, free, productive and roughly equal. Yet, the principles of justice put in place to lessen the impact of contingencies and untoward social circumstances on human life apply only in the case of human beings who meet Rawls's benchmark of *moral personality*. Left out from this protective benchmark are those to whom *moral personality* does not apply. By and large, the normative reach of the Rawlsian philosophical anthropology is restricted. Consequently, there is good reason to demand that the Rawlsian notion of *moral personhood*, a conception which derives from the category of *the autonomous subject*, be replaced by the more normatively expansive conception of *human-personhood* that derives from the category of *the vulnerable subject*. Given that the category of *the vulnerable subject* more accurately reflects the constitutive condition of human beings, it is a better analytical resource for constructing an adequate philosophical anthropology of liberal cosmopolitanism. It will be the organizing category in the case to be made for the philosophical anthropology of liberal cosmopolitanism in this thesis.

I have tried to establish in this chapter that in several ways, Rawls's philosophical anthropology does not offer adequate resources for forging a philosophical anthropology that would support the objectives of liberal cosmopolitanism. Rawls's state-centric approach to the problem of justice significantly shapes the philosophical anthropology he endorses. The liberal idea that individuals are the ultimate unit of moral concern applies only in the state (liberal states) for Rawls. It does not apply globally. The import of this is that Rawls's quest to articulate a theory that would lessen the impact of contingencies and untoward social circumstances on human life

applies only in liberal states. His critique of oppressive hierarchies applies only in liberal states. This fact is underscored by the arguments he makes in *The Law of Peoples* which amongst other things, confirm his view that societies are to be construed as self-contained. Rawlsian egalitarianism does not subscribe to the liberal cosmopolitan idea of the formal equality of all individuals, an idea whose aim advocates for equal recognition, adequate distribution of resources and a state of affairs in which all individuals stand in relations of equality to others. The philosophical anthropological theory I am proposing takes seriously the liberal view that arbitrary facts about individuals should not have the final word on their well-being. Rawls's resourcist and reciprocity-based conception is not a plausible candidate for constructing this theory.

In *The Law of Peoples*, Rawls supports his thesis with an ontology of *peoples* that gives sociological and ethical primacy to *peoples* over the interests of individuals. The philosophical anthropological import of his ontology of *peoples* has a subtle family resemblance with the issues that liberal theories of culture and identity focus on. Charles Taylor and Will Kymlicka are prominent liberal theorists of culture and identity. Armed with the category of *the vulnerable subject* as an analytical tool, the next chapter will appraise the philosophical anthropology underpinning the theories of Taylor and Kymlicka.

Chapter Two

The Philosophical Anthropology of the Sociological Model

2.1 Introduction

This chapter will examine the conception of the self implicit in Will Kymlicka's theory of multiculturalism. A key element of Kymlicka's conception of multiculturalism is that it foregrounds the cultural identity of minority groups and construes cultural membership as a primary good necessary to shore up self-respect, a good that has eudaimonic significance. The philosophical anthropological entailments of these claims will be assessed in this chapter. Before delving into Kymlicka's theory, it would be helpful to fill in the context that warranted the identity-based orientation of multiculturalism for liberalism.

2.2 Situating the Context of Multiculturalism

In the last chapter, I tried to establish that John Rawls's homogeneous portrait of human beings is not a good candidate for the philosophical anthropology of liberal cosmopolitanism. Rawls's portrayal of human beings sets out an *ideal for universal humanity*. Its egalitarianism is continuous with a central aspiration of Enlightenment liberalism. Born in the Enlightenment, the ideal of equality is sometimes identified with sameness, with the assumption that rights must be conceived in universalist terms. In this way, liberalism aspires to mitigate particularistic attachments and ascriptive privileges arising from any form of group membership such as race, ethnicity, nationality, religion, etc. The hope is to bring about the transcendence of group-specific loyalties if they clash with the universal humanism envisioned by Enlightenment liberalism.

But in pushing for this ideal of universal humanity, liberalism was paradoxically enabling the cause of majoritarian hegemony. Critics of this ideal of universal humanity note that what seems like a neutral or an all-inclusive conception of humanity in fact privileges the viewpoint of

the dominant group. The ideal of universal humanity thus underwrites assimilationism. The ideal of universal humanity results in the standardization of the viewpoint of the dominant group.¹⁰⁴ Iris Young, a leading critic of this ideal of universal humanity exposes the pernicious entailments of the ideal thus:

The attempt to reduce all persons to the unity of a common measure constructs as deviant those whose attributes differ from the group-specific attributes implicitly presumed in the norm. The drive to unify the particularity and multiplicity of practices, cultural symbols, and ways of relating in clear and distinct categories turns difference into exclusion.¹⁰⁵

This “difference critique” of the universalist project of Enlightenment liberalism is an attempt to highlight its harmful consequences, including the fact that it is theoretically inadequate to meet its primary aspiration to fashion a world in which people stand in relations of equality with one another. Its neglect of the significance of particularistic attachments undermines its ability to adequately capture the complexity, the plasticity and the alternate realizability of human life. Hilliard Aronovitch makes this point while speaking about the theoretical inadequacy of liberalism and Marxism. Aronovitch discloses that Marxists and liberals were either too abstract or overly concrete in that their theories failed to appreciate the force of nationalism (and yearnings for cultural difference) in actual lives. It exposed a hole in their theories. As he put it, the:

theoretical lacuna covers the whole space that would be occupied by ethnicity, religion, nationalism, language, and numerous other factors, including conceptions of gender, in all: culture, where that means, in broad terms, sets of values, attitudes, and orientations tied to distinctive histories and traditions.¹⁰⁶

In the last two decades, this theoretical vacuum has been engaged and occupied by lively debates in books, articles, seminars, and conferences on multiculturalism. Frequently presented as an aspect of *identity politics*, *the politics of difference* and *the politics of recognition*,

¹⁰⁴ This point is implied in Rawls’s conception of *Moral Personality* in the first chapter.

¹⁰⁵ Iris Young, *Justice and the Politics of Difference*, (Princeton: Princeton University Press, 1990), 169.

¹⁰⁶ Hilliard Aronovitch, “Nationalism in Theory and Reality,” *Philosophy of the Social Sciences* 30, no. 3 (September, 2000): 457 – 479, 461.

multiculturalism envisions an egalitarian social order that promotes the well-being of all. The primary subject of concern is *culturally* based inequality of status. Since culture is at the heart of this challenge to the majoritarian hegemony and the purportedly innocuous idea of universal humanity, it is pertinent to look at the way culture is understood in multiculturalism. This will enable us to ascertain whether the idea of multiculturalism is capacious enough to adequately correct and capture the ideal of status equality proposed in the philosophical anthropology of liberal cosmopolitanism.

2.3 The Idea of Culture in Multiculturalism

Culture is a universal human phenomenon. It is often conceived as an all-inclusive and all-embracing concept. It is a notoriously polysemous word. As John Hutnyk rightly points out, “The task of denoting Culture in encyclopaedic mode is fraught with the impossibility of capturing an always-morphed term – multiple meanings, multiple sites, political struggle. In this sense, the categories of Culture are infinitely varied...”¹⁰⁷ Sarah Song notes, for instance that the word is so indisputably “overbroad” because it subsumes and is often taken to be synonymous with concepts like: religion, language, ethnicity, nationality, and race.¹⁰⁸ Seyla Benhabib writes that “culture has become a ubiquitous synonym for identity, as well as an identity-marker and differentiator.”¹⁰⁹ In

¹⁰⁷ John Hutnyk, “Culture,” *Theory, Culture and Society* 23, no. 2-3 (2006): 351 – 375, 351.

¹⁰⁸ Sarah Song, “The Subject of Multiculturalism: Culture, Religion, Language, Ethnicity, Nationality, and Race?” in *New Waves in Political Philosophy*, Boudewijn de Bruin and Christopher F. Zurn, eds., (London: Palgrave Macmillan, 2009): 177 – 197, 177. Anthony Cohen, “Culture as Identity: An Anthropologist’s View,” *New Literary History* 24, no.1, Culture and Everyday Life, (Winter 1993): 195 – 209, suggests that the word, “culture” is difficult to pin down; Adam Kuper, *Culture: The Anthropologists’ Account*, Kindle Edition, (Cambridge, MA: Harvard University Press, 1999), Loc. 86 – 294, traces the genealogy and the different permutations of the concept and also goes on to show how amorphous and ambiguous the concept is; he makes a similar point in “Culture, Identity and the Project of a Cosmopolitan Anthropology,” *Man*, New Series 29, no. 3 (Sept., 1994): 538 – 541. Kwame Appiah also talks about the indeterminate character of culture in *The Ethics of Identity*, (Princeton: Princeton University Press, 2005), 114 -120. See also, Bhikhu Parekh, *Rethinking Multiculturalism: Cultural Diversity and Political Theory*, (New York: Palgrave, 2000), 142 – 178; Anne Phillips, *Multiculturalism without Culture*, (Princeton: Princeton University Press, 2007), 42 – 43.

¹⁰⁹ Seyla Benhabib, “The Liberal Imagination and the Four Dogma’s of Multiculturalism,” *The Yale Journal of Criticism* 12.2, (1999): 401 – 413, 401.

other words, culture is a complex concept. It is a term that is applicable across a broad range of overlapping meanings, depending on the context or approach being used.

In anthropological parlance, culture is primarily construed in nationalistic and ethnic terms – suggesting that cultures as individuals are self-contained wholes that reproduce themselves in isolation from other cultures. Lila Abu-Lughod notes that “culture is important to anthropology because the anthropological distinction between self and other rests on it. Culture is the essential tool for making other.”¹¹⁰ This is not unconnected to the fact that anthropology adopts a descriptive approach to culture. The anthropologist Terrence Turner discloses that “Anthropology and its various concepts of culture are not principally oriented towards programs of social change, political mobilization, or cultural transformation.”¹¹¹

Unlike anthropology, multiculturalism as a philosophical or political stance adopts a normative orientation to culture. This is because multiculturalism is a movement for change. For multiculturalists, culture “refers primarily to collective social identities engaged in struggles for social equality.”¹¹² As a category for social change, the advocates of culture invest it with a critical quality over against domination, discrimination, oppression and disadvantage. For them, culture as commonly treated, is portrayed as a locus of injustice. David Scott’s observation on this is in order:

There is a conjunction between “culture” and “disadvantage” ... culture marks an area of damage or injury or marginalization, and signals simultaneously the idiom of a politics of repair or redress. In a recuperative move that has become familiar in the human sciences a

¹¹⁰ Lila Abu-Lughod, “Writing Against Culture,” in *Recapturing Anthropology: Working in the Present*, ed. Richard G. Fox, (Santa Fe NM: School of American Research Press, 1991), 157. Lila Abu-Lughod’s point is to be understood in the context of culture as ethnicity/nationality. It does not mean that within a given “culture”, “otherness” does not obtain. Lila Abu-Lughod’s point buttresses the polysemy of the word culture.

¹¹¹ Terrence Turner, “Anthropology and Multiculturalism: What Is Anthropology that Multiculturalists Should Be Mindful of It?” *Cultural Anthropology* 8, no. 4 (Nov., 1993): 411 – 429, 412.

¹¹² Terrence Turner, “Anthropology and Multiculturalism: What Is Anthropology That Multiculturalists Should Be Mindful of It?”, 412

variety of putatively harmed communities – defined in terms of race, gender, sexual orientation, ethnicity, and so on – are thus enabled to find an alternative shelter within the capacious ambit of culture.¹¹³

Notice that culture is used as an all-encompassing word for a variety of identity groups. Culture is appropriated by marginalized and minority groups as a category for campaigning for social equality. It is employed as a mobilising resource against majoritarian injustice. Some examples include Native Americans, the Catalans in Spain, the Maori in New Zealand, Québécois in Canada, etc.

In spite of the employment of the concept of culture as a category of ‘minoritarian’ challenge to majoritarian domination, some scholars have expressed scepticism about the conceptual adequacy and practical efficacy of the word. In an article aimed at disaggregating the idea of multiculturalism from a variety of claims typically associated with it, Sarah Song perspicaciously maintains that:

the appeal to “culture” by itself does not get us very far. Something further and more specific needs to be said about the importance of the good at stake in the justification of political claims for recognition and accommodation. We have seen that “claims of culture” are about remedying serious disadvantages – not just material but also symbolic disadvantages – that people face along religious, linguistic, ethnic, and racial lines. But grouping the variety of claims...under terms such as “multiculturalism,” “cultural rights,” and “claims of culture” masks important distinctions. If what is at issue is constraints on religious observance, linguistic barriers to equal opportunity, or the legacy of racial and ethnic discrimination, then we should say that that is what is at issue, not announce another “culture war” or “culture conflict.”¹¹⁴

Similarly, Anne Phillips writes in her book, aptly called *Multiculturalism without Culture*, that the slippage between culture and the variety of terms associated with it in multiculturalism – religion, ethnicity, race – can generate muddled thinking and present practical problems when claims are made specifically in the name of culture.

¹¹³ David Scott, “Culture in Political Theory,” *Political Theory* 31, no. 1 (February 2003): 92 – 115, 94.

¹¹⁴ Sarah Song, “The Subject of Multiculturalism” 191 – 192.

When members of minority groups argue that they have been put at a disadvantage because of their skin colour, the discrimination they suffer is widely acknowledged as such. When they represent the disadvantage as connected with their religious beliefs, there is also a strong presumption of discrimination. But when members of minority groups say they are being discriminated against on the basis of culture – being unfairly coerced into adopting the norms of a dominant culture or disparaged for cultural practices that differ from the majority norm – there is much less agreement as to whether these count as legitimate complaints.¹¹⁵

The observations of Song and Phillips indicate that there is a need for a concept or category that adequately captures the issues to which ‘minoritarian’ claims about culture, religion, ethnicity, race, gender, sexual orientation, etc., refer. The inadequacy of the use of the category of culture as a normative concept for claims against majoritarian hegemony can be demonstrated through a close scrutiny of the multicultural theory of Will Kymlicka. Charles Taylor’s conception of the category of *recognition* will be used to analyze Kymlicka’s theory of multiculturalism. I will show that, unlike the category of *culture*, the category of *recognition*, because of its capaciousness and flexibility, better captures the issues raised by minority groups against majoritarian injustice. This objective will be accomplished by exposing the philosophical anthropology that supports Kymlicka’s theory of multiculturalism.

2.4 The Liberal Egalitarianism of Will Kymlicka

Will Kymlicka’s perspective on how to address the problem provoked by universal humanism is initially articulated in his work, *Liberalism, Community and Culture* (hereafter *LCC*) and developed with his theory of minority rights (group-differentiated rights) articulated in his *Multicultural Citizenship: A Liberal Theory of Minority Rights* (hereafter *MC*). In *LCC*, he sets out to show that liberalism can meet the challenges raised against it by communitarianism, feminism and Marxism. In his engagement with communitarianism, he tries to refute the communitarian claim that liberalism is atomistic, individualistic and undermines “the very

¹¹⁵ Anne Phillips, *Multiculturalism without Culture*, 61.

communities and associations which alone can nurture human flourishing and freedom.”¹¹⁶ He aims to show that liberalism has sufficient resources in its tradition to make a case for the protection of minority cultures. Renouncing appeals to the ideal of universal humanity that is predicated on formal equality, he maintains that group-differentiated rights achieve rather than oppose liberal equality. Group-specific rights are compatible with the liberal commitment to equality.

To accomplish this objective, he articulates a conception of culture that he claims is compatible with the liberal ideal of respect for the freedom and autonomy of the individual. His conception of culture is organized around a framework that endorses certain cultural collectivities and their corresponding group-specific rights. He maintains, especially in *LCC*, that this conception of culture does not depart from the liberal conception of the self in that his approach is manifestly individualist as opposed to collectivist. This claim obviously has philosophical anthropological entailments. Since his portrait of the self is imbricated in his conception of culture, I will delve into his conception of culture in order to unpack the underlying philosophical anthropology.

2.5 Kymlicka’s Conception of Culture

Like most theorists of multiculturalism, Kymlicka is aware of the protean nature of the concept of culture. He points out that the concept encompasses ethnic groups and non-ethnic groups, social movements on behalf of homosexuals, the working class, women, the disabled, etc. In opting to use the term *multicultural*, he intends to use culture in the *ethnic* or *national* sense. Accordingly, in *MC*, he defines culture as:

¹¹⁶ Will Kymlicka, *Liberalism, Community and Culture*, (Oxford: Clarendon Press, 1989), 2.

“an intergenerational community, more or less institutionally complete, occupying a given territory or homeland, sharing a distinct language and history. And a state is multicultural if its members either belong to different nations (a multinational state), or have emigrated from different nations (a polyethnic state), and if this fact is an important aspect of personal identity and political life.”¹¹⁷

This conception of culture is in some ways continuous with the conception of culture in *LCC* in that its key feature is the idea of a community. In *LCC*, he refers to a cultural community as a *cultural structure*. In this conception, culture as an *intergenerational community* or *cultural community/cultural structure* basically refers to those members or persons who trace their origin to it. Culture for him centres not on the norms (character) but on “the existence of a viable community of individuals with a shared heritage (language, history, etc.)”¹¹⁸

It is important to point out that Kymlicka’s conception of culture thus departs from the usual understanding of culture. Culture is generally understood to consist of norms, beliefs, practices, language and material objects that constitute a people’s way of life. Kymlicka calls this prevailing conception of culture – *cultural character*. In other words, he distinguishes between *cultural structure* and *cultural character* where *cultural character* represents the general understanding of culture. Here’s how he makes the distinction:

In one common usage, culture refers to the *character* of a historical community. On this view, changes in the norms, values, and their attendant institutions in one’s community (e.g. membership in churches, political parties, etc.) would amount to loss of one’s culture. However, I use culture in a very different sense, to refer to the cultural community, or cultural structure, itself. On this view, the cultural community continues to exist even when its members are free to modify the character of the culture, should they find its traditional ways of life no longer worth while.¹¹⁹

Kymlicka clearly establishes with the above citation that cultural structure and cultural character are not organically related. As such, they are divisible. The cultural structure is

¹¹⁷ Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights*, (Oxford: Clarendon Press, 1995), 18.

¹¹⁸ Kymlicka, *LCC*, 168

¹¹⁹ Kymlicka, *LCC*, 166 – 167.

essentially ‘contentless’, devoid as it is of norms and values. The rationale for making this distinction is to demonstrate that it is possible to preserve the continued existence of minority cultural structures while refraining from insulating the cultural character (norms, values) from change and revision. In other words, the liberalization of cultures does not threaten the continued existence of the communities themselves.¹²⁰

The idea of intergenerational community or cultural community is crucial to the distinction Kymlicka makes between a *nation* and an *ethnic group*, a distinction designed to enable him to develop his theory of group-differentiated rights. This distinction is already implied in the second part of the definition of culture in *MC* above. In these ways, Kymlicka’s conception of culture is informed by his attempt to map out a solution to the problem of cultural diversity consistent with liberal principles.

Cultural diversity in North America arose, on the one hand, from the forced inclusion of formerly self-governing indigenous nations to the majority state being created by colonizing white settlers, and on the other hand, the voluntary immigration of non-native people to the state. A *nation*, then, as defined by Kymlicka, is “a historical community, more or less institutionally complete, occupying a given territory or homeland, sharing a distinct language and culture.”¹²¹ In contrast, *ethnic groups* are formed by immigrants who, while possibly sharing a common language

¹²⁰ This distinction Kymlicka makes between cultural character and cultural structure raises questions that are not directly pertinent to my critique of his philosophical anthropology. However, a number of commentaries on his theory of multiculturalism have raised objections against this distinction. A good critique of the distinction has been provided by John Tomasi, “Kymlicka, Liberalism, and Respect for Cultural Minorities,” *Ethics* 105, (April 1995): 580 – 603, 587 – 590. Another critique of this distinction was offered by Sarah Song. According to Song, “If a cultural structure is nothing more than the existence of a cultural community, then it seems that threats to its survival would be threats to the survival of persons who are members of the cultural community, and this threat would be addressed by liberalism’s commitment to protecting the basic rights and liberties of individual persons without any reference to the value of cultures,” *Justice, Gender, and the Politics of Multiculturalism*, Kindle Edition, (New York: Cambridge University Press, 2007), 25.

¹²¹ Kymlicka, *MC*, 11.

and culture, do not constitute a historical community. Belonging to a *national minority* is involuntary, based as it is on an inglorious history of forced integration into the majority state. Kymlicka maintains that members of *ethnic groups* who are immigrants opted voluntarily to emigrate to a new society, and have ipso facto chosen to relinquish their native cultures.

Kymlicka holds that national minorities are entitled to some self-government rights and that ethnic groups are entitled to polyethnic rights and special representation rights. This hierarchical scheme of group-differentiated rights is underpinned by two features, namely: one based on historical primacy and one based on unchosen circumstances. Taken together, they generate the special and strong rights of national minorities.

Another crucial element of Kymlicka's perspective on culture is the category of *societal cultures* which he defines as: "a culture which provides its members with meaningful ways of life across the full range of human activities, including social, educational, religious, recreational, and economic life, encompassing both public and private spheres. These cultures tend to be territorially concentrated, and based on a shared language."¹²²

The category of societal culture is also a vital feature of the distinction between a nation and an ethnic group insofar as "societal cultures are typically associated with national groups."¹²³ This is because national minorities possess the elements that make for societal cultures whereas ethnic groups lack these elements since their members voluntarily uprooted themselves from their native homelands and are consequently incapable of transplanting their own societal cultures into their new countries. The scope and manner of incorporation are key factors in this distinction.

¹²² Kymlicka, *MC*, 76.

¹²³ *Ibid.*

Notice that the definitions of *culture*, *nation* and *societal culture* in *MCC* are strikingly similar. There is a marked synonymy among the three concepts. They are each characterized by the following features: historical community, institutional completeness, territorial boundedness, linguistic commonality. These are the features that warrant the ascription of stronger group-specific rights to national minorities. Ethnic groups are not eligible for them.

The synonymy of these three concepts reflects the categorical distinction between national minorities and ethnic groups. This suggests that Kymlicka's articulation of culture disproportionately serves his project of providing justifications for the hierarchical scheme of group-differentiated rights for according the stronger group-specific rights to national minorities. The lop-sidedness of his conception of culture disadvantages members of *ethnic groups*. In so doing, it potentially puts his theory at variance with a bedrock element of liberalism: to eliminate unjustified discrimination, domination, and oppression. This point will be laid bare upon close scrutiny of his view that *culture is a primary good* and the underlying implications of the supporting philosophical anthropology of his theory.

Kymlicka insists that members of ethnic groups implicitly relinquished the claims for the same sort of rights that national minorities are to have because they voluntarily moved away from their homes. The asymmetrical ascription of rights is based on a remedial measure for national minorities who were coercively incorporated into the larger society. This point is justified by the historical primacy argument and the unchosen circumstance argument. Self-government rights serve as a redress or rectificatory measure for national minorities in order to compensate them for the vulnerabilities, the inequalities, and the disadvantages to which their unjust and coercive incorporation to the larger society subjected them. Whether Kymlicka's theory can be sustained in these regards will be examined later in this chapter.

Cognizant of the fact that his ascription of collective rights to cultural minorities might suggest that his theory espouses the primacy of the group over the individual, Kymlicka maintains that his reinterpretation of liberalism is compatible with the liberal values of equality and individual autonomy. He insists that:

The individualism that underlies liberalism isn't valued at the expense of our social nature or our shared community. It is an individualism that accords with, rather than opposes, the undeniable importance to us of our social world. And...this way of viewing our communal relationships and our relationship to our culture is more in line with our self-understandings than the available alternatives.¹²⁴

Kymlicka thus holds that his conception of the liberal self is compatible with communal and cultural belonging. In defence of this claim, he articulates a theory of cultural minority rights that is premised on the idea that cultural membership is a primary good. This is a claim laden with heavy philosophical-anthropological entailments. The next section will dwell on the philosophical anthropological import of the idea of cultural membership as a primary good, as well as scrutinizing how the categorical distinction between national minorities and ethnic minorities fits this claim. Given that the category of societal cultures is crucial to Kymlicka's conception of culture, I will consider whether his refusal to characterize ethnic groups as societal cultures strengthens or undermines his philosophical anthropology.

2.6 The Philosophical Anthropological Entailments of the Idea of Cultural Membership as a Primary Good

Any credible theory of liberalism that elevates the significance of cultural belonging must show that it is consistent with the liberal idea that the individual is the ultimate unit of moral concern. Kymlicka tries to demonstrate that not only does his theory meet this challenge, it also

¹²⁴ Kymlicka, *LCC*, 2 – 3.

provides a remedy for the problem that a majoritarian hegemony leaves the members of minority cultures vulnerable to discrimination and oppression, thereby undermining their flourishing. In his view, the remedy entails that in the liberal worldview, individuals:

(1) ...are viewed as individual members of a particular cultural community, for whom cultural membership is an important good; and (2) that the members of minority cultural communities may face particular kinds of disadvantages with respect to the good of cultural membership, disadvantages whose rectification requires and justifies the provision of minority rights.¹²⁵

Kymlicka's conception of cultural membership as a primary good derives from John Rawls's idea of primary social goods. By way of recapitulation, John Rawls notes that primary social goods are essentials that any rational person would want regardless of their conception of the good. The primary social goods are liberty, opportunity, income, wealth, and the social bases of self-respect. Primary social goods are meant to provide an objective metric for making publicly observable interpersonal comparisons of individual holdings of those things anyone would desire to have as an element in their lives.

In holding that cultural membership is a primary good, Kymlicka must show that cultural membership is the sort of good anyone could be deprived of. He urges in *MC*, that "in developing a theory of justice, we should treat access to one's culture as something that people can be expected to want, whatever their more particular conception of the good."¹²⁶ Similarly, he insists in *LCC* that cultural membership is:

a primary good, consideration of which is an important part of showing equal concern for individuals. This importance would have been recognized by the parties in Rawls's original position. The relationship between cultural membership and self-respect gives the parties to the original position a strong incentive to give cultural membership status as a primary good.¹²⁷

¹²⁵ Kymlicka, *LCC*, 162.

¹²⁶ Kymlicka, *MC*, 86.

¹²⁷ Kymlicka, *LCC*, 166.

Two theses arise from Kymlicka's fundamental claim that cultural membership is a primary good. Together, these two derived theses hold the key to the underlying philosophical anthropology of his theory. They are as follows: that cultural membership (1) fosters individual autonomy and (2) engenders individual self-respect. I will analyse and evaluate each of these theses separately in order to ascertain whether the supporting philosophical anthropology of Kymlicka's theory is adequately liberal.¹²⁸

2.6.1 *Cultural Membership and Autonomy*

In Kymlicka's conception of the liberal self, individualism and cultural belonging are two of the three architectonic pillars upon which his articulation of human flourishing is based, the third being self-respect. His defence of individualism supervenes on the value of autonomy as a precondition for the good life. His advocacy for autonomy aims at showing that autonomy fosters a sense of internal self-reflection and unforced capacity for re-examining or revising one's ends. He notes that autonomy has two characteristics that facilitate an informed sense of cultural belonging:

One is that we lead our lives from the inside, in accordance with our beliefs about what gives value to life; the other is that we be free to question those beliefs, to examine them in the light of whatever information and examples and arguments our culture can provide.... And individuals must have the cultural conditions conducive to acquiring an awareness of different views about the good life, and to acquiring an ability to intelligently examine and re-examine these views.¹²⁹

The above claim by Kymlicka makes a connection between autonomy and the self. It is a conception of the self is somewhat reminiscent of John Rawls from whom Kymlicka develops his conception of the liberal self. Kymlicka's point is that individuals have the right to self-

¹²⁸ Some critics of his theory think that his ideas are too communitarian to be located in the liberal category. They think he is a communitarian.

¹²⁹ Kymlicka, *LCC*, 13. He reiterates this point in *MC*, 81.

determination, the freedom to choose what one considers to be valuable. The key point turns on the spatial metaphor – the idea of leading one’s life “from the inside”. In one sense, this could be construed as suggesting a *voluntarist conception* of the self, a self that chooses, endorses, questions and revises beliefs about what makes life meaningful and valuable. But this is not the “unencumbered self” about which Michael Sandel criticized deontological liberals (Rawls being the main target) in *Liberalism and the Limits of Justice*. In a critical analysis of the Rawlsian conception of the self, Sandel observes that for Rawls, the self is always prior to the ends it chooses; the self is unencumbered and is antecedent to any ties or attachment. In a passage, critical of the voluntarist *conception* of the self, Sandel argues that this conception of the self would imply that: “Where the ends are prior to the self they constitute, the bounds of the subject are open, its identity infinitely accommodating and ultimately fluid. Unable to distinguish what is mine from what is me, I am in constant danger of drowning in a sea of circumstance.”¹³⁰ Sandel’s own view is that the self is encumbered, constituted as it is by communal goals that are discovered rather than chosen.¹³¹

Against this charge, Kymlicka retorts that:

What is central to the liberal view is not that we can *perceive* a self prior to its ends, *in the sense that no end or goal is exempt from possible re-examination*. For re-examination to be meaningfully conducted I must be able to envisage my self encumbered with different motivations than I now have, in order that I have some reason to choose one over another as more valuable for me. My self is, in this sense, perceived prior to its ends, *i.e.* I can always envisage my self without its present *ends*. But this doesn’t require that I can ever perceive a self totally unencumbered by any ends – the process of ethical reasoning is always one of comparing one ‘encumbered’ potential self with another ‘encumbered’ potential self.¹³²

¹³⁰ Michael Sandel, *Liberalism and the Limits of Justice*, 57 – 58.

¹³¹ Sandel endorses a cognitive conception of the self, a self that discovers its ends. In this conception of the self, conceptions of the good are antecedent to the self, deriving as they are from ties and attachments.

¹³² Kymlicka, *LCC*, 50 – 51.

The foregoing means that Kymlicka's conception of the self is not out-and-out voluntarist as Sandel suggests. It is an *embedded self*, an *encumbered potential self* or as Hilliard Aronovitch describes it, a *basically encumbered self*, "one disposed to compare and evaluate, rather than simply appropriate, roles, traditions, cultures, etc."¹³³ Put simply, it is a self that reflectively endorses its ends. Thus, Kymlicka's conception of the self is underpinned by a fallibilistic sensibility, insofar as one is presumed to be disposed to reflection and thereby fallible and liable to change course in the project of reflective self-creation based on new information. Autonomy, then, is a capacity for self-creation, a capacity to choose the kind of person that one wants to be. But there is a catch: the autonomy is a situated one, it has a circumscribed context. What is this context?

In Kymlicka's opinion, autonomy is facilitated by culture. The autonomy which he speaks about is not only informed by culture. Culture furnishes the ground for self-authorship; culture or the cultural structure is the "context for choice"¹³⁴. As the context for choice, culture structures, shapes, informs, and illuminates the self while at the same time remaining subject to scrutiny and revision by the self it shapes. Thus, culture is essential for self-constitution. Kymlicka could rightfully be read as implying that *autonomy ought to be conditioned by culture*. As he expresses it, the cultural structure is "recognized as *a context of choice*,... it is a good in its capacity in providing meaningful options for us, and aiding our ability to judge for ourselves the value of our life-plans."¹³⁵

He also notes that:

¹³³ Hilliard Aronovitch, "From Communitarianism to Republicanism: On Sandel and His Critics," *Canadian Journal of Philosophy* 30, no. 4 (December, 2000): 621 – 648, 625.

¹³⁴ Kymlicka, *MC*, 83.

¹³⁵ Kymlicka, *LCC*, 166.

Liberals should be concerned with the fate of cultural structures, not because they have some moral status of their own, but because it's only through having a rich and secure cultural structure that people can become aware, in a vivid way, of the options available to them, and intelligently examine their value. Without such a cultural structure, children and adolescents lack adequate role-models, which leads to despondency and escapism.¹³⁶

Recall that Kymlicka uses culture, cultural structure and societal culture interchangeably.

The idea of culture as a context for choice holds for the cultural structure as cited above and for societal culture: "Cultures are valuable, not in and of themselves, but because it is only through having access to a societal culture that people have access to a range of meaningful options."¹³⁷ It is helpful to highlight the significance that societal culture has in his philosophical anthropology by citing his reiterating of this point: "For meaningful individual choice to be possible, individuals need not only access to information, the capacity to reflectively evaluate it, and freedom of expression and association. They also need access to a societal culture."¹³⁸

The access to a societal culture being referred to is not just any culture. The context of each person's enlightened self-constitution is a particular culture since persons "are viewed as individual members of a particular cultural community, for whom cultural membership is an important good."¹³⁹ He envisions each individual as constitutively bound to a cultural community. Very often, in talking about the importance of cultural membership, he uses expressions that undoubtedly suggest that each individual is bound to a particular culture, for instance, 'one's own culture'. The options which cultural structure or societal cultures offer are culturally specific. The explorations, the comparisons, the questionings, the revisions that the liberal self performs with regard to options are confined to *one's own culture*, *one's own societal culture*. The autonomy of

¹³⁶ Kymlicka, *LCC*, 165 – 166.

¹³⁷ Kymlicka, *MC*, 83.

¹³⁸ Kymlicka, *MC*, 84.

¹³⁹ Kymlicka, *LCC*, 162.

which he speaks is a culturally bounded one. Autonomous self-constitution is ‘intracultural’, not intercultural; it is not present across societal cultures, it is within one’s own societal culture:

The freedom which liberals demand for individuals is not primarily the freedom to go beyond one’s language and history, but rather the freedom to move around within one’s societal culture, to distance oneself from particular cultural roles, to choose which features of the culture are most worth developing, and which are without value.¹⁴⁰

The same point was worded differently in *LCC* thus:

People *are* bound, in an important way, to their own cultural community. We can’t just transplant people from one culture to another, even if we provide the opportunity to learn the other language and culture. Someone’s upbringing isn’t something that can just be erased; it is, and will remain a constitutive part of who that person is. Cultural membership affects our very sense of personal identity and capacity.¹⁴¹

Notice that Kymlicka asserts that cultural membership does not only imbue one with identity, it also ‘affects our sense of capacity.’ This suggests that culture not only confers identity on one, it also circumscribes one’s options. The ascription of a singular culture to each individual entails *hermeneutical confinement* for the self. As the source of options and information, culture is like a prism through which the self views and interprets life: “familiarity with a culture determines the boundaries of the imaginable.”¹⁴² In other words, culture “provides the spectacles through which we identify experiences as valuable.”¹⁴³ Kymlicka’s advocacy for a culturally oriented conception of autonomy and reflective endorsement is summed up by this:

Our capacity to form and revise a conception of the good is intimately tied to our membership in a societal culture, since the context of individual choice is the range of options passed down to us by our culture. Deciding how to lead our lives is, in the first instance, a matter of exploring the possibilities made available by our culture.¹⁴⁴

¹⁴⁰ Kymlicka, *MC*, 90 – 91.

¹⁴¹ Kymlicka, *LCC*, 175.

¹⁴² Kymlicka, *MC*, 89. He approvingly quotes Avishai Margalit and Joseph Raz on this very point from their article, “National Self Determination,” *Journal of Philosophy* 87, no. 9 (1990), 439 – 461.

¹⁴³ Kymlicka, *MC*, 83.

¹⁴⁴ Kymlicka, *MC*, 126.

Importantly for Kymlicka, culture simultaneously enables and constrains. It enables the self by offering a stable, protected and bounded context for choosing amongst meaningful options for enlightened self-development. Given that the conception of autonomy and freedom that Kymlicka offers is culturally bounded, the self constructed from this culturally bounded context cannot be a ‘true self’ if it appropriates ‘meaningful options’ from other societal cultures since autonomy and freedom requires one ‘to move around within one’s societal culture’. The liberal self as articulated by Kymlicka is a hermeneutically confined self, a self whose autonomy is conditioned and circumscribed by a specific culture, a culture, that is; whose structures need to be secured and protected in order for its members to have a meaningful and flourishing life.

A problem, therefore, that arises from Kymlicka’s fastening of autonomy to cultural membership is that he depicts culture as having circumscriptive force over the bounds of autonomy or choice. That is, he implies that culture places limits on who a person may conceivably choose to be or even imagine being. The circumscriptive force he ascribes to culture underpins the normative implications of culture on his view. In effect, it entails that each person’s autonomy is limited by a specific culture in choosing from the options drawn from that particular culture for achieving a flourishing life. A societal culture limits autonomy of choice if one wants to participate in social interactions that are guided by the values and norms of the societal culture.¹⁴⁵

This normatively restricted conception of autonomy upheld by Kymlicka is curious because he provides conflicting conceptions of the capacity for autonomy. On the one hand, he maintains that the capacity for reflective self-constitution (a function of autonomy) is not limited or

¹⁴⁵ The point being made about Kymlicka’s ascription of circumscriptive force to culture is that Kymlicka committed himself to being read this way by stating that one’s capacity to form and revise a conception of the good is strongly tied to one’s own culture. To the extent that one’s own societal culture is essential for one’s flourishing; it is not unreasonable to hold advance the claim of cultural circumscription thesis against Kymlicka.

constrained by culture. On this view, the *encumbered potential self* is able to disengage and detach itself from its ends, its options, and its *context of choice* in the process of reflective endorsement. This establishes the fact of the plasticity, the malleability, the multiple realizability of the self. That point is clearly expressed by Kymlicka himself. Liberals, he notes:

insist that we have an ability to detach ourselves from any particular communal practice. No particular task is set for us by society, and no particular cultural practice has authority that is beyond individual judgment and possible rejection. We can and should acquire our tasks through freely made personal judgments about the cultural structure, the matrix of understandings and alternatives passed down to us by previous generations, which offers us possibilities we can either affirm or reject. Nothing is ‘set for us’, nothing is authoritative before our judgment of its value.”¹⁴⁶

On the other hand, he consistently reiterates the fact that the capacity for autonomous self-constitution is culturally delimited. In other words, there are clear tensions regarding his view on the relationship between the capacity for critical self-authorship and cultural membership. If the liberal self has the capacity to detach itself “from any particular cultural practice” as he rightfully notes, why insist that this capacity for critical self-constitution be culturally circumscribed? If one’s milieu, one’s social context is culturally diverse, why insist that not more than one culture – *one’s own culture* – ought to be the context? If liberalism approaches moral and political issues from the viewpoint of the individual rather than that of a cultural community, why frame concerns of the autonomy interest of the individual in terms of the survival of a cultural community? Why should the autonomy of the individual turn on protecting the cultural structure of a group? To address these questions, it would be helpful to ascertain whether his theory of rights for minority cultures is indeed compatible with the liberal values of equality and individual autonomy.

¹⁴⁶ Kymlicka, *LCC*, 50 – 51. In *MC*, he reiterates this point this way: “The defining feature of liberalism is that it ascribes certain fundamental freedoms to each individual. In particular, it grants people a very wide freedom of choice in terms of how they lead their lives. It allows people to choose a conception of the good life, and then allows them to reconsider that decision, and adopt a new and hopefully better plan of life.” 80.

Much as Kymlicka claims that he seeks to reinterpret liberalism and formulate a theory of rights for minority cultures that is consistent with the liberal values of equality and individual autonomy, further scrutiny of his theory indicates that his theory deviates from securing individual autonomy in order to protect the societal cultures, the cultural structures of national minorities. In other words, Kymlicka's theory of multiculturalism is more a theory about the multiculturalism of societies as opposed to being a theory about "the possibility that persons, and not only societies, can be multicultural, or at least bicultural."¹⁴⁷

As a theory that stresses the multiculturalism of societies, it seems plausible to classify it as what Robert Goodin calls "protective multiculturalism." According to Goodin, protective multiculturalism is the type of multiculturalism that "sees no particular reason to broaden the cultural mix, beyond that found in any given place at present. It sees nothing of value in a multiplicity of cultures as such. It attaches value merely to the culture or cultures that happen to be presently extant in some particular place."¹⁴⁸

¹⁴⁷ Iris Young, "A Multicultural Continuum: A Critique of Will Kymlicka's Ethnic-Nation Dichotomy," *Constellations* 4, No. 1 (1997), 52. Young notes that Kymlicka's multiculturalism of societies derives from the opposing and mutually exclusive categorical distinction he makes between national minorities and ethnic groups. She thinks that the idea of conceiving societies as culturally distinct could be traced to his conception of a nation: "In Kymlicka's conceptualization, a nation is internally unifying and for this reason essentially separatist. The distinction between national minority and ethnic minority turns out to be a distinction between a cultural group that wishes to and has the right to be a separate and distinct society, on the one hand, and a cultural minority that wishes to or is expected to integrate into a larger nation." 51. Kymlicka apparently confirms Young's critique in a passage defending why societal cultures (national minorities) should be protected: "for a culture to survive and develop in the modern world, given the pressures towards the creation of a single common culture in each country, it must be a societal culture. Given the enormous significance of social institutions in our lives, and in determining our options, any culture which is not a societal culture will be reduced to ever-decreasing marginalization. The capacity and motivation to form and maintain such a distinct culture is characteristic of 'nations' or 'peoples' (i.e. culturally distinct, geographically concentrated, and institutionally complete societies). Societal cultures, then, tend to be national cultures," *MC*, 80. Kymlicka makes this preservationist point elsewhere thus: "we should aim at ensuring that that all national groups have the opportunity to maintain themselves as a distinct culture, if they so choose. This ensures that the good of cultural membership is equally protected for the members of all national groups," *MC*, 113. In short, his robust advocacy for preserving the distinctiveness of societal cultures gives credence to the idea that his theory is principally a theory about the multiculturalism of societies than of persons.

¹⁴⁸ Robert Goodin, "Liberal Multiculturalism: Protective and Polyglot," *Political Theory* 34, no. 3 (June, 2006): 289 – 303, 294.

Kymlicka's appeal that liberals be solicitous about the *fate of cultural structures*, that only a *rich and secure cultural structure* insulates children and adolescents from despondency and escapism, highlights the *protective* and *survivalists* orientation of his theory of multiculturalism. To the extent that Kymlicka urges that cultural structures be secured, he is paradoxically endorsing "monoculturalism." On this very matter, Goodin adds that:

"Protective multiculturalism" is an argument for multiculturalism that, paradoxically enough, is sometimes content to endorse monoculturalism. If it so happens that at present there is only one societal culture extant in some particular place, then Kymlicka's liberal argument for protecting culture as a context of choice extends to that one societal culture alone.¹⁴⁹

In light of its preservationist bent, Kymlicka's theory of multiculturalism is implicitly exclusionary; it takes a markedly conservative approach to cultural diversity. In so doing, the supposed autonomy of the individual is normatively restricted. Several objections have been raised against his move to fasten autonomy to cultural membership; especially the claim that only one's culture ought to furnish one with the options for reflective self-constitution. Prominent amongst his critics is Jeremy Waldron with whom he has had a lively debate.

In an article critiquing the communitarian claim that the self is a product of a web of relationships derived from being embedded in a community which satisfies the ineluctable universal human need to be rooted in a particular cultural community, Waldron, amongst other things, challenges Kymlicka's thesis in *LCC* that "the social world divides up neatly into particular cultures, one to every community, and secondly, the assumption that what everyone needs is just one of these entities – a single, coherent culture – to give shape and meaning to his life."¹⁵⁰ To refute Kymlicka's thesis, Waldron uses Salman Rushdie's cosmopolitan experience as a

¹⁴⁹ Robert Goodin, "Liberal Multiculturalism: Protective and Polyglot," 294.

¹⁵⁰ Jeremy Waldron, "Minority Cultures and the Cosmopolitan Alternative," *University of Michigan Journal of Law Reform* 25, no. 3 (1992): 751 – 793, 781 – 782.

counterpoint to Kymlicka's thesis that one needs a secure cultural structure, one's own culture, in the process of reflective self-constitution. Waldron maintains that what people need are cultural materials and not a rich and secure cultural structure. Armed with the example of Rushdie's "mongrel self,"¹⁵¹ Waldron stresses the fluidity of individual identity; he highlights the indubitably remarkable capacity people have for self-constitution using materials derived from heterogeneous cultural sources, while, nonetheless, flourishing in the process. For Waldron, "each person has or can have a variety, a multiplicity of different and perhaps disparate communal allegiances."¹⁵² His point is that one is capable of "dabbling rootlessly in a plurality of cultures"¹⁵³ without associating one's identity with any secure sense of place.

By way of reply, Kymlicka contends in *MC* that Waldron "overstates the extent to which people are able to move between cultures."¹⁵⁴ He insists that Waldron's rootless cosmopolitan is not moving between societal cultures, he is merely "enjoying the opportunities provided by the diverse societal culture which characterizes the anglophone society of the United States."¹⁵⁵

On the surface, Kymlicka's rejoinder seems plausible, especially with regard to the fact that it adverts to the idea of a *diverse societal culture*. However, it is precisely because he takes a preservationist approach to societal cultures, urging as he does, that societal cultures be enabled to

¹⁵¹ For more on this, see Salman Rushdie's article: "In Good Faith," in *Imaginary Homeland: Essays and Criticism 1981 - 1991*, Kindle Edition, (New York: Penguin Books, 1991), Loc 6007. While writing in defence of his controversial novel, *The Satanic Verses*, Rushdie talks about his cosmopolitan experience in Bombay.

¹⁵² Jeremy Waldron, "Minority Cultures and the Cosmopolitan Alternative," 789

¹⁵³ Jeremy Waldron, "What is Cosmopolitan?" *The Journal of Political Philosophy* 8, no. 2 (2000): 227 – 243, 227. Waldron argued in "Minority Cultures and the Cosmopolitan Alternative," that "The cosmopolitan may live all his life in one city and maintain the same citizenship throughout. But he refuses to think of himself as *defined* by his location or his Irish ancestry or his citizenship or his language. Though he may live in San Francisco and be of Irish ancestry, he does not take his identity to be compromised when he learns Spanish, eats Chinese, wears clothes made in Korea, listens to arias by Verdi sung by a Maori princess on Japanese equipment, follows Ukrainian politics, and practices Buddhist meditation techniques. He is a creature of modernity, conscious of living in a mixed-up world and having a mixed-up self." 754

¹⁵⁴ Kymlicka, *MC*, 85.

¹⁵⁵ *Ibid.*

maintain their cultural distinctiveness that his theory is left rightfully vulnerable to the charge of inconsistency. Recall that Kymlicka holds that the features that characterize societal cultures are: historical community, institutional completeness, territorial boundedness, linguistic commonality. Anne Phillips, observes that this “definition conjures up a group of considerable solidity. It has its own institutions, its own territories, its own language and history, and by implication, its own potentially extensive claims on the loyalty of its members.”¹⁵⁶

If societal cultures are considerably solid as Phillips remarks, it raises questions as to what Kymlicka means by a *diverse societal culture*. If societal cultures admit of the kind of diversity existing in the Anglophone society of the United States and Canada, why does he build his conception of societal cultures on a survivalist mentality? To be sure, Kymlicka gives no indication of having two conceptions of societal cultures in which one conception is orientated toward the proliferation and celebration of diversity and openness with a view to widening the context of choice, while the other emphasizes boundary policing, protection, and a marked determination to circumscribe the context of choice, thereby delimiting the options available. Clearly, Kymlicka’s dominant conception of societal cultures is the latter, the conception of which he defined in no uncertain terms.

As a matter of interest, in further reply to Kymlicka, Waldron disputes Kymlicka’s characterization that the Anglophone society of the United States, for example, is a single culture since it is in fact culturally diverse. Waldron contends that:

many cultures in the world have *already* something of a cosmopolitan aspect. A person who grows up in Manhattan, for example, cannot but be aware of a diversity of cultures, a diversity of human practices and experiences, indeed a diversity of languages clamouring for his attention. They are there on the streets, in Greenwich Village or on the Upper West Side. It is another matter whether we call this a single culture – ‘New York Culture’ – a culture of

¹⁵⁶ Anne Phillips, *Multiculturalism without Culture*, 19.

diversity, or whether we say (as I think) that it is just many fragments that happen to be available at a given place and time and that does not amount to the existence of a single culture in any socially or philosophically interesting sense of ‘singularity.’¹⁵⁷

In other words, Kymlicka’s conception of a *diverse societal culture* does not meet his own criterion of what constitutes a societal culture: historical community, institutional completeness, territorial boundedness, and linguistic commonality. New York is home to peoples and individuals who trace their provenance to heterogeneous nations but who nevertheless call New York home and engage in the process of self-constitution in that milieu. Waldron’s point is that the ever-increasing cosmopolitan character of modern cultures makes the preservationist orientation of Kymlicka outmoded and unnecessary.

By binding an individual’s autonomy and available options from which to choose to the idea of secured cultural structure, that is, a particular societal culture, Kymlicka imposes a limit on the individual’s context of choice, the context which circumscribes the boundaries of the imaginable. Against this restrictively normative stance, Judith Lichtenberg objects that:

it would seem that familiarity with more than one culture would extend those boundaries, providing a person with a broader range of options. And, however we understand options, the particular culture in which a person is raised may in fact provide fewer than a different culture would. If it is meaningful options we are after, one’s inherited culture is not necessarily the best or the only one to have.¹⁵⁸

Similarly, Brian Walker avers that by maintaining that one’s own culture is a context of choice:

Kymlicka takes what is essentially a very radical and far-reaching notion – namely, the idea that our belief in autonomy should lead us into a deep concern for our cultural background conditions – and robs it of its radical impact. He reads it through the lens of ethnic politics and thus allows it to be hijacked by a basically conservative agenda, conservative both in the sense

¹⁵⁷ Jeremy Waldron, “What is Cosmopolitan?”, 231. Sarah Song validates this point, concurring with Waldron that “Kymlicka’s view of culture understates the extent to which cultures are interactive and thus overlooks the ways in which the content of a culture and its change are shaped by other cultures and not only by internal conflict.” Sarah Song, “Majority Norms, Multiculturalism, and Gender Equality,” *American Political Science Review* 99, no. 4 (November 2005), 473 – 489, 475.

¹⁵⁸ Judith Lichtenberg, “How Liberal Can Nationalism Be?” in *Theorizing Nationalism*, ed. Ronald Beiner, (Albany: State University of New York Press, 1999), 171.

that it limits our vision to an outmoded understanding of the principal sites where culture is recreated.¹⁵⁹

The observations of Waldron, Lichtenberg and Walker attest to the fact that Kymlicka's preservationist conception of culture and his culturally bounded conception of autonomy are mistaken and inadequate. The inadequacy and mistake derive from the fact that autonomy and the imagination, while amenable to culture, can neither be limited by it nor ought they to be circumscribed by it. Although Kymlicka denies that his theory is not a variant of communitarianism, the cultural preservationist outlook of his theory as well as the tethering of individual autonomy to a particular culture undermine the plausibility of this disavowal.

He insists in *MC* that he is not a communitarian because he does not endorse 'a politics of the common good', or espouse a cognitivist conception of the self. The communitarian conception of community is of *sub-national* groups (churches, neighbourhoods, family, etc.) that are held together by their common conceptions of the common good, unlike the *nation* which is too big to enable the cultivation of a shared sense of community.¹⁶⁰ I think that this explanation is unconvincing, in that the sense of community is not necessarily undermined or fostered by scope. Community need not be conceived only in terms of a shared sense of a common good or scope; the desire for community is a yearning for belonging, for rootedness in a variety of groupings that might meet that need: a nation, a religion, a race, a family, etc. In Kymlicka's case, his conception of cultural membership as a primary good supervenes on the idea that cultural membership satisfies this longing for rootedness. One's nation, so to speak, fulfils this need. As a territorially bounded intergenerational community, a nation, as articulated by Kymlicka is a species of a supraindividual

¹⁵⁹ Brian Walker, "Modernity and Cultural Vulnerability: Should Ethnicity be Privileged?" in *Theorizing Nationalizing*, 143.

¹⁶⁰ Kymlicka, *MC*, 91 – 93.

entity that satisfies the longing for belonging. It is in this sense that Kymlicka's theory is a model of communitarianism, in spite of his denial of it.

In light of the nation's preeminent role in fulfilling the need for rootedness, Kymlicka suggests that one's nation, one's culture is the foremost source and determinant of a person's identity. In fact, he seems to conflate culture with identity:

Cultural membership has a 'high social profile', in the sense that it affects how others perceive and respond to us, which in turn shapes our self-identity. Moreover, national identity is particularly suited to serving as the 'primary foci of identification' because it is based on belonging not accomplishment.¹⁶¹

The above citation leaves no doubt as to how one is to identify the issue upon which his philosophical anthropology is built. It is cultural (or based on national identity as opposed to *ethnic* identity)¹⁶²; that is the primary source of identification, of self-conception. This conflation of culture with identity is one of the major flaws of Kymlicka's theory. It exaggerates the place of culture in the fashioning of the identity of an individual more than other social identity markers like religion, gender, sexual orientation, race, etc.¹⁶³ This thinking incontrovertibly derives from his conception of culture, a concept that he frequently interchanges with cultural structure, societal culture, and nation.¹⁶⁴ This conflation of identity with culture amounts to reducing the social context in which the self is constituted to a cultural context. By having culture ground the determination of identity, Kymlicka implicitly suggests that cultural membership is at the heart of

¹⁶¹ Kymlicka, *MC*, 89.

¹⁶² This distinction derives from the distinction he made between a *nation* and an *ethnic group*

¹⁶³ In an article critical of Joseph Raz and Kymlicka, Phil Parvin argues that "Cultural liberals like Kymlicka and Raz share the strategy of selective elevation, in their claim that it is a person's membership of a particular *cultural* community which dominates their identity, which structures their more particular goals and ideals." See, Phil Parvin, "What's Special About Culture? Identity, Autonomy, and Public Reason," *Critical Review of International Social and Political Philosophy* 11, no. 3 (September 2008): 315 – 333, 319.

¹⁶⁴ For Kymlicka's changing use of the terms, see Bhikhu Parekh, *Rethinking Multiculturalism: Cultural Diversity and Political Theory*, (New York, Palgrave, 2000), 101 and Iris Young, "A Multicultural Continuum: A Critique of Will Kymlicka's Ethnic-Nation Dichotomy," 51.

what it means to be rooted, to belong. In keeping with his idea of the cultural specificity of autonomy, it would be plausible to surmise that, for Kymlicka, any conception of belonging that subordinates cultural membership to other sources of belonging implicitly undermines the flourishing of the individual. In order to flourish, on his view, one ought to be identified by and situated in one's own culture.

By conflating identity with culture and reducing the phenomenon of the longing for rootedness to cultural belonging, Kymlicka builds his philosophical anthropology by ascribing priority to culture over all other forms of social identities. Suffice it to repeat that the longing for rootedness is a protean phenomenon; it admits of a variety of social identity markers. This suggests that it is implausible to truncate one's identity and sense of belonging to culture or nationality as Kymlicka maintains. As Aronovitch validly observes, "There are multiple aspects to the self and to identity, of which nationality is at most one significant element and for many people not a central one at all."¹⁶⁵ In a direct attack on Kymlicka's valorisation of national identity as the focal point of one's identity, Judith Lichtenberg raises the following plausible objection:

National identity, the argument goes, is well-suited as the primary focus of identification because it is based on belonging, not accomplishment. But race, gender, family membership, and genealogy ... are likewise not accomplishment based. So far as this argument goes there is nothing distinctive about *cultural* belonging.¹⁶⁶

So the sense of rootedness is a complex and variegated phenomenon. For some people, religious attachment is deeper and stronger than cultural belonging. The sense of rootedness does not always hinge on the nation/culture; to assume so is to oversimplify and misunderstand the dynamics of rootedness, autonomy and individuality. Sarah Song corroborates this point by

¹⁶⁵ Hilliard Aronovitch, "Nationalism in Theory and Practice," 476.

¹⁶⁶ Judith Lichtenberg, "How Liberal Can Nationalism Be?" 171. For a more detailed study of the complexity of identity and the sense of rootedness, see Amartya Sen, *Identity and Violence: The Illusion of Identity*, (New York: W. W. Norton, 2006).

pointing out that it is not plausible to assume “that people have strong attachments to *cultural* identity, we need to recognize that people have multiple identities with differing degrees of attachment to different identities. To do otherwise would arbitrarily privilege *cultural* attachments over people’s other communal attachments.”¹⁶⁷

Since ethnic groups have uprooted themselves from their homelands by deciding to emigrate, the only viable alternative for them Kymlicka proposes, is that they are expected to integrate into the societal culture of the dominant society:

Having uprooted themselves from their old culture, *they are expected to become members of the national societies* which already exist in their new country. Hence promoting the good of cultural membership for immigrants is primarily a matter of enabling integration, by providing language training and fighting patterns of discrimination and prejudice.¹⁶⁸

The suggestion that immigrants integrate into the societal cultures of the dominant society exposes the inconsistency of his thesis that cultural membership is a primary good which is furnished by way of access to *a* societal culture. By his own suggestion, no one ought to be deprived of access to one’s own culture.

The indefinite reference here, to *a* societal culture might suggest that Kymlicka is flexible regarding the significance he attaches to societal cultures. This is clearly not the case, especially because he frequently interchanges words like "cultural structure", "culture", "societal culture", and "national minority" as if they mean the same thing. If references to culture and societal culture are interchangeable, it follows that whatever Kymlicka says about culture applies to societal cultures. A couple of things that he says about culture and societal culture indicate that he has a

¹⁶⁷ Sarah Song, *Justice, Gender, and the Politics of Multiculturalism*, 28. She makes this point on the strength of the findings of the Sociologist, Mary Waters, who argued that self-identification with collectivities varies with groups and is often contingent on economic, social and political conditions. See Mary C. Waters, *Ethnic Options: Choosing Identities in America*, (Berkeley: University of California Press, 1990).

¹⁶⁸ Kymlicka, *MC*, 114; Italics mine.

particularised conception of societal cultures – not any societal culture would do, but only one’s own societal culture or culture. If culture is a primary good, then in his conception everyone ought to have access to one’s own culture. Access to the societal culture of the dominant society by way of integration would contravene this normative categorical stipulation. Here is why: recall that Kymlicka insists that “We can’t just transplant people from one culture to another, even if we provide the opportunity to learn the other language and culture.”¹⁶⁹ Elsewhere he restates the same point: “The freedom which liberals demand for individuals is not primarily the freedom to go beyond one’s language and history, but rather the freedom to move around within *one’s societal culture*.”¹⁷⁰ Asking immigrants to integrate into the societal culture of the dominant society is tantamount to asking them to *go outside their history and language*. Surely, this is at variance with the foundational thesis that cultural membership is a primary good which anyone is expected to want regardless of their conception of the good. If cultural membership is a primary good, then immigrants should also be secured that good.

Two pictures of the self can be unearthed from his categorical distinction between nations (societal cultures) and ethnic groups. In the former, the self is situated in its own culture, in its own societal culture – the context that facilitates meaningful options. In this locus, the process of reflective self-constitution is not by way of integration since the self moves within its own societal culture, the culture that sets the boundaries of the imaginable. Situated as it is in its own societal culture, the self is, so to speak, not in an alien milieu; it is not uprooted, deracinated or transplanted. It is a self for which the sense of rootedness and belonging is local; its narrative unfolds by way of

¹⁶⁹ Kymlicka, *LCC*, 175. Notice that he contradicts himself on this point. He says that language training should be provided to immigrants as a way of fostering the good of cultural membership, that is, integrating them into the new societal culture; yet he says that this is tantamount to transplanting people from one culture to another.

¹⁷⁰ Kymlicka, *MC*, 90 – 91. Emphasis mine

identification with an intergenerational cultural community that is territorially concentrated and bounded by a common language and history. To the extent that the self so conceived is situated in a society that aspires to be distinct, it is plausible to surmise that the self constituted in this context ties its flourishing to the integrity of the (dominant) societal culture. What emerges from this picture is a provincialized self, one whose imaginable boundaries are culturally circumscribed. For this conception of the self, the connection between culture and individual freedom is necessary. To be sure, this is not Kymlicka's intended picture, but it is, nonetheless, the picture that is painted by the strictures of his theory.

The two conceptions of the self implicit in Kymlicka's hierarchically-based categorical distinction between a nation and an ethnic group imperil the adequacy and coherence of his philosophical anthropology. Instead of one philosophical anthropology, one conception of the liberal self, Kymlicka's theory of group-differentiated rights yields two philosophical anthropologies, two conceptions of the self. These dual conceptions of the self reflect the sorts of group-specific rights they are claimed to respectively support. They also mirror two conceptions of autonomy: the culturally circumscribed autonomy of national minorities and the culturally untrammelled autonomy of ethnic groups. The one self is constituted *intraculturally*, the other self is constituted *interculturally*. To rescue the plausibility of his theory, Kymlicka cannot have it both ways; he must endorse one conception of the self and discard the other, for he set out to articulate a liberal conception of the self that is compatible with the rights of minority cultures. The fact that his theory is underpinned by two conceptions of the self shows that his theory fails to meet this objective. And, that establishes a basic inadequacy of his theory.

In a nutshell, the categorical distinction he makes between national minorities and ethnic groups is at the heart of these dual conceptions of the self. In some ways, this problem infects the

correlation he makes between cultural membership and self-respect, the second component of his thesis that cultural membership is a primary good.

2.6.2 *Cultural Membership and Self-Respect*

As with the connection between autonomy and cultural membership, Kymlicka maintains that cultural membership fosters individual self-respect. This as well is a derivative of John Rawls's theory of primary goods. Rawls argues that "perhaps the most important primary good is that of self-respect...Without it nothing may seem worth doing... the parties in the original position would wish to avoid at almost any cost the social conditions that undermine self-respect."¹⁷¹ Self-respect as articulated by Rawls has an essentially objective (social) dimension. The subjective aspect is tacit in Rawls's articulation of it, but it is in the background.¹⁷² Self-respect is a complex phenomenon that pertains to one's attitude, one's sense of worth morally and existentially. It is a self-conscious attitude that shapes the way one appraises one's self vis-à-vis one's projects, one's station in society and one's identity. As an attitude of self-appraisal, self-respect is at the heart of what it means to live a fulfilling life, a meaningful life, a flourishing life, a life whose quality is good. These features constitute Rawls's notion of self-respect. However, Rawls emphasizes that self-respect can be affected by the social context. A person's self-respect is enhanced or diminished in accordance with how the basic structures of society shape it. As Rawls puts it, "self-respect is secured by the public affirmation of the status of equal citizenship for all."¹⁷³ In other words, self-respect is a status phenomenon that is based on the equal moral

¹⁷¹ Rawls, *TJ*, 386.

¹⁷² For more on the objective and subjective dimensions of self-respect, see Daniel Statman, "Humiliation, Dignity and Self-respect," *Philosophical Psychology* 13, no. 4 (2000): 523 – 240, 526 – 527. My analysis does not involve the moral dimension of self-respect since both Rawls and Kymlicka do not develop this aspect in their analysis.

¹⁷³ Rawls, *TJ*, 478.

worth of persons regardless of their ethnicity, race, religion, culture, class, gender, sexual orientation. It is a coordinate of the formal equality of persons.

As a coordinate of formal equality, it is necessary for all to be given *equal recognition*. But this equality of recognition and respect supervene on sameness as opposed to difference. Notwithstanding the homogeneous undertones of Rawls's conception of self-respect, it can be applied in a variety of cases in which individuals might be subjected to disrespect by demeaning messages and disparaging images disseminated in society. So, Rawls's purpose in including self-respect in the list of primary goods is to ensure that the basic structure of society is so constructed that the equal status of all citizens is publicly affirmed and protected.

Kymlicka believes that the ideal of universal equality upon which Rawls's conception of primary goods is based is inadequate. He notes that minority rights cannot be subsumed under the category of human rights. The homogeneous mold of universal human rights needs to be supplemented by minority rights.¹⁷⁴ Kymlicka's point is that Rawls's conception of self-respect does not reflect variety, particularity and specificity. In endorsing and appropriating Rawls's list of primary goods (which already includes a difference-blind articulation of self-respect), Kymlicka annexes respect for cultural membership to the list. His conception of self-respect as a primary good is specifically that of culture, cultural membership. Kymlicka's point is to demonstrate that self-respect can be articulated in terms of difference or particularity and not only in terms of sameness or universality as in the Rawlsian case.

Kymlicka's culturally based conception of self-respect is a variant of what Charles Taylor calls the *politics of recognition or difference*. In some ways, self-respect and recognition are

¹⁷⁴ Kymlicka, *MC*, 4.

semantically cognate terms. Kymlicka uses “self-respect” as a critical concept of protest by cultural minorities, and Taylor uses “recognition” to highlight the same objective. According to Taylor, the need for recognition is one of the driving forces behind nationalist movements and minorities of different kinds in contemporary political parlance. A key component of this need for recognition is the yearning for the proper appreciation of the identity of minority groups which Taylor says is “not a courtesy we owe people. It is a vital human need.”¹⁷⁵ Taylor notes that the demand for recognition is given significance by the:

links between recognition and identity, where this latter term designates something like a person’s understanding of who they are, of their fundamental defining characteristics as a human being. The thesis is that our identity is partly shaped by recognition or its absence, often by the *misrecognition* of others, and so a person or group of people can suffer real damage, real distortion, if the people or society around them mirror back to them a confining or demeaning or contemptible picture of themselves. Nonrecognition or misrecognition can inflict harm, can be a form of oppression, imprisoning someone in a false, distorted, and reduced mode of being.¹⁷⁶

Taylor’s articulation of the category of recognition is meant to accentuate the normative significance of difference, of particularity. This entails that we recognize “the equal value of different ways of being. It is this acknowledgment of equal value that a politics of identity-recognition requires.”¹⁷⁷ For him, the politics of difference emphasizes the demand by individuals and groups for appreciating their uniqueness. The politics of difference denounces discrimination and beyond the sort usually emphasized by liberals calls for the acknowledgment of something that is not universally shared. It is important to note that Taylor uses the category of recognition

¹⁷⁵ Charles Taylor, “The Politics of Recognition,” in Amy Gutmann, Ed., *Multiculturalism: Examining the Politics of Recognition*, (Princeton, Princeton University Press, 1994), 26.

¹⁷⁶ Charles Taylor, “The Politics of Recognition,” 25.

¹⁷⁷ Charles Taylor, *The Ethics of Authenticity*, (Cambridge, MA: Harvard University Press, 1992), 51.

in ways that suggest that it admits of a variety of collective social identities. However, he later zeroes in on culture (as Kymlicka does) by making it the subject of his discourse.¹⁷⁸

In his focus on culture, Taylor uses the category of recognition to advocate for a form of liberal society that promotes publicly favoured conceptions of the good. He sees this as an attempt to articulate a notion of cultural rights that is compatible with individual rights like: rights to life, liberty, free speech, free exercise of religion, etc. For instance, he insists that:

It is axiomatic for Quebec governments that the survival and flourishing of French culture in Quebec is a good. Political society is not neutral between those who value remaining true to the culture of our ancestors and those who might want to cut loose in the name of some individual goal of self-development.¹⁷⁹

In a nutshell, Taylor uses the category of recognition to advocate for cultural survival. As he puts it, the objective of cultural survival “involves making sure that there is a community of people here in the future that will want to avail itself of the opportunity to use the French language.”¹⁸⁰

Taylor’s notion of recognition emphasizes a communitarian and somewhat illiberal approach. In a critique of Taylor’s essay on “The Politics of Recognition,” Kwame Appiah observes that the project of campaigning for the survival of an “endangered culture” is tantamount to imposing a way of life on a whole generation of people who may be unwilling to adopt it. Appiah insists that it is “not at all clear that this aim is one that we can acknowledge while respecting the autonomy of future individuals.”¹⁸¹ One of the major drawbacks of Taylor’s advocacy for the

¹⁷⁸ Charles Taylor, “The Politics of Recognition,” 42. Taylor notes that as regards “the politics of difference, we might also say that a universal potential is at its basis, namely, the potential for forming and defining one’s own identity, as an individual, and also as a culture. This potentiality must be respected equally in everyone. But at least in the intercultural context, a stronger demand has recently arisen: that one accord equal respect to actually evolved cultures.”⁴².

¹⁷⁹ Charles Taylor, “The Politics of Recognition,” 58.

¹⁸⁰ *Ibid.*

¹⁸¹ Kwame Anthony Appiah, “Identity, Authenticity, Survival: Multicultural Societies and Social Reproduction,” in Amy Gutmann, ed., *Multiculturalism: Examining the Politics of Recognition*, 157. See also his *Ethics of Identity*, 135 – 136.

politics of difference is that it “aimed more at valorizing difference than at promoting equality.”¹⁸²

In short, the Taylorian conception of the politics of difference is not sufficiently compatible with liberal egalitarianism.

I am not primarily concerned with critiquing Taylor’s communitarian-based conception of cultural rights.¹⁸³ My interest in invoking Taylor is, on the one hand, to help locate Kymlicka’s conception of self-respect vis-à-vis cultural membership; their conceptions have a family likeness on this score. On the other hand, I think Taylor’s category of recognition is a useful analytical tool for highlighting the inadequacy of culture as an all-encompassing category for denominating and classifying a variety of marginalized identity groups.

Another area of convergence between Kymlicka and Taylor is that they both use their distinctive organizing concepts – self-respect and recognition – to construct their distinctive theories of multiculturalism. While Kymlicka uses self-respect to elevate the significance of cultural membership, Taylor uses recognition to valorise cultural difference. In this regard, they could both be justifiably charged with selectively elevating culture. This is one of the reasons why their theories are not promising candidates for the philosophical anthropology of liberal cosmopolitanism. Notwithstanding these observations, I would like to appropriate the category of recognition and decouple it from the cultural niche to which Taylor eventually confines it. I will employ it in the next chapter in making a case for the philosophical anthropology of liberal cosmopolitanism.

¹⁸² Nancy Fraser, *Scales of Justice: Reimagining Political Space in a Globalizing World*, Kindle Edition, (New York: Columbia University Press, 2009), 105.

¹⁸³ Appiah and Sarah Song have both written good critiques of Taylor’s survivalist conception of cultural rights. For more on this see Kwame Appiah, *The Ethics of Identity*, 127 – 138; Sarah Song, *Justice, Gender, and the Politics of Multiculturalism*, 17 – 22.

I noted earlier in this chapter that as a critical tool, culture highlights a specific dimension of the disadvantage, domination, oppression, and marginalization that an individual might suffer. Unlike culture, the category of recognition is more variegated, and all-encompassing. Recognition is a versatile concept. Recognition is adequately able to capture the multiple or diverse claims and demands an individual could potentially make with regard to the various social identity groups to which she might belong: culture, religion, race, gender, sexual orientation, etc. In the interim, let me switch back to Kymlicka's association of self-respect and cultural membership.

Kymlicka's reason for including self-respect of cultural membership in the list of primary goods is to help attenuate the injurious effects of belonging to marginalized cultural minorities. Often, cultural minorities are subject to being maltreated, misreported, misinterpreted, misunderstood, misrecognized, oppressed, dehumanized, and dominated. In both *LCC* and *MC*, Kymlicka points out that minority cultures are disadvantaged vis-à-vis the dominant culture and consequently, to ensure that they are treated equally, it is necessary that they be given special rights.

In *LCC*, he avers that, "members of minority cultural communities may face particular kinds of disadvantages with respect to the good of cultural membership, disadvantages whose rectification requires and justifies the provision of minority rights."¹⁸⁴ In *MC*, he notes again that culture is vital for the self-respect of an individual and the respect accorded to a people. As he puts it: "there is a deep and general connection between a person's self-respect and the respect accorded to the cultural group of which she is a part. It is not simply membership in any culture but rather, one's own culture that must be secured because of the great difficulty of giving it up."¹⁸⁵ He

¹⁸⁴ Kymlicka, *LCC*, 162.

¹⁸⁵ Kymlicka, *MC*, 5.

reiterates this point thus: “people’s self-respect is bound up with the esteem in which their national group is held. If a culture is not generally respected, then the dignity and self-respect of its members will also be threatened.”¹⁸⁶

Kymlicka’s advocacy for cultural protectionism is premised on the assumption that it would help engender a sense of positive self-evaluation. Cultural communities are worth protecting because they facilitate the conditions for individual self-respect. To have an appreciation of oneself as having morally significant worth, one’s own culture needs to be respected and recognized. Kymlicka’s point is that collective cultural self-respect promotes the individual self-respect of its members. Yael Tamir agrees with Kymlicka on this point, noting that, “The self-image of individuals is highly affected by the status of their national community.”¹⁸⁷

Kymlicka’s thesis establishes a very strong link between cultural membership and self-respect. Unlike the Rawlsian *generic* conception of self-respect, Kymlicka specifically singles out cultural membership as the indispensable guarantor of self-respect and subsequently proceeds to erect an elaborate and categorical scheme of rights on it. The connection Kymlicka makes between cultural membership and self-respect situates culture at the heart of a person’s identity. It makes a person’s cultural identity the fulcrum around which the person’s sense of self revolves.

I already noted in the last section that cultural identity is one of the possible social identities to which a person could simultaneously belong and that the preponderance of any given social identity is contingent on context. This consideration indicates that the claim that cultural membership shores up self-respect in a way that truncates the boundaries of the self and situates

¹⁸⁶ Kymlicka, *MC*, 80. He makes this point again in *Politics in the Vernacular: Nationalism, Multiculturalism and Citizenship*, (Oxford: Oxford University Press, 2001): 227 – 228.

¹⁸⁷ Yael Tamir, *Liberal Nationalism*, (Princeton: Princeton University Press, 1993), 73.

the conditions of well-being in a very narrow framework. It suggests that cultural identity constitutes and structures the bounds of a person's orientation to the world. It also implies that people have similar experiences from the simple fact of being members of the same cultural group. Bound as they are by a common history, common language, common ancestry (actual or mythical) and common territory, they have a similar experience. This is a claim about the psychology of cultural membership or nationalism.

What is distinctive about Kymlicka's psychology of cultural membership is that he ascribes preeminent normative significance to culture as the guarantor and sustainer of identity, meaning, and positive self-conception. This is why cultural membership is a primary good. The psychology of cultural/national membership is a species of the psychology of group identification. Studies in social psychology have challenged the validity of the assumptions of liberal nationalist advocates like Kymlicka and Taylor who foreground national or cultural membership in their theories. I will invoke the report of two such studies to highlight the implausibility of the ascription of preeminent normative significance to culture.

In an empirically based study aimed at challenging the plausibility of the claim by liberal nationalists that the self-respect (self-esteem) of individuals is tethered to that of their cultures or nations, Jeff Spinner-Halev and Elizabeth Theiss-Morse submit evidence indicating that this claim is paltry. They note that copious work done in the area of group psychology by social psychologists suggests that while there is indeed a relationship between self-esteem and national identity, things are more complex than that. For instance, they note that while making a case for the way cultural rights enhance collective self-esteem, "Kymlicka does cite one article about self-esteem in Inuit men; but when he later says that those rights should be restricted to nations, he simply uses

Margalit and Raz, Tamir, and Taylor for support.”¹⁸⁸ In other words, Kymlicka’s citation of his fellow liberal nationalists is not good evidence for the plausibility of his claim, since the claim has social psychological implications. Moreover, Kymlicka’s thesis that self-respect is bound up with one’s nation or culture being respected is not buttressed by evidence. Jeff Spinner-Halev and Elizabeth Theiss-Morse note in this connection that

the evidence showing a relationship between positively identifying with a group and increased self-esteem is about *collective* self-esteem, not personal self-esteem. And collective self-esteem is only weakly related to personal self-esteem, which means that increasing collective self-esteem will not necessarily increase personal self-esteem.¹⁸⁹

In other words, the individualist orientation of Kymlicka’s association of self-respect to cultural membership is not as straightforward as he portrays it. This point is corroborated by another study aimed at refuting the claims of advocates of nationalism against the aspirations of cosmopolitanism. In this study, Gillian Brock and Quentin D. Atkinson respond to objections raised against cosmopolitanism by liberal nationalists. According to Brock and Atkinson, opponents of cosmopolitanism criticize the aims of cosmopolitanism on the grounds that it is unrealistic and not implementable in a world of real people with real emotions. Advocates of nationalism adduce a variety of reasons for their opposition to cosmopolitanism. One of the reasons is that human beings have the propensity to crave belonging to groups and that nationalistic attachment is one way of meeting this need.

¹⁸⁸ Jeff Spinner-Halev and Elizabeth Theiss-Morse, “National Identity and Self-Esteem,” *Perspectives on Politics* 1, no. 3 (2003): 515 – 532, 518.

¹⁸⁹ Jeff Spinner-Halev and Elizabeth Theiss-Morse, “National Identity and Self-Esteem,” 520. They also add that low-status groups (like African Americans) do not always lack self-esteem, and high-status groups do not always have it. They also caution that while liberal nationalists deplore malignant forms of nationalism and champion nonrivalrous forms of nationalistic self-esteem, outcomes of nationalistic sentiments are not easy to domesticate. “National self-esteem does not always cause violence, but discrimination and oppression can still be caused by the quest for self-esteem. Liberal nationalists want to increase and sustain collective self-esteem because they think it serves liberal goals by helping individuals, but a bolstered collective can all too easily lead to illiberal accomplishments as well.” 523.

In response to this objection, Brock and Atkinson advert to the theory of optimal distinctiveness proposed by Marilynn Brewer to address the concerns about the aspirations of cosmopolitanism. The theory of optimal distinctiveness proposed by Brewer holds that:

Human beings have two powerful social motives: a need for *inclusion* that motivates assimilation of the self into large, impersonal collectives, and an opposing need for *differentiation* that is satisfied by distinguishing the self from others. As opposing motives, the two needs hold each other in check. When a person feels isolated or detached from any larger social collective, the drive for inclusion is aroused; on the other hand, immersion in an excessively large or undefined social collective activates the search for differentiation and distinctiveness.¹⁹⁰

The key thesis of this theory is that the major objective of social identification is to find a balance between the need for inclusion (belonging) and the need for individual uniqueness as opposed to aiming to fulfil the need for belonging or enhancing self-respect. Against the liberal nationalist view that self-respect is tethered to that of one's nation or culture, Brock and Atkinson insist that:

Each individual's identification with a nation (or some other group), is the product of both forces pulling towards identification and forces pulling away from it, and these can vary from context to context. It is no surprise then that we might all end up at various points on a scale of identification and that various factors can influence *and alter* identification. This will turn out to be good news for cosmopolitans.¹⁹¹

The findings of Jeff Spinner-Halev and Elizabeth Theiss-Morse and Gillian Brock and Quentin D. Atkinson indicate that the need for belonging is a complex phenomenon that can be met through alternative ways than by national identification. This vitiates Kymlicka's thesis that cultural membership is the pre-eminent guarantor and sustainer of identity, meaning, and positive

¹⁹⁰ Quoted in, "What Can Examining the Psychology of Nationalism Tell Us about Our Prospects for Aiming at the Cosmopolitan Vision?" Gillian Brock and Quentin D. Atkinson, *Ethical Theory and Moral Practice* 11, no.2 (April, 2008): 165 – 179, 170.

¹⁹¹ Gillian Brock and Quentin D. Atkinson, "What Can Examining the Psychology of Nationalism Tell Us about Our Prospects for Aiming at the Cosmopolitan Vision?" 171.

self-conception. This critique is important not only because it exposes the flaws in Kymlicka's theory, but also because it undermines the nationalist case against liberal cosmopolitanism.

Kymlicka's choice to foreground national or cultural membership by designating it as a primary good does not pass the test of the social psychological scrutiny. The major objective of his theory, as I now go on to emphasize, lies elsewhere. Social context or current practice takes normative pre-eminence and furnishes the strictures of his theory. But that imperils the adequacy of its underlying philosophical anthropology.

2.7 The Normative Paramountcy of Existing Practice in Kymlicka's Theory

The key to identifying the paramount determinant of Kymlicka's theory derives indirectly from his methodology but derives directly from a telling passage in *MC*. In this passage, Kymlicka acknowledges that his work is a theoretical justification of the status quo, which upholds multiculturalism. Kymlicka's theory is intended as an authentication and political philosophical explanation of a policy that he believes lacks a theoretical foundation. He discloses this point when he quotes Jay Sigler thus:

Like Jay Sigler, I believe that providing a liberal defense of minority rights 'does not create a mandate for vast change. It merely ratifies and explains changes that have taken place in the absence of theory.'¹⁹²

Accordingly, Kymlicka's theory of group-differentiated rights of cultural minorities is meant to furnish the existing political practice of multiculturalism in countries such as Canada, New Zealand, Australia, with a theoretical support. He takes current practice (for instance, the multiculturalism policy of Canada) as a fixed point that provides the framework for his theory.¹⁹³

¹⁹² Kymlicka, *MC*, 127.

¹⁹³ For more on this, see Will Kymlicka, *Finding Our Way: Rethinking Ethnocultural Relations in Canada*, (New York: Oxford University Press, 1998).

Current political practice precedes, structures and grounds the implicit philosophical anthropology of his theory. Group-specific rights fit the political situation of the context of his study. This is clearly reflected in his methodology. Upon close scrutiny, one notices that a key feature of his methodology is his atypical definition of culture; one that is based on a categorical distinction between national minorities and ethnic groups.

As noted earlier, the striking similarity in Kymlicka's definition of *culture*, *nation* and *societal culture* is designed to provide a justification for conceiving national minorities and ethnic groups as categorically distinct and consequently deserving of differential rights. At the heart of this hierarchically based categorical distinction is his notion of societal cultures – an idea whose features implicitly suggest that ethnic groups are not nations or cultures. Kymlicka's invention of the notion of societal cultures is designed to articulate a category that fits the historical, sociological and political experience of involuntarily incorporated cultural minorities into modern liberal democracies. In other words, on the one hand, he defines cultures, nations and societal cultures in terms of their history of coercive incorporation and their capacity to maintain complete social institutions. On the other hand, he defines ethnic groups in terms of their history of voluntary immigration and their incapacity to maintain complete social institutions.

His move to establish the synonymy of culture, nation and societal culture situates his discourse on culture on a somewhat divergent terrain. The assimilation of the concepts of culture and nation to the category of societal culture expands the criteria of the definitions of culture and nation. This move makes Kymlicka's perspective an outlying conception in the domain of cultural discourse. To be construed as a culture or a nation, the complete features of a societal culture have to be present. This means that ethnic groups cannot be construed as cultures or nations. This is a consequence of the category of societal cultures. Societal cultures are conceived as expansive

institutions with all-encompassing reach in the private and public lives of people. To a large extent, the plausibility of Kymlicka's theory hinges on the category of societal cultures and this category is the main target of major criticisms of his theory.

In a penetrating critique of Kymlicka's case for group-differentiated rights, Sujit Choudhry observes that Kymlicka ascribes overriding normative priority to sociological and historical facts of liberal democracies. Choudhry avers that Kymlicka takes the expectations and institutional capacities of ethnocultural minorities to be normatively exhaustive, requiring no further normative justifications that are missing from current practice. As Choudhry puts it, Kymlicka's case is premised on the supposition that "facts of political sociology of all sorts carry normative force simply because they exist."¹⁹⁴ For instance, with regard to the case of institutional capacity, Choudhry points out that:

Kymlicka's mistake is to take the institutional capacities of ethnocultural groups as factual given, and to base his account of just institutions around them. In reality, these institutional facts are highly contingent. They are a function of existing distributions of resources and political power...Institutions are a function of rights, not the other way round.¹⁹⁵

Choudhry's observations are corroborated by Yael Tamir's insightful critique of Kymlicka's project. Tamir argues that while articulated in theoretical terms, Kymlicka's advocacy for the hierarchically structured group-differentiated rights of national minorities and ethnic groups is motivated more by politics. She insists that "Will Kymlicka's main objective is to protect the needs and rights of the native peoples of Canada as well as of the Quebecois, while sustaining the integrity of the Canadian federation."¹⁹⁶ Tamir's point is that Kymlicka's objective is to construct

¹⁹⁴ Sujit Choudhry, "National Minorities and Ethnic Immigrants: Liberalism's Political Sociology," *The Journal of Political Philosophy* 10, no. 1 (2002), 54 – 78, 67.

¹⁹⁵ Sujit Choudhry, "National Minorities and Ethnic Immigrants: Liberalism's Political Sociology," 69.

¹⁹⁶ Yael Tamir, "Theoretical Difficulties in the Study of Nationalism," *Canadian Journal of Philosophy*, Supplementary Vol. 22, (1996): 65 – 92, 78.

a theoretical justification for an extant socio-political situation. To achieve this end, “Kymlicka tries to structure his theory to fit the unique political needs of the conflict that motivates his search for a theory in the first place.”¹⁹⁷ In so doing, Kymlicka gives normative primacy to sociological and historical facts of the context of his study. On this point, Choudhry cautions that “we must avoid the temptation to bend our theories around political realities, for if we do, political philosophy surrenders its critical stance.”¹⁹⁸

Choudhry and Tamir agree that Kymlicka’s category of societal cultures is at the heart of the inadequacy of his theory. I do not intend to expose the elements of their distinctive critiques of Kymlicka’s category of societal cultures.¹⁹⁹ My aim is to show that they both maintain that Kymlicka’s theory of group-differentiated rights could be read as serving the aims of politics as opposed to advancing the aims of liberalism, that is, egalitarian justice. The definitions and methodology that Kymlicka uses in his theory are significantly shaped by historical and sociological facts. I am not suggesting that they should not factor into the formulation of his theory; I am insisting that his ascription of normative priority to historical and sociological facts imperils his avowed commitment to core principles of liberalisms.

This drawback undermines the suitability of the underlying philosophical anthropology of his culturally slanted theory. The philosophical anthropology of liberal cosmopolitanism that I am proposing is much more complex and versatile, naming as it does the multiple vulnerabilities people are potentially subjected to on account of other dimensions of their identities, in a way that does not privilege or exaggerate the significance of any particular social identity marker. To be sure, it does not deny that cultural/national membership is important; it insists that cultural/national

¹⁹⁷ Yael Tamir, “Theoretical Difficulties in the Study of Nationalism,” 79.

¹⁹⁸ Sujit Choudhry, “National Minorities and Ethnic Immigrants: Liberalism’s Political Sociology,” 78

¹⁹⁹ For more on that see Sujit Choudhry, “National Minorities and Ethnic Immigrants: Liberalism’s Political Sociology,” 72 – 77, and Yael Tamir, “Theoretical Difficulties in the Study of Nationalism,” 80 – 84.

membership should not be the pre-eminent determinant of one's identity or the primary source of one's self-respect. This is why the category of recognition, on account of its versatility better accommodates the variety of dimensions in which an individual could be vulnerable to oppressions arising from misrecognition, misrepresentation, misunderstanding, and misreporting.

By and large, one of the merits of Kymlicka's thesis is that it is animated by the desire to eradicate social inequalities arising from the nonrecognition or depreciation of people's cultural identity. Deprecatory treatment of people on account of their cultural identities is, to say the least, injurious to their self-respect. However, Kymlicka's thesis oversimplifies the ways in which a person's multiple identities, attachments and allegiances structure their experiences. While aiming, in part, to show that the liberal self can be multicultural (and as I want to say, should also be cosmopolitan), he ends up with a theory that champions a multiculturalism of societies that tethers individual well-being to determinate cultures or nations. Kymlicka's conceptions of the liberal self (he has, as I argued, two conceptions) are normatively restrictive. His conception of diversity is not adequately liberal, in that he unjustifiably elevates cultural identity.

Any liberal conception of the self worthy of the name must accept that individuals (from the standpoint of liberalism) seek exposure to a wide diversity of human life models and needs. An adequately liberal philosophical anthropology should conceive each individual as a subject of truly wide-ranging possibilities. It is this consideration that should precede and structure any theory that wishes to be classified as liberal. Kymlicka's theory fails in this regard. And this is why his theory does not offer adequate materials for piecing together a satisfactory philosophical anthropology of liberal cosmopolitanism.

In the next two chapters, I will feature the liberal theories of Kwame Anthony Appiah and Martha Nussbaum and show why their conceptions of the liberal self are more in line with the philosophical anthropology of liberal cosmopolitanism. I have classified their respective conceptions of the liberal as *the integrationist model* in that their model avoids the lopsidedness of the economic model of Rawls and the cultural reductionism of the sociological model of Kymlicka. Appiah and Nussbaum are strong advocates of the view that we should be concerned about the fate of all our fellow human beings.

Appiah's conception of the liberal self incorporates critical normative categories that are vital for constructing an adequate philosophical anthropology of liberal cosmopolitanism; namely: recognition, vulnerability, autonomy, and diversity. The next chapter will focus on the liberal cosmopolitanism of Appiah.

Chapter Three

The Integrationist Model 1

The Philosophical Anthropology of the Liberal Cosmopolitanism of Kwame Appiah

3.1 Introduction

This chapter will focus on the philosophical anthropology of Kwame Anthony Appiah. In the first two chapters, I focused on the inadequacies of the economic and sociological models. The approach taken with regard to those chapters was mainly critical. The approach in this chapter and the next will be mainly constructive. I will show that both the philosophical anthropology of Appiah, which I designate the Integrationist Model 1, and the philosophical anthropology of Martha Nussbaum, designated the Integrationist Model 2, which will be discussed in chapter four, in their distinctive ways avoid the lop-sidedness of the Economic Model and the nationalistic/cultural protectionism of the Sociological Model.

Unlike the earlier two models, the Integrationist Model adequately reflects a philosophical anthropology that is consistent with the liberal ideal that arbitrary facts about a person's life should not determine the person's chances of leading a flourishing life. This consideration is at the heart of Kwame Appiah's case against state-centric approaches in contemporary Anglo-American political philosophy.

3.2 Roots of Appiah's Conception of Liberal Cosmopolitanism

Appiah holds that the ideal of moral universalism that underpins cosmopolitanism is compatible with some form of partiality. This is why he calls his theory of liberal cosmopolitanism *rooted liberal cosmopolitanism*. One of the entailments of Appiah's viewpoint is that rooted liberal cosmopolitanism is a complex idea that attempts to reflect the complexity and extraordinary

malleability of human beings, a point not adequately present in the theories of leading state-centric views of liberalism.

In constructing this conception of *rooted liberal cosmopolitanism*, Appiah supports his theory with a matching philosophical anthropology, albeit somewhat implicitly. He accomplishes this by pooling together, the ideas of different philosophers. These include John Stuart Mill's and Ronald Dworkin's conceptions of liberalism, and the notion of human flourishing (*eudaimonia*) that underpins the Stoic, Aristotelian and Millian theories. Appiah initially situates his conception of human flourishing within a framework he appropriates from Ronald Dworkin. Dworkin makes a stipulative distinction between *ethics* and *morality* to advance a point regarding how we ought to live and how we ought to treat others.²⁰⁰ On the one hand, *ethics* has to do with how we ought to live, that is *living well*. *Morality*, on the other hand, consists of how we ought to treat others, that is, of our duties and obligations to other human beings.²⁰¹ In sum, Dworkin's thesis is this: in trying to live well, one should pursue this aim while regarding the well-being of others since every human life is objectively valuable.

Appiah employs the Dworkinian distinction between ethics and morality to demonstrate that the ideal of moral universalism espoused by liberal cosmopolitanism is consistent with benign forms of partiality. In this chapter, my principal objective is to uncover the philosophical anthropology that supports Appiah's reconciliation of moral universalism and partiality. Unpacking the entailments of *the ethical* and *the moral* is the key to understanding the

²⁰⁰ Ronald Dworkin has a conception of the value of human life in which responsibility for attaining one's well-being is to be left to the individual whose life it is while showing concern for the well-being of others as well. This idea is present in his works, *Sovereign Virtue: The Theory and Practice of Equality*, (Cambridge MA: Harvard University Press, 2002), 4 – 8, *Justice for Hedgehogs*, (Cambridge MA: The Belknap Press of Harvard University Press, 2011): 13 – 14, 255 – 284.

²⁰¹ Ronald Dworkin, *Justice for Hedgehogs*, 191.

philosophical anthropology of Appiah's rooted liberal cosmopolitanism. I will proceed in the order in which Appiah approaches the issue: "We begin with ethics because it is only when we have a view about what it is for a human life to go well that we can answer the moral question of how we should take account of the lives of others."²⁰²

3.3 Ethics: The Philosophical Anthropology of Self-Creation

Unlike many liberal political philosophers, Appiah's theory provides features and capabilities of human beings that match his view of liberal cosmopolitanism. One of the merits of his approach is that he articulates his theory in terms of the features and circumstances that place constraints on human beings. His objective is to develop a theory that would foster human well-being. This is why he opts to appropriate the Dworkinian category of *ethics*, which he says "is a reflection on what it means for human lives to go well, for us to have *eudaimonia*."²⁰³ *Ethics*, as Appiah constructs it is a complex category that encapsulates his philosophical anthropology. To appreciate how Appiah articulates his conception of *ethics*, it would be useful to understand how the idea of *eudaimonia* is related to it.

Eudaimonia is an ancient Greek word that is sometimes translated as happiness. But the word happiness connotes a subjective state of contentment. A better translation of the word is flourishing. 'Flourishing' evokes the idea of an objectively desirable and worthwhile life for human beings.²⁰⁴ Since some elements of the Stoic and Aristotelian conceptions of *eudaimonia* are

²⁰² Kwame Appiah, "Morality: Aid, Harm, and Obligation," *Boston University Law Review* 90, no. 2 (April 2010), 662. Notwithstanding the distinction between ethics and morality, the two categories go together. He insists that "our story isn't about morality alone; it's about ethics. It's not just about what we should do for others; it's about making a life for ourselves. That's where it starts. And then, because it recognizes that everybody has a life to make and that we are making our lives together, it's bound to take morality – our obligations to others – seriously too. Indeed, it's precisely our recognition that each other person is engaged in the ethical project of making a life that reveals to us our obligations to them." Kwame Appiah, *Experiments in Ethics*, (Cambridge, MA: Harvard University Press, 2008), 202 – 203.

²⁰³ Kwame Appiah, "The Politics of Identity," *Daedalus*, (Fall 2006): 15 – 22, 17.

²⁰⁴ Rosalind Hursthouse, *On Virtue Ethics* (New York: Oxford University Press, 1999), 10.

both contained in Appiah's understanding of *eudaimonia*, let me immediately spell out how they respectively shape that of Appiah.

The Stoic conception of *eudaimonia* is reflected in their morality and their view of cosmopolitanism. One of the aims of Stoic morality is to eliminate or at least diminish the effects of luck on human well-being. They developed a conception of morality that aimed to take away the need to rely on external goods (attachment to wealth, rank, status, good health, familial relationships, friendship, etc.) for one's well-being. In other words, they aimed to promote human invulnerability by espousing radical self-sufficiency and self-mastery.²⁰⁵ Stoic cosmopolitanism also advanced the view that one should give moral priority and allegiance to humanity rather than to one's locality (*polis*). The Stoic disregard for external goods and attachment to any *polis* epitomizes their conception of *eudaimonia*. One of the enduring merits of ancient cosmopolitanism is its attempt to articulate ways to attenuate the effects of accidents of birth on human well-being. This insight has been variously appropriated by contemporary liberal political philosophers, Appiah being one of them.²⁰⁶

Appiah's appropriation of the Stoic ideal excludes their ethic of invulnerability and austere self-sufficiency. However, he retains their motif of aspiring to diminish the effects of luck, all the accidents of birth that affect human well-being for good or bad and uses it to construct his own

²⁰⁵ Anthony A. Long, "Stoic Communitarianism and Normative Citizenship," *Social Philosophy and Policy* 24, no. 02 (2007): 241 – 261, 241 – 242; Martha Nussbaum, *The Therapy of Desire: Theory and Practice in Hellenistic Ethics*, (Princeton: Princeton University Press, 1994), 316 – 401, Martha Nussbaum, "The Worth of Human Dignity: Two Tensions in Stoic Cosmopolitanism," in Gillian Clark and Tessa Rajak, eds., *Philosophy and Power in the Graeco-Roman World: Essays in Honour of Miriam Griffin*, (New York, Oxford University Press, 2002), 31 – 50, 32.

²⁰⁶ Anthony Long observes that Stoicism shares some kinship with liberalism. He avers that "Stoicism emerges as the most overtly liberal, if not the only liberal, ancient philosophy...Stoic conception of the common identity of human beings in virtue of rationality exclude any grounds for ranking men's innate aptitudes ahead of women's or for positioning natural slavery, or for treating anyone as ethically superior to another on the basis of wealth or social position or race," "Stoic Communitarianism and Normative Citizenship," 243.

conception of liberal cosmopolitanism. For Appiah, cosmopolitanism is animated by a concern for the fate of all human beings.

In brief, for Aristotle, *eudaimonia* is essentially a life that consists in “living well or doing well.”²⁰⁷ *Eudaimonia* is the highest good for human beings. Aristotle also says that, “the good for man is an activity of soul in accordance with virtue.”²⁰⁸ Virtue (*arête*) is crucial to Aristotle’s conception of *eudaimonia*. In early Greek, *arête* was not restricted to morality.²⁰⁹ It meant prowess or excellence in any field of human endeavour. So *eudaimonia* means attaining the highest of human potential to the best of one’s ability.²¹⁰ As the highest good, it is pursued for its own sake. It is choice-worthy and self-sufficient. *Eudaimonia* is a panoptic articulation of what it means for a human life to go well.

It is important to note that Aristotle’s conception of the *eudaimonia* for human beings is heavily laden with essentialist assumptions that are widely rejected in contemporary liberalism. Aristotelian essentialism upholds a very determinate conception of the human good, one that is independent of a person’s choice and assumes there is a universal human essence that is independent of culture and history. Moreover, it assumes a markedly inegalitarian framework that conceives society as an immutable hierarchical social order in which a person’s class or station in life is irrevocably predetermined by accidents of birth. For instance, Aristotle holds that slaves and women are by nature inferior to freeborn men and cannot legitimately expect any change in their situations since their natures places a limit on what they may legitimately aspire to do or be. The

²⁰⁷ Aristotle, *The Ethics of Aristotle: The Nicomachean Ethics*, trans. J.A.K. Thompson, (London: Penguin Books, 1953), 1095a7 – 28.

²⁰⁸ Aristotle, *The Ethics of Aristotle: The Nicomachean Ethics*, 1098a8 – 27.

²⁰⁹ Morality here is not being used in the Dworkinian sense. It is being used in the narrow sense of principles of right and wrong.

²¹⁰ David Sedley, “*Arête*” in Edward Craig, ed. *Routledge Encyclopedia of Philosophy*, vol. 3, (New York: Routledge, 1998), 373.

Stoic aspiration to eliminate or attenuate the pernicious effects of the contingencies of birth is not present in Aristotle. However, unlike the Stoics, Aristotle does grant that external goods are essential for *eudaimonia*. The external goods include wealth, fame, friends, good looks, health, political influence, good children, good ancestry, etc.²¹¹ Elements from both Aristotle and the Stoics recur in Appiah's present-day conception of *eudaimonia*.

In articulating his conception of *eudaimonia*, Appiah adverts to the fact that human beings live their lives in circumstances that impose constraints and limits on their possibilities. The riddle that every human life confronts is how to grapple with the complex blend of contingencies that constrain it and the human capacity to imagine and achieve alternative ways of living and being.²¹² Appiah takes as a given that people have an enduring desire to attain *eudaimonia*: “the central thing that people are up to is the central ethical task: each of us is making a life. This is the human *telos*: to make a good life, to achieve *eudaimonia*.”²¹³ The idea of *telos* suggests that the desire for well-being is a universal human propensity. It is an ineradicable human impulse. Appiah’s talk of a human *telos* underscores his neo-Aristotelianism.

A reading of his neo-Aristotelianism indicates that he believes that some kind of teleology (thin teleology) is implicit in liberalism. This belief derives from the fact that humans are so constituted that certain conditions undermine their flourishing. Liberalism accepts that there are situations under which human beings flourish and without which human beings wither. Whence, after all, comes the liberal valorisation of and advocacy for liberty and equality?²¹⁴ In the reckoning

²¹¹ Aristotle, *Ethics*, trans. J. A. K. Thompson, (London: penguin Books, 1976): 75 – 85. See also Kwame Appiah, *Experiments in Ethics*, 172 – 173.

²¹² In the words of Appiah, “some things that add to (or detract from) a man’s *eudaimonia* begin in childhood, before he has a chance to decide how much place he will make in his life for them,” *Experiments in Ethics*, 173.

²¹³ Kwame Appiah, *Experiments in Ethics*, 203. He is not a teleological eliminativist.

²¹⁴ See Jeremy Waldron, “Theoretical Foundations of Liberalism,” *The Philosophical Quarterly* 37, no. 147 (April, 1987): 127 – 150, 128. On the strength of Millian conception of liberalism, Appiah notes for instance that the value

of Christine Korsgaard, liberalism advocates for the fostering of liberty because stifling liberty or denying people equal treatment is injurious to their well-being. Korsgaard proclaims that, “You are the kind of entity for whom things can be good or bad. It provides you with the ground for taking a passionate interest in your own life.”²¹⁵ Taking a passionate interest in one’s good entails playing an active role in the fashioning of one’s life. This fact is advanced very strongly in Appiah’s theory of identity and individuality. In his theory of identity and individuality, he articulates how *eudaimonia* can be achieved. Scrutinizing his perspective on identity and individuality unveils the underlying philosophical anthropology of his theory.

3.3.1. Identity and Individuality

Appiah’s conception of identity is animated by the desire to challenge two polar misunderstandings that plague collective identities such as nationality, race, gender, ethnicity, sexual orientation, etc.²¹⁶ These two opposing misunderstandings of identity involve two opposing

of liberty is twofold: instrumental good (it has good consequences) and intrinsic good (it is constitutive of a person’s well-being, it is something good in itself); Kwame Appiah, “Liberalism, Individuality, and Identity,” *Critical Inquiry* 27, no.2, (2001): 305 – 332, 312. Amartya Sen also discusses the constitutive and instrumental dimensions of freedom in his book, *Development as Freedom*, 35 – 53. So, at the basic minimum, it could be said that for liberalism, situations that foster a person’s freedoms promote the person’s flourishing. *Eudaimonia*, flourishing is constitutive of a person’s good.

²¹⁵ Christine Korsgaard, “On Having a Good,” *Philosophy* 89, no. 3 (2014), 405 – 429, 405. Christine Korsgaard notes in another article that a state of affairs that is desirable is good for the person, “We are usually talking about a person’s final good when we speak of what is good for that person. That is, the things that are good or bad for a person are things that have an impact on his final good;” Christine Korsgaard, “The Origin of the Good and Our Animal Nature,” <http://www.people.fas.harvard.edu/~korsgaard/CMK.MA1.pdf>, 3. See also Richard Kraut, *What is Good and Why? The Ethics of Well-Being*, (Cambridge MA: Harvard University Press, 2007), 131 – 141. Richard Kraut tries to expound what flourishing entails. The idea of *eudaimonia* is also sometimes expressed as well-being, that is, as a synonym of flourishing. For instance, Valerie Tiberius and Alexandria Plakias aver that well-being “is meant to point to something we aim at for ourselves and ought to promote for others;” Valerie Tiberius and Alexandria Plakias, “Well-Being,” in *The Moral Psychology Handbook*, ed. John Doris, Kindle Edition, (New York: Oxford University Press, 2010), 402.

²¹⁶ Charles Taylor’s conception of identity is the object of Appiah’s critique. Appiah develops his conception of identity against the backdrop of this critique.

approaches to the self: the Romantic approach (also called the *ideal of authenticity*) and the Existentialist approach.

The key assumption of the Romantic approach lies in the denial of temporality and historicity. The Romantic approach assumes or ascribes a fixed, primordial ontology to what are historically contingent products of human or other forms of agency. It has a determinate conception of the self. The ideal of “Authenticity speaks of the real self buried in there, the self one has to dig out and express.”²¹⁷ Let’s call it *the authentic self*. The picture of *the authentic self* presupposes that there is a predetermined self buried ‘inside’ oneself waiting to be excavated. This conception of the self is normatively restrictive. In order to flourish, one has to discover this ‘real self,’ this *authentic self*.

There are many variants of this conception of the self. Some conceptions of *the authentic self* draw on race, culture, nationality, religion, gender, etc. In his work, *In My Father’s House: Africa in the Philosophy of Culture*, Appiah appraises the essentialist underpinnings of the Afrocentricism of Alexander Crummell and W.E.B. Du Bois – two African Americans scholars who pioneered the founding of Pan-Africanism in the 19th century. Appiah notes that in the views of Crummell and Du Bois, race meant a compact, homogeneous population of common blood, ancestry and lineage. They both assumed that races have an individuality, an immutable corporate personality, a permanence of essence and destiny that is subject to laws of race-life and by which they offer a racially distinctive civilization to humanity. The implication of this is that an *authentic African self* is one that instantiates this *Corporate African self*. Supposedly, this *authentic African self* is buried in anyone of African descent. Authentic “Africanhood” consists in discovering and

²¹⁷ Kwame Anthony Appiah, “Identity, Authenticity, Survival: Multicultural Societies and Social Reproduction,” 155.

living in keeping with this predetermined normative corporate self-concept.²¹⁸ This logic also applies in the cases of gender, ethnicity, etc.

The essentialism that supports *the authentic self* is well articulated by Anne Phillips who is critical of it. According to her, it consists in “the attribution of certain characteristics to everyone subsumed within a particular category.” She adds that it also entails “the policing of this collective category, the treatment of its supposedly shared characteristics as the defining ones that cannot be questioned or modified without undermining an individual’s claim to belong to that group.”²¹⁹ Appiah disagrees with this view (as does Phillips) because it sees the self as fixed and accords no role to creativity and agency. It reifies identity and suggests that one cannot flourish unless one discovers this authentic self. The authentic self is one whose choice and liberty are constrained. It is somewhat akin to what I called Will Kymlicka’s *ethnic self* in chapter two. Maintaining that a person’s *eudaimonia* comes by way of the discovery of a pre-given authentic self that determines in advance who one is or what one may legitimately aspire to be would be tantamount to surrendering the trajectory of one’s life to the accidents of birth, some of which may portend injurious consequences to persons so construed. Extreme and malignant variants of this approach

²¹⁸ Kwame Anthony Appiah, *In My Father’s House: Africa in the Philosophy of Culture*, (New York: Oxford University Press, 1992), 3 – 46. Also see, Kwame Anthony Appiah, *Lines of Descent: W.E.B. Du Bois and the Emergence of Identity*, (Cambridge MA: Harvard University Press, 2014). This racial Afrocentric ideology of Alexander Crummell and W.E.B. Du Bois continues to generate debates amongst African philosophers. Jean-Marie Makang argues that Western Africanists and ethnologists employ this mentality to express the supposed particularity and otherness of African people. He cautions that, “By reducing African traditions to a fixed past and to a nostalgia for an original state, the ethnological discourse strips African people of their historicity,” Jean-Marie Makang, “Of the Good Use of Tradition: Keeping the Critical Perspective in African Philosophy”, in *Postcolonial African Philosophy: A Critical Reader*, Emmanuel Chukwudi Eze, ed., (Cambridge: Blackwell Publishers, 1997): 324 – 325, 327. A good summary of these debates is contained in Chukwudum B. Okolo, *African Social and Political Philosophy: Selected Essays*, (Nsukka: Fulladu Publishing Company, 1993). It is worthwhile to note that Charles Taylor discusses an idea similar to this with regard to Herder. Herder, Taylor notes, also applies the idea of originality to “culture-bearing people among other peoples. Just like individuals, a *Volk* should be true to itself, that is, its own culture. Germans shouldn’t try to be derivative and (inevitably) second-rate Frenchmen... The Slavic peoples had to find their own path,” Charles Taylor, “The Politics of Recognition,” 31.

²¹⁹ Anne Phillips, “What’s wrong with Essentialism? *Distinktion: Scandinavian Journal of Social Theory* 11, no. 1 (2010): 47 – 60, 1.

make the mistake of construing socially constructed identities in biological or genetic terms. It consists, in other words, in the naturalization of what is socially constructed. Oppressive systems of social hierarchy, ascriptive privileges of status by race, gender, sexual orientation, ethnicity, etc., portend tragic consequences for people at the base of the hierarchy.

Thinking of the self in terms of this approach would only serve to confine persons into straightjackets that deny the irrefutable plasticity of the self. In a nutshell, the Romantic approach has a mistaken conception of how the self is constituted. Appiah maintains in this connection that “the self whose choices liberalism celebrates is not a presocial thing – not some authentic inner essence independent of the human world into which we have grown – but rather the product of our interaction from our earliest years with others.”²²⁰ The Romantic approach is then, not a good candidate for constructing a philosophical anthropology that would foster *eudaimonia*. Clearly, the incontrovertible vulnerability of human subjects does not figure as a limiting factor or constraint against the pernicious entailments of this approach.

Unlike the Romantic approach, the Existentialist approach which Appiah derives from Jean Paul Sartre’s famous phrase: ‘existence precedes essence,’²²¹ was developed in reaction to the essentialism of the Romantic approach. From the Existentialist perspective, the “self is something that one creates, makes up, so that every life should be an art work whose creator is, in some sense, his or her own greatest creation.”²²²

One reading of the claim that *existence* is antecedent to *essence* might suggest that while actual human beings may acquire selves which are in various respects ‘determinate’, this

²²⁰ Appiah, *The Ethics of Identity*, 20.

²²¹ The phrase comes from Jean-Paul Sartre’s essay: “Existentialism is a Humanism.”

²²² Appiah, *The Ethics of Identity*, 155.

determinateness is not something ‘hidden in there,’ rather, it is something they construct or achieve in one way or another in the course of their lives; they are not instantiations of immutable human essences with which they are all commonly endowed. This reading of the Existentialist approach seems fairly incontrovertible in that it does not picture the self as pre-given and limited by the options allotted by the accidents of birth. Instead, it pictures the self as not encumbered by any essences. This is, however, not the way Appiah construes the Existentialist approach.

As Appiah construes it, the Existentialist approach suggests that one creates a self from a vacuum, *ex nihilo*, as if there is no context within which a self is fashioned.²²³ It seems to deny the impact of biological and socio-cultural factors, that is, the background and strictures against which the self is constructed. Undoubtedly, it reacts against the essentialist undertones of the Romantic approach. But in doing so, it takes away much that is true and inevitable about human lives, the biological and socio-cultural context of human lives. Thus, its conception of the human capacity for self-construction is too utopian, too idealistic.

Appiah criticises this picture of the self, noting that it implies that there is only creativity, that there is nothing from which an identity is constructed. While Appiah agrees that “Every human identity is constructed,”²²⁴ he, nonetheless, insists that the self is constructed in response to facts outside oneself; namely; external variables unchosen by the individual.²²⁵ “We make up selves from a tool kit of options made available by our culture and society.”²²⁶ Constraints of historical circumstances and physical and mental endowments have implications for what one becomes and

²²³ While Appiah’s reading of the ‘Sartrean’ phrase may be correct, it is important to note that it need not be read only in this way. I basically see his critique of this approach as providing the background for his conception of the self.

²²⁴ Appiah, *In My Father’s House* 174.

²²⁵ Appiah, *Ethics of Identity*, 18.

²²⁶ Appiah, “Identity, Authenticity, Survival: Multicultural Societies and Social Reproduction,” 155.

can be. In other words, Appiah strikes a middle course between the two polar approaches inspired by Romanticism and Existentialism. Appiah's conception of the capacity for self-creation is moderately constructivist. As a moderate constructivist, Appiah maintains that "To create a life is to create a life out of the materials that history has given you."²²⁷ The materials include society, school, the state, one's family, ethnicity, gender, peers, friends, etc. What, then, is his conception of the self? What is the image, the picture of the human person that is implicit in his theory? What image encapsulates Appiah's philosophical anthropology?

The image of the human person that is at the heart of his theory is the *ethical subject*. While Appiah does not use this category to capture the underlying image of the human person in his theory, nonetheless, it captures the essence of his conception of *eudaimonia*: that the fundamental engagement of every one is the *ethical task* – to make a life, to make one's life a successful performance, to make an *identity* for one's self. The *ethical subject* faces the *ethical task* of making an *identity*. To better understand the *ethical subject*, it would be helpful to explore other general features of Appiah's perspective on identity.

Appiah's viewpoint on identity is normative and *nominalist*. It is normative in the sense that it challenges the way people think of identity categories or understand identity categories. Identity is often understood subsumptively, erroneously suggesting that everyone having the dominant identity of, say, ethnicity, race, gender, etc., actually has or can be subsumed under the same characteristics, when in fact most groups are internally heterogeneous. His perspective on identity prescribes how we ought to think of identity. Subscribing to the subsumptive conception of identity imposes illegitimate limits on individual autonomy, thereby undermining a person's

²²⁷ *Ibid.*, 19.

eudaimonia. For Appiah, social identities are important because “people make use of them in seeking *eudaimonia*.”²²⁸ “Race, nationality, religion, gender, sexual orientation: all of these may be connected profoundly with your sense of who you are and with your *eudaimonia*.”²²⁹

It is on account of the erroneous assumptions and the pernicious entailments of the subsumptive approach to identity that Appiah's approach to identity is somewhat *nominalist*. Nominalism is an epistemological tradition that originated in the Middle Ages in opposition to realism about universals. Realism about universals hold that universals are immutable, eternal substances that can be instantiated in particular things, particular individuals whose qualities and properties are predetermined in universals.²³⁰ Nominalism is a rejection of realism about universals. So, Appiah's nominalist approach is a rejection of realism about race, gender, etc. It is a rejection of the essentialist undertones of the universalism that underpins the subsumptive approach. It is an affirmation of particularity, that particular things, particular individuals do not instantiate any universal category; rather, particular individuals are irreducibly unique.

Identity categories are the tools, the scripts or flexible models with which one constructs a unique identity. Identity consists of two components that are dialectically related: objective and subjective.²³¹ The dialectical interplay between the components of identity is captured by Anthony Cohen's definition of identity. Cohen defines identity “as the way(s) in which a person is, or wishes

²²⁸ Appiah, “The Politics of Identity,” 18.

²²⁹ Appiah, *Experiments in Ethics*, 174.

²³⁰ Gonzalo Rodriguez-Pereyra, “Nominalism in Metaphysics,” in *Stanford Encyclopedia of Philosophy*, (April 1, 2015), <https://plato.stanford.edu/entries/nominalism-metaphysics/>

²³¹ Akeel Bilgrami has distinguished between subjective and objective identity in way that is useful for understanding Appiah's conception of identity. According to Bilgrami, “Your subjective identity is what you *conceive* yourself to be, whereas your objective identity is how you might be viewed *independently* of how you see yourself. In other words, your objective identity is who you are in light of certain biological or social *facts* about you;” Akeel Bilgrami, “Notes Toward the Definition of ‘Identity’”, *Daedalus*, (Fall 2006), 5 – 14, 5.

to be, known by certain others.”²³² When disentangled, the definition suggests at least two things: that (1) identity consists of the ways in which a person is known by others and (2) identity consists of the ways in which a person wishes to be known by others. The result is reminiscent of Charles Taylor’s discourse on the dialogical constitution of identity. According to Taylor:

our identity is partly shaped by recognition or its absence, often by the *misrecognition* of others, and so a person or group of people can suffer real damage, real distortion, if the people or society around them mirror back to them a confining or demeaning or contemptible picture of themselves.²³³

Identity is constructed in dialogue or in contention with the socially constructed attributes and stereotypes people have about a given feature of one’s identity, for example, one’s skin colour, sexual orientation, ethnicity, etc. Very often, the social conception of a feature of one’s identity informs the way one is treated: respectfully or contemptibly. This is why liberalism aims to end oppression, unjustified discrimination, and domination by forging communities in which people regardless of their identities stand in relations of equality with others.

The subjective component consists in the internalization of the social conceptions of one’s social identities.²³⁴ In other words, self-identifying as a member of a given collective identity figures in one’s thoughts, feelings and actions. To feel like a member of a given collective identity is to respond affectively in a way that depends on your identification with that group.²³⁵ The internalization could also be by way of resistance and disavowal of the attributes and stereotypes associated with an aspect of one’s social identity. Moreover, since everyone is constituted by

²³² Anthony Cohen, “Culture as Identity: An Anthropologist’s View,” *New Literary History* 24, no. 1, Culture and Everyday Life (winter, 1993): 195 – 209, 195.

²³³ Charles Taylor, “The Politics of Recognition,” 25. In another work, Taylor similarly remarks that “The projecting of an inferior or demeaning image on another can actually distort and oppress, to the extent that it is interiorized;” Charles Taylor, *The Malaise of Modernity*, (Toronto: House of Anansi Press, 1991), 49 – 50.

²³⁴ Kwame Anthony Appiah, *Ethics of Identity*, 68.

²³⁵ Kwame Anthony Appiah, “The Politics of Identity,” 16.

multiple identities, the choice of which aspect of one's social identity is to be given priority belongs to the individual.²³⁶

This is precisely where Appiah's conception of identity places the construction of identity in the hands of the individual. In order to flourish, people ought to fashion their identities and not let these *happen* to them. Identity should not constrain individuality; it should enrich it. Identity is enriched when it is conceived in ways that are compatible with the irrefutable plasticity of human beings. The idea of individuality helps crystallize this point. Appiah uses John Stuart Mill's category of *individuality* to elucidate this fact.

Mill was concerned with the issues of self-development and diversity. He saw the human person as having the capacity for diversity, that human values are manifold, that the human person is simultaneously an individual and a social being. While making a case for the importance of individuality in the third chapter of *On Liberty* aptly titled "Of Individuality, As One of the Elements of Well-Being," Mill argued that:

there should be experiments of living; that free scope should be given to varieties of character, short of injury to others; and that the worth of different modes of life should be proved practically, when anyone thinks fit to try them. It is desirable in short, that in things which do not primarily concern others, individuality should assert itself.²³⁷

Mill maintained that individuality could produce well-developed human beings since "the free development of individuality is one of the leading essentials of well-being."²³⁸ The development of individuality not only requires non-interference, it requires support from others.

²³⁶ Amartya Sen has persuasively argued that when a person's multiple identities compete for priority that "the person has to decide on the relative importance to attach to the respective identities, which will...depend on the exact context;" Amartya Sen, *Identity and Violence: The Illusion of Identity*, (New York: W. W. Norton and Company, 2006), 19.

²³⁷ John Stuart Mill, *On Liberty and The Subjection of Women*, ed. Alan Ryan, (London: Penguin Books, 2006), 65.

²³⁸ *Ibid.*

Mill illustrates this point by likening a human being to a tree.²³⁹ He is thus suggesting that with the right support each individual has the potential to be many things and do many things, to pursue many options and values in order to flourish. Imposing a way of life on anyone or preventing anyone from choosing for oneself would inhibit one's well-being. Individuality is not only good because of its consequences, it is intrinsically good. In this way, interestingly, while Mill is, famously, a consequentialist about value, he here accepts a good that is partly intrinsic. In stressing this point elsewhere, Appiah remarks that, "part of what it is for people to flourish is for it to be *them* that make the decisions. So sometimes we can improve their lives only by leaving them alone."²⁴⁰

Inspired by Mill, Appiah sees individuality as implying diversity; it is about self-authorship. The category of individuality is an analogue of the idea that each person is irreducibly unique, that each person has the potential to invent an original way of being human. It speaks of the capacious human potential for alternative ways of being and valuing. Appiah employs the category of individuality to crystallize his conception of human flourishing. For one to flourish, one has to be free from the coercive sanctions of friends, sages, relatives, family, and the state regarding how to shape one's life.

Appiah's appropriation of Mill's category of individuality does not necessarily endorse diversity for diversity's sake. Rather, it is because diversity facilitates the task of self-construction. Individuality as Appiah understands it does not imply unsociability, solipsism, whimsicalness or arbitrariness. On the contrary, individuality entails the enlightened autonomous construction of an *identity* for oneself. Individuality is not incompatible with sociality because the tools with which

²³⁹ Mill, *On Liberty* and *The Subjection of Women*, 67 – 68.

²⁴⁰ Appiah, *Experiments in Ethics*, 200.

one constructs one's individuality are socially given. Individuality is constructed through the dynamic blending of a variety of collective identities. They furnish one with the contours of one's distinctive identity in that, "we make our lives *as* men and *as* women, *as* Yanks and *as* Brits, *as* Catholics and *as* Jews; we make them *as* philosophers and *as* novelists; we make them *as* fathers and *as* daughters."²⁴¹ Appiah's point is that in the forging of an identity, one draws on the *kinds of persons* available in one's society.

A critical issue for Appiah in this process of self-constitution is that the *ethical subject* is not a passive subject unquestioningly imbibing and observing traditionally sanctioned characteristics and roles deemed to be appropriate or requisite for one's gender, ethnicity, etc. Identity categories are not supposed to be coercive, exclusionary and normatively restrictive. For the person as *ethical subject* to attain *eudaimonia*, identity categories have to be conceived as openly normative. They must be indeterminate, heterogeneous, contested, flexible, and dynamic. As such, they have the capacity to enlarge the space of what can be pursued, endorsed, and aspired to; the space for cultivating who one wants to be, and how one wants to identify with or prioritize the importance of the many features of one's identity, one's individuality.

Appiah's philosophical anthropology thus provides a normative framework for evaluating the adequacy of other philosophical anthropologies both within the liberal tradition and without. This is because of its underlying moral universalism and cosmopolitan outlook.

One overarching intuition that permeates Appiah's liberal cosmopolitanism is aptly captured by a saying attributed to Publius Terentius Afer (Terence), a playwright of the Roman

²⁴¹ Appiah, "The Politics of Identity," 19. He says the same thing in other words elsewhere: "we make our lives *as* men and *as* women, *as* gay and *as* straight people, *as* Ghanaians and *as* Americans, *as* blacks and *as* whites;" *The Ethics of Identity*, xiv.

Republic. Terence famously said, “*Homo sum humani nihil a me alienum puto*,” “I am human, and nothing of that which is human is alien to me.” A genuine moral outlook for Appiah must be universally applicable; it implies the well-being of anyone anywhere. Recall that Appiah’s approach (inspired by the Dworkinian distinction between *ethics* and *morality*) is that we begin by figuring out (*ethics*) “what it is for a human life to go well” before we face the moral challenge of (*morality*) “how we should take account of the lives of others.”²⁴² Having elucidated Appiah’s perspective on what it means for an *ethical subject* to attain *eudaimonia*, the next part takes up Appiah’s perspective on the liberal nationalists’ view of the moral universalism of liberal cosmopolitanism. One of the issues Appiah attempts to address here is the inconsistency of state-centric approaches to liberalism with the liberal ideal that fortuitous facts about a person’s life ought not affect the outcome of his or her life. Again, Appiah’s critique of this has philosophical anthropological implications.

3.3.2 Appiah’s Perspective on the Inadequacy of Liberal Nationalism

Appiah objects to liberal nationalism for its failure to accommodate the universalist aspirations of liberal cosmopolitanism. To this effect, he takes two approaches: critical and constructive. From the critical standpoint, Appiah observes that “a serious omission” of liberal political philosophy is “the moral status of political strangers.”²⁴³ He points out that this could be due to the fact that normative political theorists are overly fond of islands²⁴⁴ and self-contained societies.²⁴⁵ This serious omission puts liberal political philosophy at cross purposes with its

²⁴² Appiah, “Morality: Aid, Harm, and Obligation,” 662.

²⁴³ *The Ethics of Identity*, 219. Appiah notes elsewhere that “The cosmopolitan challenge to liberalism begins with the claim that liberals have been too preoccupied with morality *within* the nation-state,” Appiah, “Cosmopolitan Patriots,” 93.

²⁴⁴ Ronald Dworkin, “What is Equality? Part 2: Equality of Resources,” *Philosophy and Public Affairs* 10, no. 4 (Autumn 1981): 283 – 345; Robert Nozick, *Anarchy, State and Utopia*, (New York, Basic Books, 1974): 185; Nozick talks about ten Robinson Crusoes on ten Islands.

²⁴⁵ Rawls, *TJ* and *PL*.

Enlightenment roots in the French and American Revolutions both of which “aspirationally” proclaimed “the Rights of Man and the ‘self-evident truth’ that “all men are created equal.” From its inception, liberalism has always had *moral individualism* as its normative moral grounding. Its omission is an index of the tension between two broad camps in contemporary liberalism: liberal nationalism and liberal cosmopolitanism.

Liberal nationalists - such as John Rawls, Thomas Nagel, Michael Walzer, Robert Nozick, David Miller - criticize the universal aspirations of liberal cosmopolitanism as a disguised form of imperialism. They contend that the moral universalism and the abstract individualism that liberal cosmopolitanism espouses trivializes the psychological, moral, and political significance of attachments, loyalty and obligations to the familiar, the local and the particular – all those associative ties that give meaning to lives.²⁴⁶ Sequel to this fact, liberal nationalists justify partiality to co-nationals. This position is undoubtedly at variance with the liberal ideal that all individuals, regardless of their nationality or ethnicity, are ultimate units of moral concern. Liberal nationalists restrict the scope of egalitarian justice to national boundaries.²⁴⁷ John Rawls’s *Law of Peoples* is

²⁴⁶ Some works dedicated to this issue include: Robert and Jeff McMahan, eds., *The Morality of Nationalism*, (New York: Oxford University Press, 1997); Ronald Beiner, ed., *Theorizing Nationalism*, (Albany: State University of New York Press, 1999); Hilliard Aronovitch, “Nationalism in Theory and Reality,” 457 – 479.

²⁴⁷ Some notable works against liberal cosmopolitanism include: Thomas Nagel, “The Problem of Global Justice,” *Philosophy & Public Affairs* 33, no 2. (April 2005): 113 – 147, 121; John Rawls, *The Law of Peoples: with the Idea of Public Reason Revisited*, (Cambridge MA: Harvard University Press, 1999); Rex Martin and David Reidy, eds., *Rawls’s Law of Peoples: A Realistic Utopia?* (Malden: Blackwell Publishing, 2006), this anthology contains critical responses to John Rawls’s anti-cosmopolitan stance as well as defenders of his position. David Miller, *National Responsibility and Global Justice*, (New York: Oxford University Press, 2007), (David Miller makes a nuanced case against liberal cosmopolitanism in this book. For a good treatment of the tension between liberal nationalism and liberal cosmopolitanism, see Andrew Shorten, “Borders and Belonging: Recent Works in Cosmopolitan Philosophy,” *European Journal of Political Theory* 6, no. 2, (2007), 227 – 238. Robert Goodin, “What is So Special about Our Fellow Countrymen?” *Ethics* 98, (1988), 663-687, (this article is one of the first to raise questions against patriotic partiality, in so doing, it is a nuanced case against liberal nationalism. Liberal cosmopolitanism has produced so many proponents and defenders. Some notable ones include: Gillian Brock and Harry Brighouse, eds., *The Political Philosophy of Cosmopolitanism*, (New York: Cambridge University Press, 2005); Gillian Brock, *Global Justice: A Cosmopolitan Account*, (New York: Oxford University Press, 2009); Charles Beitz, *Political Theory and International Relations*, (Princeton: Princeton University Press, 1999); Charles Beitz, “Social and Cosmopolitan Liberalism,” *International Affairs* 75, no. 3 (1999): 515 – 529; Simon Caney, *Justice Beyond Borders: A Global Political Theory*, (Oxford: Oxford University Press, 2005); Kok-Chor Tan, “Luck, Institutions,

in this way a classic case of liberal nationalism. In Rawls's hypothetical international original position, "Peoples", reasonable Peoples, and not persons, are the units of representation. The interests of individuals are considered indirectly. This stance is clearly at variance with a core feature of liberalism: the view that all morality begins with individuals and not collectivities. On this issue, Appiah states, "everything that matters morally, matters because of its impact on individuals – so that if nations, or religious communities, or families matter, they matter because they make a difference to the people who compose them."²⁴⁸ In other words, if collectivities matter, they matter indirectly, to the extent that they are effective tools for enhancing individual human flourishing and attenuating the impact of luck on individual lives on a global scale.

Liberal cosmopolitanism, then, aims to remain consistent with the universal reach of the moral individualism of liberalism. Individualism is a motif that undergirds all theories of liberal cosmopolitanism. Thomas Pogge captures the essence of liberal cosmopolitanism thus:

Three elements are shared by all cosmopolitan positions. First, *individualism*: the ultimate units of concern are *human beings*, or *persons* – rather than, say, family lines, tribes, ethnic, cultural, or religious communities, nations, or states. The latter may be units of concern only indirectly, in virtue of their individual members or citizens. Second, *universality*: the status of ultimate unit of concern attaches to every living human being *equally* – not merely to some sub-set, such as men, aristocrats, Aryans, whites or Muslims. Third, *generality*:

and Global Distributive Justice: A Defence of Global Luck Egalitarianism," *European Journal of Political Theory* 3, no. 10 (2011): 394 – 421; Thomas Pogge, "Cosmopolitanism and Sovereignty," *Ethics* 1, No. 103 (October, 1992): 48 – 75; Thomas Pogge, *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms*, (Cambridge: Polity Press, 2002); Stan Van Hooft, *Cosmopolitanism: A Philosophy for Global Ethics*, (Montreal & Kingston: McGill-Queen's University Press, 2009); Stan Van Hooft and Wim Vandekerckhove, eds., *Questioning Cosmopolitanism*. (New York: Springer, 2010).

²⁴⁸ Appiah, *The Ethics of Identity*, ix. Charles Beitz has also written a very good critique of Rawls's *Law of Peoples*. In the critique, Beitz holds that while cosmopolitan liberalism sees the international community as a society of societies, it "accords no moral privilege to domestic societies. At the deepest level, cosmopolitan liberalism regards the social world as composed of persons, not collectivities like societies or peoples, and insists that principles for the relations of societies should be based on a consideration of the fundamental interest of persons," Charles Beitz, "Rawls's Law of Peoples," *Ethics* 110, no. 4 (July 2000): 669 – 696, 677.

this special status has global force. Persons are ultimate units of concern for *everyone* – not only for their compatriots, fellow religionists, or such like.²⁴⁹

These three elements are contained in Appiah's conception of the person as an *ethical subject*. Appiah's critique of liberal nationalism is occasioned by his desire to avoid the inconsistency and the parochialism that, in his view, undergirds liberal nationalism.

Appiah's endorsement of the values of individualism, generality and universality mirrors his perspective on how we should treat others. It also rests on the intuition that there are characteristics common to human beings, which impose obligations of non-maleficence and beneficence on us all. The intuition is that the awareness of our common humanity and its inherent vulnerability ought to constrain our actions toward others. This is to say that his theory of liberal cosmopolitanism is supported by the assumption of a kind of moral objectivism, albeit more implicit than spelled out. He proposes moral objectivism not as a fact but as a reasonable hypothesis. Since we live in a shared world, one in which evaluative discourse is unavoidable, thoroughgoing scepticisms in meta-ethics must surrender to situations that threaten human well-being. To the extent that his liberal cosmopolitanism is tacitly underpinned by moral universalism, it is, in my view understandable that he proposes moral objectivism as a hypothesis. The implicit moral objectivism of his theory is not to be construed as based on some sort of external metaphysical grounding; he is specifically critical of the latter sort of thing.

²⁴⁹ Thomas Pogge, "Cosmopolitanism and Sovereignty," 48. Chandran Kukathas also affirms this, noting that liberal theory is individualist (the primacy of persons over collectivities), egalitarian (the equal moral status of all) and universalist (the moral unity of human beings, that is, that we all belong to the moral community); see Chandran Kukathas, "Are There Any Cultural Rights," *Political Theory* 20, no. 1 (1992): 105 – 139, 108. Jeremy Waldron, a strong advocate of liberal cosmopolitanism, has written a very important article that stresses this point. In this article, he points out that "liberalism rests on a certain view about the justification of social arrangements... liberals are committed to a conception of freedom and of respect for the capacities and the agency of individual men and women, and these commitments generate a requirement that all aspects of the social be made acceptable or be capable of being made acceptable to every last individual," Jeremy Waldron, "Theoretical Foundations of Liberalism," 128.

This underlying moral objectivism informs his conception of *eudaimonia* and its associated entailments, including his rejection of the protective multiculturalism of Kymlicka and Taylor, his insistence that culture and collective identities are to be conceived in non-essentialist terms, and his defence of the plausibility of rooted cosmopolitanism. But his defence of liberal cosmopolitanism rejects the charge that it fosters rootlessness: the “favorite slander of the narrow nationalist against us cosmopolitans is that we are rootless.”²⁵⁰

The charge by liberal nationalists is that liberal cosmopolitanism neglects the significance of the ineradicable human need for belonging, for roots, for being attached to soil blood, family, ethnicity, nation, etc.²⁵¹ Allegedly, liberal cosmopolitanism calls for a psychologically unrealistic and humanly unattainable ideal.²⁵² However, Appiah’s position is that cosmopolitanism is compatible with some forms of partiality. He maintains that, when duly qualified, cosmopolitanism is not untenable: “cosmopolitanism unmodified – taken as a sort of rigorous abjuration of partiality, the discarding of all loyalties – is a hard sell. It is a position that has little grip upon our hearts.”²⁵³ Appiah’s claim here suggests that extreme impartiality is neither a psychologically desirable condition to espouse nor one aspire to. The moral austerity and abstractness that it implies, he

²⁵⁰ Appiah, “Cosmopolitan Patriots,” 91.

²⁵¹ See Yael Tamir, *Liberal Nationalism*, (Princeton: Princeton University Press, 1993), David Miller, *On Nationality*, (Oxford: Clarendon Press, 1995); Robert and Jeff McMahan, eds., *The Morality of Nationalism*; Ronald Beiner, ed., *Theorizing Nationalism*; Andrew Shorten, “Borders and Belonging: Recent Work in Cosmopolitan Philosophy,” Gillian Brock, *Global Justice: A Cosmopolitan Account*, 248 – 273. Gillian Brock has also written a good summary of the debate in her article, “Liberal Nationalism versus Cosmopolitanism: Locating the Disputes,” *Public Affairs Quarterly* 16, No. 4 (Oct. 2002): 307 – 327.

²⁵² Gillian Brock and Quentin D. Atkinson did a study to ascertain the plausibility of this claim against liberal nationalism. I adverted to their study to refute Will Kymlicka’s claim that societal cultures are essential for the psychological well-being of ethnic minorities. It was noted in chapter two that in making ethnic identity the focal point of identification, Kymlicka fails to appreciate the complexity of the phenomenon of rootedness. See Gillian Brock and Quentin D. Atkinson, “What Can Examining the Psychology of Nationalism Tell Us about Our Prospects for Aiming at the Cosmopolitan Vision?”

²⁵³ Appiah, *The Ethics of Identity*, 221; see also 222 - 223. In *Cosmopolitanism: Ethics in a World of Strangers*, he adds that “we need take sides neither with the nationalists who abandons all foreigners nor with the hard-core cosmopolitan who regards her friends and fellow citizens with icy impartiality. The position worth defending might be called (in both senses) a partial cosmopolitanism,” xvi – xvii.

maintains, is so emotionally off-putting and psychologically unsatisfying that the *eudaimonia* which cosmopolitanism champions might be imperilled.²⁵⁴

However, this response by Appiah raises questions about the universal egalitarianism of liberalism – the claim that all ought to be treated equally. If everyone is equally valuable and important as liberal cosmopolitanism says, then it would indeed seem morally wrong to give priority to the interests of one’s kin, one’s co-nationals. How, in other words, is one to reconcile particularistic partiality with the liberal cosmopolitanism? How should we treat our fellow *ethical subjects*, some of whom are near and dear to us and most of whom are strangers? Should our concern for the interests of all be carried out even-handedly or differentially? The next section will focus on Appiah’s response to these questions, highlighting his perspective on the compatibility between liberal cosmopolitanism and some forms of particularistic partiality.

3.4 The Moral Psychology of Kwame Appiah’s Liberal Cosmopolitanism

Appiah does not have a well developed moral psychology of rooted liberal cosmopolitanism, one that adequately enunciates the compatibility between particularistic partiality and liberal cosmopolitanism. Nonetheless, the rudiments of this moral psychology are present in his interpretation of the Dworkinian distinction between the categories of *Ethics* and *Morality*. Appiah’s appropriation of this distinction indicates that the nature of the landscape of our relationships with others is in some ways labyrinthine and in other ways gradational. The

²⁵⁴ Edmund Burke famously criticized Rousseau for being a “Lover of his kind, hater of his kindred,” Appiah, *Ethics of Identity*, 221. Notable articles on the challenges of psychological realism to the universalist ideal of normative moral theories like utilitarianism and Kantian deontology share this concern as well. Some such articles include: Michael Stocker, “The Schizophrenia of Modern Ethical Theory,” *The Journal of Philosophy* 73, no. 14 (1976): 453 – 466, Michael Stocker, “Emotional Identification, Closeness, and Size: Some Contributions to Virtue Ethics,” in Daniel Statman, ed., *Virtue Ethics: A Critical Reader*, (Washington D.C.: Georgetown University Press, 1997), 118 – 127; Sophie Rietti, “Utilitarianism and Psychological Realism,” *Utilitas*, 21, no. 3 (2009), 347 – 367. Sophie Rietti would characterize Appiah’s objection to the demand of extreme impartiality as an “appeal to considerations of psychological cost and the impact on human flourishing of implementing a particular moral theory;” 358.

complex nature of this relational landscape has implications for the even-handedness that the ideal of liberal cosmopolitanism advocates. We have relationships with our family members, lovers, friends, professional colleagues, fellow religionists or atheists, compatriots, members of our ethnic and national groups, etc. These relationships are social webs with overlapping connections and smaller or larger circles. The intensity of the emotional attachment and the significance which these relationships have vary for each individual.

Notwithstanding the complex nature of these webs of relationships, their landscape can be usefully simplified as follows: people engage in two overlapping domains of relationships – *micro-relationships* and *macro-relationships*. When mapped together with Appiah’s utilization of the Dworkinian schema of the ethical and the moral, we have the following: micro-relationships are the coordinates of the ethical domain, while macro-relationships are the coordinates of the domain of morality.

Micro-relationships are the domain of the “thick” relations we have with people, with our significant others and those with whom we have frequent face-to-face encounters. This is where relations are more intense, where highly prized people and projects belong. In this respect, these relations are crucial to our *eudaimonia*. The domain of micro-relationships is profoundly connected to one’s self-conception. This means that, “in a variety of ways, my *eudaimonia* may be inextricable from someone else’s.”²⁵⁵ Typically, relationships in this domain are more emotionally intense. This is why it is the locus of the capacity for particularistic partiality and loyalty. The “thicker” the relationship, the stronger the partiality, the loyalty and the sense of

²⁵⁵ Appiah, *Experiments in Ethics*, 173.

obligation. This is why the saying: “the line between me and who is mine,” makes sense.²⁵⁶ Who I am is inextricably connected to those with whom I have particularized relationships; this is the domain in which I conceive of myself as an embedded self with thick relations to others. The normative obligations that arise from being enmeshed in a thick web of relationships with the *near*²⁵⁷ and the *dear* are, for the most part, stronger than those of macro-relationships.²⁵⁸ Micro-relationships are the locus of legitimate and justifiable partiality because “for human beings, [such] relationships are an important good,”²⁵⁹ that is, a non-instrumental good. Evidently, love and friendship matter to us for their own sake; they are intrinsically valuable. The goods that issue from micro-relationships are for the most part, irreducibly special; they are what Appiah calls “particularist goods;”²⁶⁰ they are non-transferable. We can donate our wealth to needy strangers because of our concern for their well-being qua persons, but, of course, we do not offer our spouses to the spouseless. Appiah notes that this particularist feature of goods belong in the special category of non-distributable goods. However, I think his characterization of these goods is inadequate.

What makes particularist goods special is not that they are non-distributable or non-transferable;²⁶¹ rather, it is that they are limited in scope. The scope or reach of particularist goods is extremely limited. Extending an identical intensity of concern and care for significant but distant others empties particularized relationships of their particularity. Significantly, such particularist

²⁵⁶ Appiah makes a similar point thus: “Who you are is constituted, in part, by what you care about; to cease to care about those things would be to cease to be the sort of person you are... The pronoun ‘my’ is magical, and we’d be inclined to view someone wholly unsusceptible to its magic as a monster, or possibly, a utilitarian,” Appiah, *The Ethics of Identity*, 236.

²⁵⁷ By ‘near’, I mean not the spatially proximate, but the psychologically near; people who, though, may be faraway, are still very close to someone. Consequently, they qualify as being near.

²⁵⁸ Given that things occasionally overlap between the two domains, the obligations are not hard and fast. The distinction between the ethical and moral domain does not give rise to algorithmic rules of action. Context helps determine when the normative obligations of the macro domain supersede those of the micro domain.

²⁵⁹ Appiah, *The Ethics of Identity*, 236.

²⁶⁰ Appiah, *The Ethics of Identity*, 237.

²⁶¹ Unless one is involved in polyamorous relationships.

goods have *eudaimonic* significance. They are constitutive of a person's well-being. Given that this is the case, how does one make sense of the liberal cosmopolitan demand that we show equal respect and concern for all?

According to Appiah, the perceived incompatibility between particularistic partiality and the liberal cosmopolitan demand that we show equal respect and concern for all arises from the conflation of equal treatment with identical treatment.²⁶² Treating people equally does not mean treating them as the same. The demand for equal treatment is not one that is primarily addressed to individuals, requiring of them even-handedness in their relations with others; rather, it is a regulative ideal for the institutions of the state, and not for personal conduct. Here the point being made by Appiah is that the ideal of liberal cosmopolitanism (treating persons equally) is a demand focused on governments, one that requires states to create a level playing field for all their citizens regardless of gender, religion, ethnicity, etc.

Insofar as one of the aims of liberal cosmopolitanism is to foster the flourishing of individuals, for them it has to accommodate non-malignant forms of particularistic partiality. A key philosophical anthropological thread in Appiah's view of the *eudaimonic* nature of particularistic partiality is that emotional and psychological attachments are ineliminable constituents of our personal well-being; they are inextricable elements of our mental and social lives.²⁶³ At the same time, the relative primacy of particularistic partiality has to be disciplined and constrained by the ideal of moral universalism. Otherwise, particularistic partiality might be

²⁶² Appiah, *The Ethics of Identity*, 228.

²⁶³ It has to be noted that Martha Nussbaum also has a conception of the *eudaimonic* feature of particularistic partiality. I will take it up in the next chapter.

construed as an endorsement of malignant forms of partiality, that is, unjustifiable forms of discrimination: ethnocentrism, racism, sexism, heterosexism, etc.

We now turn to the other sphere of relationships we have with others – the domain of macro-relationships. This sphere corresponds to the Dworkinian category of *morality*. Macro-relationships are the domain of the relations we have with strangers, with ‘generalized others.’²⁶⁴ In the sphere of generalized others, we relate to persons in terms of a variety of categories and interests we have in common with them, such as: nationality, ethnicity, religion, gender, etc. For instance, while we might relate to most of our co-nationals as individuals with whom we share a myth of common descent and history, common language, common culture, common territory, we are unable to relate to them as *concrete others*, particular individuals with whom we have intimate ties of love and friendship. We relate to persons here as people belonging to a “category of equivalent persons,”²⁶⁵ that is; as relatively *abstract individuals*, albeit, co-nationals, compatriots, etc. This manifests what Benedict Anderson famously called ‘imagined communities.’ Nationality is too vast and abstract a category to adequately furnish and sustain the emotional intensity and closeness that is characteristic of particularistic relationships. “Nations, if they aren’t universal enough for the universalist, certainly aren’t local enough for the localist.”²⁶⁶ Appiah’s point is that the charge which nationalism raises against cosmopolitanism could be raised against nationalism, although relatively.

Appiah’s approach to liberal cosmopolitanism does not, without qualification, accommodate nationalistic and patriotic partialities. In qualifying the nature of nationalistic

²⁶⁴ Seyla Benhabib, “The Generalized and the Concrete Other: The Kohlberg-Gilligan Controversy and Feminist Theory,” *Praxis International* 5, no. 4 (1986): 402 – 424, 411.

²⁶⁵ Appiah, *The Ethics of Identity*, 238.

²⁶⁶ Appiah, *The Ethics of Identity*, 239.

partiality, Appiah suggests that liberal cosmopolitanism accommodates two tiers of partiality both of which furnish the individual with two kinds of goods: intrinsic goods and instrumental goods. Situated in the domain of micro-relationships, the capacity for particularistic partiality is the condition for the possibility of experiencing intrinsically personal goods. On the other hand, situated in the domain of macro-relationships, nationalistically based partiality is instrumental in nature. This form of partiality is instrumentally valuable for two reasons; (1) promoting nationalism as the first positive step along the line of achieving the universal ideal of cosmopolitanism, (this portrays nationalism as being at the service of cosmopolitanism,²⁶⁷ (2) constructing one's identity, one's individuality.²⁶⁸

From the foregoing, we are in a position to state that the moral psychology of Appiah's liberal cosmopolitanism not only tracks the *eudaimonic* motif of the ideal of cosmopolitanism, it is also rooted in psychological realism.²⁶⁹ It is also consistent with Appiah's moderate constructivist conception of self-constitution. Furthermore, to the extent that his moral psychology holds that it is psychologically desirable for the *ethical subject* to cultivate particularized relationships and navigate the many contours of one's distinctive identity, it makes sense to see why his seemingly oxymoronic but aptly worded idea of "Cosmopolitan Patriots," is plausible.

²⁶⁷ Appiah, *The Ethics of Identity*, 240 – 241. This point is an appeal to an idea proposed by Guiseppe Mazzini – the father of Italian nationalism. Concern for humanity can be executed by improving the conditions of human beings in one's locality.

²⁶⁸ Appiah, *The Ethics of Identity*, 244 – 245.

²⁶⁹ Justification for this claim is supported by the findings of Gillian Brock and Quentin D. Atkinson, "What can Examining the Psychology of Nationalism Tell Us about Our Prospects for Aiming at the Cosmopolitan Vision?" 171.

The idea of cosmopolitan patriots encapsulates Appiah's case for the plausibility of rooted liberal cosmopolitanism. It brings together the putatively incompatible ideas of cosmopolitanism, liberalism, nationalism, and patriotism. He makes the point in these words:

you can be cosmopolitan – celebrating the variety of human cultures; rooted – loyal to one local society (or a few that you count as home; liberal – convinced of the value of the individual; and patriotic – celebrating the institutions of the state (or states) within which you live.²⁷⁰

Some of those who share this idea of the capacity to be simultaneously loyal to the many collectivities that constitute one's identity include: Jeremy Waldron,²⁷¹ Salman Rushdie,²⁷² and Amartya Sen.²⁷³ A possible criticism of this conception of the self is that it is elitist, indicative of the situation of academics and others who travel widely and move comfortably in international circles. But this objection of elitism misses the point of the cosmopolitan perspective of the self. It is primarily a normative ideal that, on the one hand, criticizes the essentialist identity straitjackets by which people erroneously entrap themselves, and challenges us, on the other hand, to imagine a world in which people construct their identities from heterogeneous sources, both local and global.

To appreciate why the charge of elitism does not apply to Appiah's notion of the cosmopolitan patriot, one has to understand his anti-preservationist conception of culture²⁷⁴ and his resolute advocacy of autonomy as an indispensable ingredient for self-creation. The idea of a cosmopolitan self may evoke the picture of a privileged global jetsetter, but this misses the point.

²⁷⁰ Appiah, "Cosmopolitan Patriots," in *Cosmopolitics: Thinking and Feeling Beyond the Nation*, eds. Pheng Cheah and Bruce Robbins, (Minneapolis: University of Minnesota Press, 1998), 106.

²⁷¹ Jeremy Waldron talks about the "cosmopolitan self," "Minority Cultures and the Cosmopolitan Alternative," in Will Kymlicka, ed., *The Rights of Minority Cultures*, (Oxford: Oxford University Press, 1999), 95

²⁷² Salman Rushdie talks of "the mongrel self;" See "In Good Faith," Loc. 6014.

²⁷³ Amartya Sen, *Identity and Violence: The Illusions of Destiny*. Sen does not give a moniker to the self created from this capacity; nonetheless, his argument in this book captures the idea.

²⁷⁴ See Appiah, *The Ethics of Identity*, 120 – 141. Appiah is a leading critic of the preservationist conception of culture advanced by both Charles Taylor and Will Kymlicka.

In a world of ever-increasing globalization, the idea of a cosmopolitan self can no longer be construed as the preserve of elites. Conceiving culture in nonessentialist and non-preservationist ways, as Appiah does, also helps in understanding why the notion of a cosmopolitan self makes sense. Cultures for him, are not intrinsically valuable, rather they are instrumentally valuable. They are the tools with which individuals fashion their lives. The value of culture is conditional, derivative. If an element of a culture undermines human flourishing, it ought not to be tolerated. It is individuals, not cultures that need protection.²⁷⁵

I noted earlier in this chapter that moral objectivism is implicit in Appiah's philosophical anthropology. It would be helpful to briefly explain how this obtains in his work.

3.5 Elements of Moral Objectivism in Appiah's Philosophical Anthropology

Appiah's idea of moral objectivism is quite rudimentary. It should be noted that his undeveloped perspective of moral objectivism does not imply that there are objective values, independent of human desires, beliefs, and conventions that exist. His conception of moral objectivism is not to be construed as a version of *moral realism*.²⁷⁶ Perhaps a good way to distinguish it from moral realism is to liken it to what Louis Pojman calls "moderate moral objectivism."²⁷⁷ Pojman's notion of *moderate moral objectivism* is rooted in William Ross's notion of *prima facie duty* – that is, an act for which there is a moral reason in favour of doing it but which can, nonetheless, be overridden by another moral reason or other moral reasons.²⁷⁸ Understanding

²⁷⁵ Appiah, *Cosmopolitanism: Ethics in a World of Strangers*, 101 – 135.

²⁷⁶ Moral realism is the view that there are true moral facts (right and wrong acts) that are independent of our minds.

²⁷⁷ Louis Pojman, *Ethics: Discovering Right and Wrong*, 3rd Ed. (Belmont, CA: Wadsworth Publishing Company, 2005), 51 - 58

²⁷⁸ See William D. Ross, *The Right and the Good*, ed. Philip Stratton-Lake, (Oxford: Clarendon Press, 1930), 19 – 34.

Appiah's moderate moral objectivism this way secures it against the absolutism that is implicit in moral realism.

Two distinct, yet compatible approaches could be identified as grounding his moderate moral objectivism. The one is consequentialist; the other is a hypothesis that inductively postulates the possibility that human societies have universally shared cultural traits. The consequentialist approach defends the reasonableness of moderate moral objectivism on grounds of its benefits, its utility – the desirability of the state of affairs that objectivism brings about. He insists that to get on with life, one would have to take a position regardless of any scepticism one has arising from the many debates in meta-ethics. As he puts it:

It matters that some sort of objectivity about the normative is a reasonable hypothesis, because an objective picture allows us to see the project of ethics as a shared human endeavour. But even those whose metaphysical consciences will not allow them to take normative truths to be part of the furniture of the world will end up with lives in which they must respond to normative demands.²⁷⁹

The utility of the postulate of moderate moral objectivity is that it facilitates moral conversation. Since we live in a shared world, a world in which evaluative discourse is inevitable, thoroughgoing scepticisms and quandaries in meta-ethics must surrender to the 'facts' of life. In the context of Appiah's philosophical anthropology, the defence of moderate moral objectivity is a postulate that is used as a 'heuristic device' for engaging threats against human flourishing as they arise in given historical circumstances. This is to say that his standpoint on moderate moral objectivism is historically driven, and in that way the approach is constructivist.

The constructivist approach derives from the discovery of overlap and commonality of moral values across societies and cultures in the world. This speaks to the similarities of human

²⁷⁹ Appiah, *Experiments in Ethics*, 183.

experience and the commensurability of human cultures. Cumulative results from anthropologists indicate that human societies share sufficiently many things (practices, vocabularies of evaluation, values, etc.) in common to warrant the postulation of moral objectivity. Drawing on insights from the anthropologist Donald Brown,²⁸⁰ Appiah provides examples of the practices, values, and concepts that seem to be universal. Humans not only share a common biology²⁸¹, but also similar cultural traits. The examples include:

practices like music, poetry, dance, marriage, funerals; values resembling courtesy, hospitality, sexual modesty, generosity, reciprocity, the resolution of social conflict; concepts such as good and evil, right and wrong, parent and child, past, present and future.²⁸²

Appiah's point is that the ubiquity of the sense of right and wrong, the availability of vocabularies for making moral claims, and the presence of values such as friendship, justice, harmony, happiness, etc., in human societies across the world, provide the grounds for proposing moderate moral objectivism as a device for facilitating moral communication across societies. The normative adequacy of his viewpoint of moral objectivism is determined by its ability to foster human flourishing.

A related element of Appiah's conception of moderate moral objectivism is his notion of "conversation;" a word he uses stipulatively to explain the common human capacity for narratively imagining²⁸³ the worlds of our fellow human beings anywhere and everywhere; doing this by

²⁸⁰ Donald Brown, *Human Universals*, (New York: McGraw-Hill, Inc., 1991).

²⁸¹ In *The Ethics of Identity*, he affirms his belief "that there is such a thing as a universal human biology, that there is a biological human nature;" 252.

²⁸² Appiah, *Cosmopolitanism: Ethics in a World of Strangers*, 96 – 97. Appiah also alludes to this point in *The Ethics of Identity*: "I have said that what two people or two societies have in common as a basis for dialogue will generally include an odd hodgepodge of particular and general: narrative imagination, the capacity for love and reason, some principles, judgements about the rightness and wrongness of particular cases, the appreciation of certain objects;" 258.

²⁸³ Appiah says that it is a "capacity to be found up in the Amazon, the Mississippi, the Congo, the Indus, the Dordogne;" *The Ethics of Identity*, 257. In short it is a capacity that facilitates mutual understanding and communication amongst people.

connecting to their stories with a view to learning the various ways humans respond to challenges.²⁸⁴ Appiah's notion of the capacity for “narrative imagination” is akin to Martha Nussbaum’s conception of “sympathetic imagination”²⁸⁵, though Nussbaum, as we shall see in the next chapter, has a more developed conception of this. Appiah’s general point is that narratively imagining the world of others opens the window for constructive engagement across classes, genders, sexualities; in short, across all kinds of difference.

Appiah tries to accomplish something like this by doing a historical study of three episodes of gruesome practices of honor across space and time: the aristocratic duelling in Britain, the Atlantic slave trade in the Atlantic world, and the tradition of foot-binding in China. In other words, Appiah tries to *narratively imagine* what life must have been like for victims and perpetrators of these practices. He sees these historical episodes as “strands of one human story,”²⁸⁶ that matters for people everywhere. The fourth segment of his study is the current misogynistic practice of *honor killing* in places as various as Pakistan, Afghanistan, Turkey, India, and across the Middle East.

These studies are contained in Appiah's book, *The Honor Code: How Moral Revolutions Happen*. It is a very good application of his philosophical anthropology and the thread of moderate moral objectivism runs through it. In the book, Appiah tries to show that something like rapid paradigm shifts in the moral outlook of societies occur, after centuries of moral inertia. What activates this change is not rational moral argument but the idea of *honor* (earning the respect of people whose judgment you care about) and the idea of shame (its reciprocal sentiment), or

²⁸⁴ Appiah, *The Ethics of Identity*, 256 – 259. Also see *Cosmopolitanism: Ethics in a World of Strangers*, 84 – 85.

²⁸⁵ Martha Nussbaum, *The New Religious Intolerance: Overcoming the Politics of Fear in an Anxious Age*, Kindle Edition (Cambridge M.A.: The Belknap Press of Harvard University, 2012), 139 – 187.

²⁸⁶ Appiah, *The Honor Code: How Moral Revolutions Happen*, Kindle Edition, (New York: W. W. Norton and Company, 2010), Loc. 108.

transformations in these ideas. Appiah insists that just as social identities such as gender, race, ethnicity religion, sexuality are constituent elements of a person's *eudaimonia*, there is "a crucial place for honor in our thinking about what it is to live a successful human life."²⁸⁷ Honor matters because it enables important human goods like respect and self-respect.²⁸⁸

Appiah's aim in all this is to reconceive honor in ways that would help combat dehumanizing and dishonorable practices like honor-killing as it did in the three historical cases. In his view, moral change occurs in a population when people can no longer respect themselves for engaging in the old dishonorable practice or when they come to feel that they are losing the respect of others. They are, so to speak, shamed out of continuing the practice. Collective shaming brings about a shift in moral sentiments.

The book reflects the overarching motif of Appiah's philosophical anthropology: to foster human flourishing. This point is explicitly noted in the preface of the book. His condemnation of the inhumane practices indicates its moral objectivist assumptions. To claim as he does that "Dueling was always murderous and irrational; foot-binding was always painfully crippling; slavery was always an assault on the humanity of the slave,"²⁸⁹ is to suggest a commitment to some sort of moral objectivism. It is also worthwhile to note that he presents his conception of moral objectivism in ways that imply an endorsement of moral progress.²⁹⁰

²⁸⁷ Kwame Appiah, *The Honor Code: How Moral Revolutions Happen*, Loc. 76.

²⁸⁸ The importance of self-respect as an important element of well-being was discussed while assaying Kymlicka's conception of self-respect and cultural membership. So, I will not be exploring it here. I mention it here because of its connection to honor.

²⁸⁹ Kwame Appiah, *The Honor Code: How Moral Revolutions Happen*, Loc. 56.

²⁹⁰ There is some similarity in this to Michele Moody-Adams, "The Idea of Moral Progress," *Metaphilosophy* 30, no. 3 (1999) 168 – 185. Her conception of moral progress consists in grasping the 'semantic depth' of moral concepts. It entails appreciating the richness, complexity, and range of application of moral concepts indicating how a concept captures diverse features of human experience. This is one way in which Appiah's retrieval and revision of the idea of honor reflects her view. What Appiah basically did is to reinterpret the concepts of honor and shame and deployed them as instruments of moral change. A full defence of her articulation of moral objectivism is

3.6 Merits of the Philosophical Anthropology of Appiah's Liberal Cosmopolitanism

On multiple counts, Appiah's conception of the philosophical anthropology of liberal cosmopolitanism adequately displays compatibility with the liberal cosmopolitan intuition that fortuitous facts about a person's life ought not to determine the outcome of the person's life. One of the reasons why Appiah's perspective provides this compatibility has to do with his methodology. Appiah begins his theory by first articulating a systematic conception of the kinds of creatures we are, that is, of the constitutive features of human beings. This is a consistent foundational consideration that he repeats in his books and articles as reflected in his appropriation of the Dworkinian distinction between *ethics*, what it is for a human life to go well, and *morality*, how we should take account of the well-being and interests of others. By giving priority to this issue, Appiah's methodology is a welcome departure from the errors that plague the economic model of John Rawls and the sociological model of Will Kymlicka, whose theories are each dependent on insufficiently conceived philosophical anthropologies.

Secondly, Appiah's philosophical anthropology tracks and adequately addresses the overarching intuition that cosmopolitanism shares with liberalism: that the accidents of birth should not undermine a person's *eudaimonia*. On this count, Appiah's theory offers a persuasive conception of human beings as *vulnerable subjects* who are constantly susceptible to misfortunes that could undermine their well-being. While his philosophical anthropology champions individual autonomy, it is unlike John Rawls's *which assumes an autonomous subject*. Appiah's articulation of individuality as a coordinate of identity is methodologically individualist; that is, it conceives

developed in her book: *Fieldwork in Familiar Places: Morality, Culture, and Philosophy*, (Cambridge M. A.: Harvard University Press, 1997).

individuality as socially constructed.²⁹¹ This is why the underlying image of the human person in his philosophical anthropology is the *ethical subject*. Appiah's *ethical subject* is a vulnerable *moderately encumbered self*. Conceived as moderately encumbered, the *ethical subject* is an embedded self enmeshed in thick relationships with lovers, parents, children, and friends and in thin relationships with distant others. In this regard, individuality and sociality belong together.

This brings me to the third reason why Appiah's philosophical anthropology matches the ideal of liberal cosmopolitanism. While he espouses the mutual dependence of individuality and sociality, he reconceives sociality in ways that do not constrain and predetermine the identity of the *ethical subject*. On this score, his insightful critique and refreshingly illuminative reinterpretation of categories of social identity, such as ethnicity, culture, sexuality, gender, nationality and religion, exposes and dismisses the pernicious entailments of the essentialist and subsumptive trappings often associated with these social identities. His moderate constructivist approach to self-constitution reflects the fact that social identities ought to be conceived as openly normative. It is a plausible theory of how we ought to think about identity, individuality, and self-constitution. It speaks of the remarkable fluidity and plasticity of the *ethical subject*.

Fourthly, the fact of the plasticity of the *ethical subject* is also reflected in the rudimentary moral psychology of his philosophical anthropology. Notwithstanding that it is inadequately developed, it furnishes the essence of a plausible response to the liberal nationalist claim that liberal cosmopolitanism is neither psychologically desirable nor viable. The charge is that liberal cosmopolitans are incapable of being rooted to a place. Appiah's reply to this objection demonstrates that liberal nationalists have an oversimplified, truncated and conservative

²⁹¹ See, Kwame Appiah, "Grounding Human Rights," in Michael Ignatieff, *Human Rights as Politics and Idolatry*, Amy Gutmann, ed., (Princeton: Princeton University Press, 2001), 101 – 116, 111.

conception of the phenomenon of rootedness, of belonging. Appiah's viewpoint reflects the complex dynamism and capaciousness of the phenomenon of belonging.

In light of these considerations, Appiah's conception of the *ethical subject* adequately meets various essentials for a philosophical anthropology; that the individual is:

- Able to take pleasure in his or her *natal patria* while fashioning a distinctive self-identity from heterogeneous sources;
- Capable of cultivating a capacious imagination in a world that refrains from essentializing collectivities and defining individuals in terms of solidified identities.

This means that Appiah's philosophical anthropology satisfies the analytical requirement *of vulnerability*. A key point I am advancing in this thesis is that the category of vulnerability is vital for constructing an adequate philosophical anthropology of liberal cosmopolitanism. By and large, Appiah's philosophical anthropology has noble normative aspirations. It is, by virtue of its realism about human circumstance, refreshingly empowering. It qualifies as a good theory for evaluating the adequacy of the underlying philosophical anthropology of liberal theories. To the extent that it takes a socio-historical orientation, it should not be seen as a definitive or non-revisable philosophical anthropology.

Chapter Four

The Integrationist Model 2

The Philosophical Anthropology of Martha Nussbaum's Liberalism

4.1 Introduction

This chapter will focus on the philosophical anthropology of the ethical-political philosophy of Martha Nussbaum. I will demonstrate that, more than all the theories investigated in this thesis, Nussbaum's conception of the self is not only adequately visible, it also foregrounds the significance of vulnerability in human lives. I will assess the conception of the self in Nussbaum's hesitant cosmopolitanism as well as the conception of the self prominently highlighted in her capabilities approach. I will argue that because she ascribes normative paramountcy to human vulnerability in her theory, her philosophical anthropology offers a good resource for articulating the philosophical anthropology of liberal cosmopolitanism.

4.2 Luck, Vulnerability and Agency in the Early Writings of Martha Nussbaum

In his introduction to an anthology on *Moral Luck*, Daniel Statman perspicaciously writes that a:

widespread and profound effect of luck on human life hangs over us like a threat, generating the feeling that we have no real control over our lives. It undermines our sense of security and stability, promoting a sense of uncertainty with regard to our projects, relationships and aims. It makes our lives seem weak and fragile, always at the mercy of luck.²⁹²

This problem (the pervasiveness of luck) is at the heart of the ethical-political theories of Martha Nussbaum. The motifs of luck and vulnerability are prominent in her works. Their presence in her works reflects not just her outlook on the human condition but the way she urges that human lives be looked at by individuals and governments in order to bring about states of affairs that are

²⁹² Daniel Statman, "Introduction," in *Moral Luck*, (Albany: State, University of New York, 1993), 1.

conducive to human flourishing. In one of her early works, *The Fragility of Goodness*, Nussbaum probes the works of ancient Greek philosophers and poets in an effort to understand philosophical and literary ideas about moral luck. In studying this problem, Nussbaum observes that luck is a pervasive feature of the human condition. Humans are subject to fortune. They depend on others for things they cannot entirely give themselves: love, comfort, etc. Human lives are marked by an interweaving of what is their own and what comes from without, from the world. Human lives are on the one hand needy, messy, passive, uncontrolled, and exposed to all sorts of forces, and on the other hand, thanks to reason, can be rescued from passivity and contingencies.²⁹³

To the extent that the early writings of Nussbaum highlight the pervasiveness of contingencies and vulnerability in the human condition, it could be said that the subject at the heart of her philosophical inquiry is the *Vulnerable Subject*, not the *Autonomous Subject* that is the predominant image of the human person pictured and featured in liberalism. Nussbaum does not explicitly use the category of the Vulnerable Subject to capture the subject of her inquiry; nonetheless, there are adequate instances in her works that warrant making this claim.

In *The Fragility of Goodness*, she metaphorically describes human life as a fragile young plant that is in constant need of nutrition.²⁹⁴ She articulates this point even more clearly in her article: “Political Animals: Luck, Love and Dignity.” In this article, Martha Nussbaum observes that: “Human beings are vulnerable animals, naked, needy and weak. They are threatened both by

²⁹³ Martha Nussbaum, *The Fragility of Goodness: Luck and Ethics in Greek Tragedy and Philosophy*, (New York, Cambridge University Press, 1986), 1 – 3. She also wrestles with this problem in “Political Animals: Luck, Love and Dignity,” *Metaphilosophy* 29, no. 4 (Oct. 1998): 273 – 287.

²⁹⁴ Nussbaum, *The Fragility of Goodness: Luck and Ethics in Greek Tragedy and Philosophy*, 1.

an indifferent nature and by their own hostilities. They need food, drink, shelter, medicine; love, care, protection from violence.”²⁹⁵

This image of the human being as a Vulnerable Subject shapes Nussbaum's distinctive philosophical anthropology. As in Appiah, the philosophical anthropology that undergirds her ethical-political philosophy is eclectic, drawing on Aristotle, the Stoics, Kant, Marx, and John Rawls. However, her ideas could more appropriately be situated in the neo-Aristotelian, neo-Stoic traditions. Both Aristotle and the Stoics significantly shape her conceptions of the capabilities approach to justice and cosmopolitanism. While she is better known for her work on the capabilities approach, some of the intuitions of her “reluctant”²⁹⁶ liberal cosmopolitanism are continuous with her capabilities approach. I will attend to these issues separately and then show how they are related.

4.3. The Reluctant Cosmopolitanism of Martha Nussbaum

There are two divergent phases of commitment to cosmopolitanism in the political philosophy of Martha Nussbaum. The former phase is unequivocally pro-cosmopolitanism. I call this *The Priority of Cosmopolitanism over Patriotism Phase*. In the later phase, one sees a shift in her outlook on cosmopolitanism; in fact, a sort of reversal of her commitment to cosmopolitanism. I call it, *The Priority of Patriotism over Cosmopolitanism Phase*. The two phases are underpinned by divergent conceptions of the moral psychology of cosmopolitanism. Nonetheless, they both track the cosmopolitan motif and aspiration of attenuating the impact of luck on the life chances of individuals.

²⁹⁵ Nussbaum, “Political Animals: Luck, Love and Dignity,” 274.

²⁹⁶ I qualify her view on cosmopolitanism as “reluctant” because there is a manifest evolution of her outlook on cosmopolitanism from one of total endorsement to one of hesitation. I will be talking about it shortly.

Nussbaum's reversal of course with regard to the primacy of cosmopolitanism over patriotism might suggest the implausibility of liberal cosmopolitanism, hence potentially imperilling the case I am making for the philosophical anthropology of liberal cosmopolitanism. However, I will show that her course reversal does not imperil my case. To appreciate this, we need to unpack the entailments of these two phases in her outlook on cosmopolitanism and patriotism.

4.3.1. The Priority of Cosmopolitanism over Patriotism Phase

Nussbaum's endorsement of cosmopolitanism is contained in her famous article, "Patriotism and Cosmopolitanism," in which she cautions against the dangers of patriotism and the clamour for fostering a sense of national pride and unity. In response to Richard Rorty's call for the fostering of national unity and patriotic pride as a panacea for the divisive politics of difference (based on race, ethnicity, religion, etc.), Nussbaum maintains that cosmopolitanism, based as it is on our common humanity, offers a better response to the nationalistically uniting force of patriotism. The reason for this is that both patriotism and nationalism are akin to the narrower and divisive aims of the politics of difference as opposed to the moral universalism to which cosmopolitanism aims. In the words of Nussbaum, only the cosmopolitan standpoint has "the promise of transcending these divisions, because only this stance asks us to give our first allegiance to what is morally good – and that which, being good, I can commend as such to all human beings."²⁹⁷

²⁹⁷ Nussbaum, "Patriotism and Cosmopolitanism," in Joshua Cohen, ed., *For Love of Country*, (Boston: Beacon Press, 1996), 5. This article was originally published in October 1, 1994, in *Boston Review* as a rejoinder to an article by the late Philosopher Richard Rorty on the utility of Patriotism.

Nussbaum's reason for endorsing the Stoic stance is that the Stoics espoused the idea that every human being deserves to be treated with equal respect because all are endowed with reason and the capacity for moral choice. For the Stoics, reason establishes the basis for human dignity and respect. It is also the faculty of moral choice. Reason, insofar as it is a common possession of all human beings, provides the basis for a universal moral order in which all humans collectively form a single community. This thinking influenced Immanuel Kant's idea of the kingdom of ends and the related conception of human dignity that arises from the idea of persons as ends-in-themselves.²⁹⁸ For Nussbaum, "What the cosmopolitan tradition grasps is that morality must be grounded in something larger than the local, in a recognition of common needs and abilities."²⁹⁹ Rationality and mutual dependency are two features that, in her opinion justify the priority of cosmopolitanism over the nationalistic particularism of patriotism.³⁰⁰ Grounding morality in something larger than the local consists in giving priority to the claims of humanity over the claims of one's nationality or even one's locality.

In keeping with her view that the flourishing of human beings should not be left to luck, Nussbaum agrees with the Cynics and the Stoics that one's place of birth is morally irrelevant. "The accident of where one is born is just that, an accident; any human being might have been born in any nation."³⁰¹ For her, the moral significance attributed to country of birth is exaggerated. Patriotic enthusiasts sometimes present the qualities and virtues of their countries in ways that suggest that the lives of their citizens are more valuable than the lives of others. The moral equivalence of all human beings challenges this kind of thinking. Inspired by this Stoic principle

²⁹⁸ For more on this, see Martha Nussbaum, "Kant and Stoic Cosmopolitanism," *The Journal of Political Philosophy*, Vol. 5, No. 1, (1997), 1 – 25.

²⁹⁹ Nussbaum, "Unlocal Hero," *Philosophical Interventions: Reviews 1986 – 2011*, Kindle Edition, (New York: Oxford University Press, 2012), 174.

³⁰⁰ Nussbaum, "Patriotism and Cosmopolitanism," 5.

³⁰¹ Nussbaum, "Patriotism and Cosmopolitanism," 7.

of primary allegiance to humanity than to one's country, Nussbaum suggests that a *cosmopolitan education* would help people learn about humanity in all its guises – strange and familiar, near and far.³⁰² Cosmopolitan education as she articulates it would help inculcate in students a sense of themselves as not just citizens of their respective countries, but also as citizens of the world.³⁰³ She further expounds what this notion of cosmopolitan education entails in her work, *Cultivating Humanity: A Classical Defense of Reform in Liberal Education*. Cosmopolitan education is a form of cross-cultural study aimed at expanding self-knowledge and knowledge of humanity.³⁰⁴ By cosmopolitan education, Nussbaum means cultivating in students “the ability to see themselves as members of a heterogeneous nation (for all modern nations are heterogeneous), and a still more heterogeneous world, and to understand something of the history and character of the diverse groups that inhabit it.”³⁰⁵

Cosmopolitan education for Nussbaum is instrumentally valuable in a number of ways: it facilitates self-knowledge and knowledge of humanity; it would help diminish prejudices arising from nationalistic bias and help foster global dialogue to solve global problems; it would help create awareness of the moral obligations we have for one another and finally, it would help demonstrate why nationalistically driven education is both self-defeating and inferior to cosmopolitan education, since cosmopolitan education would help expose the moral irrelevance of national boundaries and their accompanying justifications.

³⁰² Nussbaum, “Patriotism and Cosmopolitanism,” 9.

³⁰³ Nussbaum, “Patriotism and Cosmopolitanism,” 6.

³⁰⁴ Nussbaum, *Cultivating Humanity: A classical Defense of Reform in Liberal Education*, (Cambridge MA: Harvard University Press, 1997): 50 – 84. See also Martha Nussbaum, *Not for Profit, Why Democracy Needs the Humanities*, Kindle Edition, (Princeton: Princeton University Press, 2010), 79 – 93.

³⁰⁵ Martha Nussbaum, *Not for Profit: Why Democracy Needs the Humanities*, 80.

Nussbaum's endorsement of cosmopolitan education focuses on exposing the self to the variety of human experiences in different times and places. It is meant to foster open-mindedness, diminish nationalistically-based prejudices and help stimulate the capacity for sympathetic imagination. It primarily consists in intellectually exploring the way of life of other people as opposed to fostering emotional connection to the far, to the distant and to the strange.

It is important to mention at this juncture that there is a kind of tension in this phase of Nussbaum's viewpoint of cosmopolitanism. Recall that her famous article "Patriotism and Cosmopolitanism" was designed to challenge the championing of patriotism and advocate for the priority of cosmopolitanism over patriotism. A major thesis in this article is that allegiance to humanity overrides patriotic partiality. However, the following telling passage exposes a tension in her prioritization of cosmopolitanism. Cosmopolitan education:

"does not mean that one may not permissibly give one's own sphere a special degree of concern. Politics, like child care will be poorly done if each thinks herself equally responsible for all, rather than giving the immediate surroundings special attention and care. To give one's own sphere special care is justifiable in universalist terms, and I think this is its most compelling justification. To take one example, we do not really think our own children are morally more important than other people's children, even though almost all of us who have children would give our own children far more love and care than we give others'.³⁰⁶

Her espousal of special concern for the near and the dear arguably imperils her view that we give primary allegiance to humanity as a whole. In some ways, it foreshadows the position she would later come to endorse, the priority of concern for the near and dear over the far and the strange, with regard to cosmopolitanism. It is not my intention to press this issue further at this point; but it seems this tension could be pinned down to the undeveloped character of her conception of Stoic cosmopolitanism at this stage. Her view of Stoic cosmopolitanism seems at

³⁰⁶ Nussbaum, "Patriotism and Cosmopolitanism," 13.

the time to be still rudimentary. It does not adequately reflect deep examination of the moral psychology that underpins the Stoic outlook on life. What she mainly advances in this phase of her thinking is the importance of cosmopolitan education, a view I do not think is controversial, especially in a world of ever-increasing globalization.

Her case for giving primary allegiance to humanity as opposed to one's compatriots appeared weak, flawed by an extreme impartiality. Much has been written against the psychological desirability and viability of that claim.³⁰⁷ The criticisms occasioned the shift in her view of cosmopolitanism. Notwithstanding this point, the idea of giving primary allegiance to humanity does highlight consistent themes of cosmopolitanism: respect for humanity³⁰⁸ wherever it is found and the need to diminish the impact of contingencies on human beings. Changes in Nussbaum's views do not imperil the plausibility of these themes. I will show why this is so. In the interim, I turn to the next phase of her view on cosmopolitanism, that is: *the priority of patriotism over cosmopolitanism*.

4.3.2. The Priority of Patriotism over Cosmopolitanism Phase

This phase of Nussbaum's conception of cosmopolitanism shows a marked degree of depth in understanding the complexity of the Stoic views of cosmopolitanism and its accompanying moral psychology. In this phase, she takes a critical approach to cosmopolitanism. She questions not only its desirability and viability but also its utility for human flourishing. There are two moments in this phase of her outlook on cosmopolitanism. The first moment is a measured critique

³⁰⁷ Appiah's critique of extreme cosmopolitanism in his *Ethics of Identity* is a good example. Also see Kok-Chor Tan, *Justice without Borders: Cosmopolitanism, Nationalism and Patriotism*; Gillian Brock, *Global Justice: A Cosmopolitan Account*; Gillian Brock, ed., *Cosmopolitanism versus Non-Cosmopolitanism: Critiques, Defenses, Reconceptualisations*, (Oxford: Oxford University Press, 2013).

³⁰⁸ Respect for humanity does not necessary suggest prioritizing allegiance to humanity over one's locality. The point I am making is that one could still have respect for humanity without giving it primary allegiance.

of cosmopolitanism at the end of which she endorses a moderate conception of cosmopolitanism. In the second moment, which seems to be her current view of cosmopolitanism, she rejects it. I will get to each of these moments one by one.

The first moment of Nussbaum's critical stance vis-à-vis cosmopolitanism is contained in her essay, "The Worth of Human Dignity: Two Tensions in Stoic Cosmopolitanism." In this essay, Nussbaum examines the moral core of Cynic and Stoic cosmopolitanism and the Stoic perspective on the relationship between human dignity and external goods. She notes that the Stoics maintain that the dignity of moral capacity is sufficient and does not need to be supplemented by external goods. Human dignity does not depend on the accidents of fortune for its reverence. Human worth is not measured by the presence or absence of fortunes. Only moral capacity is required for the cultivation of virtue. Virtue, unaided by the blessings of fortune, is complete. The possession of virtue by an individual, even one who was impoverished, insured everyone against being disparaged as helpless, miserable, etc.³⁰⁹ For the Stoics, these goods have no intrinsic worth for human flourishing.³¹⁰

Another issue Nussbaum discusses about Stoic cosmopolitanism is the moral psychology that accompanies the radical austerity and unaided adequacy of moral capacity. The Stoics held that the good cosmopolitan extinguishes all passions in his or her life. Fear, anger love, etc., do

³⁰⁹ Nussbaum, "The Worth of Human Dignity: Two Tensions in Stoic Cosmopolitanism," in *Philosophy and Power in the Graeco-Roman World: Essays in Honour of Miriam Griffin*, eds. Gillian Clark and Tessa Rajak, (Oxford: Oxford University Press, 2002): 32.

³¹⁰ Nussbaum also raises the issue of the Stoic downplaying of external goods in her critique of the Ciceronian distinction between duties of justice and duties of material aid. See, Martha Nussbaum, "Duties of Justice, Duties of Material Aid: Cicero's Problematic Legacy," *Bulletin of the American Academy of Arts and Sciences* 54, no. 3 (Spring, 2001): 38 – 52.

not have a place in their lives. The Stoics recommend the extirpation of all passions and attachments because these are the sources of partiality, anger, war, crimes against humanity.

Nussbaum identifies a number of problems with this radical frugality and the wholesale renunciation of passions. The first is the problem of moral development. Stoics advocate education as important for the cultivation of virtue. But Nussbaum notes that their support for education is inconsistent with their commendation of detachment from external goods. Stoics, she insists, should not be bothered if someone does not have education any more than it makes sense for them to be distraught that someone does not have food or accommodation.

Nussbaum also points out a curious tension in Stoic thought insofar as some Stoics maintain that the course of cosmopolitanism is advanced by passions such as, compassion, benevolence, good works, etc. If these passions promote the goal of cosmopolitanism, then there is clearly a problem of contradiction in the Stoics' wholesale rejection of all passions and it is at variance with their aversion for external goods. If people are to wean themselves off all external goods, things which depend on others, then external goods like compassion and benevolence ought to have no place in their moral psychology in that the passions and all external goods are connections to others and the world of uncertainty, contingency, and mutability. For the Stoics, a flourishing human life must be self-sufficient, insulated from the invasions of luck and contingencies. Thus, a life deprived of external goods subject to reversals, constitutes a dignified life.

Nussbaum disagrees with this view, insisting that the psychology of Stoic cosmopolitanism impoverishes human life. Even-handed cosmopolitanism, the one espoused by the Stoics, would come across as 'watery', dissipated, insipid, etc. In fact, her critical analysis of the inadequacy of

the Stoic cosmopolitan moral psychology reflects two conceptions of the self. One is a *Stoic Cosmopolitan Self* and the other is a *Sentimental Self*. Nussbaum puts the point thus:

“It is because they think that we must ultimately choose between a self that is respectful of the dignity of all humanity and a self that is devoured by erotic longing and jealousy that they persistently deny the importance of externals for flourishing, even when externals seem required for cosmopolitan politics itself. They have concluded, in effect, that we cannot have cosmopolitan politics without remaking humanity.”³¹¹

The *Stoic Cosmopolitanism Self* is clearly a self that is pictured as invulnerable to the incursions of luck. At the core, the subject of the Stoic moral outlook is a self that is cold, detached, and incapable of being deformed, scourged or wounded by untoward circumstances.³¹² This is why Nussbaum thinks that Stoic cosmopolitanism can only be practiced by a “remade humanity,” that is an invulnerable self. In holding this view, Nussbaum dismisses the Stoic conception of the self – the invulnerable subject – as both undesirable and unviable. A *Sentimental Self* would be more desirable and viable; something more in keeping with the human condition. Accordingly, in place of this rather austere psychology of Stoic cosmopolitanism, she recommends a moderate cosmopolitanism. Nussbaum's moderate cosmopolitanism is arrived at by inclusion of Aristotelian ideas.³¹³ In her view:

A moderate cosmopolitanism can hold that the source of our infinite and equal worth as persons is the capacity for choice and moral living with which we come into the world. Those capacities, however, are as yet unformed. They require external support – love, health, food, shelter, education – to develop into mature moral virtue. But even complete virtue is not sufficient for human flourishing. Here we need externals once again: the conditions of action, citizenship, liberty, friendship – and, as before, health, food, shelter.³¹⁴

External support – material resources, affective support, civic and social support – is at the heart of Nussbaum's conception of moderate cosmopolitanism. It consists essentially in rejecting

³¹¹ Martha Nussbaum, “The Worth of Human Dignity: Two Tensions in Stoic Cosmopolitanism,” 48.

³¹² For more on this, see, Martha Nussbaum, “Duties of Justice, Duties of Material Aid: Cicero’s Problematic Legacy,” 48.

³¹³ These are contained in her capabilities approach which I will be coming to later in the chapter

³¹⁴ Nussbaum, “The Worth of Human Dignity: Two Tensions in Stoic Cosmopolitanism,” 46.

the ascetic outlook of Stoic cosmopolitanism. It does not delve much into the moral and psychological inadequacy that underpins Stoic cosmopolitanism. Further scrutiny of the moral psychology of Stoic cosmopolitanism opened for Nussbaum the path to the final evolution on this idea. The final moment of her evolution with regard to cosmopolitanism leads to the rejection of cosmopolitanism as a plausible idea. The outcome of her rejection of cosmopolitanism is the endorsement of what she calls “a globally sensitive patriotism;” one that is constrained by global justice.

Two reasons account for her rejection of cosmopolitanism: (1) it is a form of *comprehensive liberalism* (the comprehensive liberalism objection), (2) it downplays the importance of particular attachments, which empties life of meaning and in so doing, destroys human personality (the psychological desirability objection).³¹⁵ In other words, cosmopolitanism is not conducive to human flourishing; it is not *eudaimonic*. I will assess the second objection (the psychological desirability objection) before engaging the objection about comprehensive liberalism.

The psychological desirability objection derives from the extreme impartiality that Stoic cosmopolitanism espouses. This is perhaps the stronger reason for which Nussbaum rejects cosmopolitanism. Nussbaum’s retraction of her endorsement of cosmopolitanism surely threatens to imperil the case I have been making for the plausibility of the philosophical anthropology of liberal cosmopolitanism. But I will argue that her change of mind on the plausibility of cosmopolitanism is based on inadequate examination of the complex nature of cosmopolitanism.

³¹⁵ Nussbaum, “Toward a Globally Sensitive Patriotism,” *Daedalus* 137, no. 3 (Summer 2008): 78 – 93, 80. See also Nussbaum, *The Therapy of Desire: Theory and Practice in Hellenistic Ethics*, (Princeton: Princeton University Press, 1994), xiv – xvi.

Cosmopolitanism is a continuum that consists of a wide spectrum of classifications.³¹⁶ The plausibility of each version or classification is a function of its scope, insofar as the scope of each version is indicative of its viability or suitability for human flourishing. Moreover, each version is underpinned by a tacit moral psychology. While Nussbaum does indicate awareness of the complexity and variety of cosmopolitanism, as indicated in her conception of ‘moderate cosmopolitanism,’ and ‘strong (Stoic) cosmopolitanism,’ she sidesteps this fact and goes on to totally dismiss the entire political philosophy of cosmopolitanism, noting that she does not “even endorse cosmopolitanism as a correct comprehensive doctrine.”³¹⁷

It is curious that in spite of her clear awareness of the complexity and variety of cosmopolitanism, she still goes on to completely disavow cosmopolitanism. As a matter of interest, none of her writings on cosmopolitanism engages the leading contemporary theories of liberal cosmopolitanism. A cursory look at her writings on cosmopolitanism (for and against) incontrovertibly demonstrates that Stoic cosmopolitanism is principally her centre of focus.³¹⁸ Stoic cosmopolitanism has been the main object of her critique. Virtually none of the leading thinkers in contemporary liberal cosmopolitanism even endorse the extreme impartiality

³¹⁶ For instance, Kok-Chor Tan provides some of the following classifications: (a) cosmopolitanism as a moral ideal and cosmopolitanism as an institutional claim, (b) cosmopolitanism about justice and cosmopolitanism as a claim about culture and identity, (c) weak cosmopolitanism and strong cosmopolitanism, (d) extreme cosmopolitanism and moderate cosmopolitanism; Kok-Chor Tan, *Justice Without Borders: Cosmopolitanism, Nationalism and Patriotism*, 10 – 12. See also Gillian Brock, *Global Justice: A Cosmopolitan Account*, 11 – 13. Some of these classifications overlap with one another. One could hold a view that construes cosmopolitanism as a moderate moral ideal that aims to foster the ability of an individual to forge one’s identity from a variety of sources. Such a view combines versions of cosmopolitanism as a moral ideal, as a thesis about identity, and a moderate view of the significance of particularistic attachments.

³¹⁷ Nussbaum, “Toward a Globally Sensitive Patriotism,” 80.

³¹⁸ One partial exception is her article: “Kant and Cosmopolitanism,” in James Bohman and Matthias Lutz-Bachmann, eds., *Perpetual Peace: Essays on Kant’s Cosmopolitan Ideal*, (Cambridge MA: The MIT Press, 1997), 25 – 57. I say that it is a partial exception because she takes a historical approach in the article, aiming as she says to “trace the debt Kant owed to ancient Stoic cosmopolitanism,” 27. She clearly shows in the article that Kant’s cosmopolitanism is heavily saturated with the ideas of Greco-Roman Stoic cosmopolitanism.

championed by Stoic cosmopolitanism.³¹⁹ In light of this, it is surprising that she should paint the entire domain of cosmopolitanism with a broad brush, when the Stoic cosmopolitan position is manifestly the target of her objection.

For example, I noted in the last chapter that Kwame Appiah maintains that “cosmopolitanism unmodified – taken as a sort of rigorous abjuration of partiality, the discarding of all loyalties – is a hard sell. It is a position that has little grip upon our hearts.”³²⁰ Appiah’s *rooted liberal cosmopolitanism* advances the view that cosmopolitanism is compatible with some forms of partiality. In fact, his perspective on the compatibility between cosmopolitanism and patriotism challenges Nussbaum’s dismissal of cosmopolitanism as injurious to the good of particularistic attachments and by extension the claim that it is a form of comprehensive liberalism. To establish this point, it would be useful to provide a brief sketch of the moral psychology of Nussbaum’s current standpoint on patriotism and show that it does not undermine the kind of cosmopolitanism I am endorsing.

4.4. The Moral Psychology of Nussbaum’s Conception of Patriotism

The first clear indication of Nussbaum’s rejection of cosmopolitanism in favour of patriotism is found in her article “Compassion and Terror,”³²¹ in which she tries to provide a justification for the inevitability of partiality and the propriety of local attachments in human lives. Written in response to the heated climate of malignant and inward-looking patriotism spawned by

³¹⁹ Liberal cosmopolitans like Charles Beitz, Thomas Pogge, Kok-Chor Tan, Gillian Brock, Kwame Appiah, etc., do not endorse the extreme disregard for particularistic attachments that Stoic cosmopolitanism proposes.

³²⁰ Appiah, *The Ethics of Identity*, 221; see also 222 - 223. In *Cosmopolitanism: Ethics in a World of Strangers*, he adds that “we need take sides neither with the nationalists who abandons all foreigners nor with the hard-core cosmopolitan who regards her friends and fellow citizens with icy impartiality. The position worth defending might be called (in both senses) a partial cosmopolitanism,” xvi – xvii.

³²¹ Nussbaum, “Compassion and Terror,” in *Daedalus* 132, no. 1 (Winter 2003), 10 – 26. See also, Nussbaum, “Can Patriotism be Compassionate?” in *The Nation* 273, no. 20, 2001.<http://www.thenation.com/article/can-patriotism-be-compassionate/>

the September 11 attack, the article examines the two tensions internal to the emotion of compassion: the impulse of even-handed impartiality and the orientation toward particularistic partiality. At the heart of this tension is what she calls *the problem of watery motivation*.³²²

Singling out Marcus Aurelius as a stalking horse, she exposes the implausibility of this *problem of watery motivation* by making a forceful case against the austere moral impartiality of Stoic cosmopolitanism.³²³ She insists that to wean ourselves off of strong local attachments as Marcus Aurelius proposes is tantamount to giving up and unlearning our attachments to “our own love, our own children, our own life.”³²⁴ In saying this, Nussbaum makes a link between a person’s *eudaimonia* and particularistic attachments; emotional and psychological attachments are ineliminable constituents of our personal well-being.

Nussbaum has made a very strong case for the place of emotions in any flourishing human life in some of her works. In her monumental work on emotions, *Upheavals of Thought: The Intelligence of Emotions*, she submits that emotions express value; they pertain to judgments about the significance of particular persons and things as salient to a person’s *eudaimonia*. Emotions, she states, “view the world from the point of view of my own scheme of goals and projects, the things to which I attach value in a conception of what it is for me to live well.”³²⁵ Emotions are

³²² Nussbaum, “Compassion and Terror,” 20. Nussbaum remarks that the idea of ‘watery motivation’ was used by Aristotle to criticize Plato’s suggestion that citizens of the ideal city care equally for all their fellow citizens. Aristotle’s point is that asking that asking people to care for all equally is tantamount to asking them to care for none.

³²³ Nussbaum discloses that Marcus Aurelius “tells us that the first lesson he learned from his tutor was ‘not to be a fan of the Greens or Blues at the races, or the light-armed or heavy-armed gladiators at the Circus.’ His imagination had to unlearn its intense partiality and localism;” “Compassion and Terror,” 21.

³²⁴ Nussbaum, “Compassion and Terror,” 22.

³²⁵ Nussbaum, *Upheavals of Thought: The Intelligence of Emotions*, 49. She makes a similar point in another work on emotions: *Hiding from Humanity: Disgust, Shame, and the Law*. For instance, while writing about how emotions and value are bounded together, Nussbaum notes that “we have emotions only about what we have already managed to invest with a certain importance in our own scheme of goals and ends;” Nussbaum, *Hiding from Humanity: Disgust, Shame, and the Law*, (Princeton NJ: Princeton University Press, 2004), 29.

characteristically self-referential; they pertain to appraisals from one's point of view and not from an impartial point of view. Nussbaum's conception of emotions and by extension her conception of the desirability and propriety of the capacity for local attachments and particularistic partiality are laden with philosophical anthropological presuppositions.

One outcome of these presuppositions grounds her rejection of the radical impartiality of Stoic cosmopolitanism, thus providing an opening for her endorsement of patriotism – which is a form of local attachment: “Because human beings find the meaning of life in attachments that are local, we should not ask of people that they renounce patriotism, any more than we now ask them to renounce the love of their parents and children.”³²⁶ Nussbaum seems to liken patriotism to the filial love between a parent and a child: “patriotic love is particularistic. It is modelled on family or personal love of some type.”³²⁷ This suggests that her conception of particularistic attachments is more expansive vis-à-vis that of Appiah. I will appraise the distinction between her conception of particularistic partiality and that of Appiah. Before doing that, it is apropos to first establish her understanding of patriotism.

For Nussbaum, patriotism is a kind of love attached to memories of a particular place, people and their aspirations. The emotions associated with patriotism “take as their object the nation, the nation's goals, its institutions and leaders, its geography, and one's fellow citizens seen as fellow inhabitants of a common public space.”³²⁸ She also notes that, “In an attachment to one's

³²⁶ Martha Nussbaum, “Can Patriotism be Compassionate?”

³²⁷ Nussbaum, *Political Emotions: Why Love Matters for Justice*, Kindle Edition, (Cambridge MA: The Belknap Press of Harvard University Press, 2013), 208.

³²⁸ Nussbaum, *Political Emotions: Why Love Matters for Justice*, 1.

own country, there is frequently the thought that this country has valuable things about it, and that it is a good country.”³²⁹ However, she cautions that it is Janus-faced.³³⁰

On the one hand, it has an outward-looking and positive orientation, motivating the self to move away from its selfish proclivity and join others in cooperative projects requiring sacrifice for the common good.³³¹ This constructive orientation is due to the fact that patriotism is a manifestation of affection for one’s country that includes a sense of identification with the country. This sense of attachment and identification motivates one to be willing to make sacrifices for the progress and well-being of one’s country.³³² On the other hand, it is inward-looking, liable to whip up hostile and xenophobic sentiments against foreigners or fellow citizens whose patriotism is deemed to be questionable on account of their ethnicity, political outlook, religion, race, etc.

For Nussbaum, the importance of patriotism is irreducibly instrumental insofar as it fosters the autonomy, the rights and well-being of citizens (in a democratic and liberal state).³³³ It is instrumentally conducive to the flourishing of individuals. She does not see patriotism as intrinsically good. Its good consists in the state of affairs it produces. This statement highlights one of the areas of divergence between Nussbaum’s conception of particularistic attachments and that of Appiah.

³²⁹ Nussbaum, *Upheavals of Thought*, 49.

³³⁰ Nussbaum, “Toward a Globally Sensitive Patriotism,” 79; See also *Political Emotions: Why Love Matters for Justice*, 206.

³³¹ Nussbaum was inspired to endorse patriotism by the argument of the Italian nationalist Giuseppe Mazzini. Mazzini acknowledged the importance of universal love of humanity. Nonetheless, he was sceptical of its motivational ability to galvanize people to make sacrifices that might be requisite to build a just world. He promoted the idea of the nation as a fulcrum for partially achieving universalist aspirations.

³³² Stan Van Hooff, *Cosmopolitanism: A Philosophy for Global Ethics*, (Montreal and Kingston: McGill-Queen’s University Press, 2009), 27 – 35.

³³³ Nussbaum, “Toward a Globally Sensitive Patriotism,” 81.

Nussbaum's conception of particularistic attachments includes attachments to one's significant others (spouses, lovers, children, family, friends, etc.), one's nation, ethnicity, etc. In likening love of country to love of significant others, Nussbaum seemingly suggests that the emotional intensity, the "thickness" of emotional attachment to one's country and one's significant others are identical. There does not seem to be a distinction between the emotional intensity of the *intimate sphere* and the *public sphere*. This is quite unlike the way Appiah construes the dynamics of particularistic attachments and relationships.

I noted in the last chapter that Appiah has a double-decker conception of the nature of the landscape of our relationships: *micro-relationships* (the intimate sphere) and *macro-relationships* (the public sphere). In Appiah's classification, micro-relationships pertain to attachments that are non-instrumental and taken to be irreducibly special; they pertain to attachments that have huge eudaimonic significance and are profoundly connected to one's self-conception. In Appiah's view, love of country does not belong to the intimate sphere, the micro domain. Love of country belongs to the domain of macro-relationships. In this domain, we relate to persons in terms of a variety of categories and interests we have in common with them, such as: nationality, ethnicity, religion, gender, etc. We relate to persons here as people belonging to a "category of equivalent persons,"³³⁴ that is; as relatively *abstract individuals*, as generalized others, albeit, co-nationals, compatriots, etc. This point is clearly divergent from that of Nussbaum who sees love of country as *concrete* because it is "connected to a particular set of perceptions, memories, and symbols that have deep roots in the personality and in people's sense of their own history."³³⁵

³³⁴ Appiah, *The Ethics of Identity*, 238.

³³⁵ Nussbaum, *Political Emotions: Why Love Matters for Justice*, 10.

Nussbaum's view on the concreteness of patriotic sentiment is correct in some sense, but it does not follow that it is plausible to characterize it as identical to love of significant others as she does. The object of patriotic love is the nation – its symbols, institutions, heroes, etc., and not necessarily love of one's compatriots. The view that love of country is a concrete sentiment is not commensurate with love of concrete particularised persons. The instrumental value of patriotic love does not equal the eudaimonic significance of spousal or filial love because these kinds of attachments pertain to the personal – the intimate sphere. In this connection, Appiah's view that nationalistic attachments, insofar as they belong to the domain of macro-relationships, pertain to abstract individuals holds true. Nationality is so vast and abstract a category to adequately furnish and sustain the emotional intensity and closeness that is characteristic of personal relationships. In the words of Appiah, "Nations, if they aren't universal enough for the universalist, certainly aren't local enough for the localist."³³⁶ Nussbaum's view that patriotic attachment is a source of meaning is not a sufficient reason for rejecting patriotism. In my argument against Will Kymlicka in chapter 3, I tried to establish that there is a variety of sources of meaning of which one's nation or country is just one. This is to say that Nussbaum does not adequately capture the complexity of the sources of meaning. Loving or not loving one's nation is not a sufficient reason for rejecting cosmopolitanism.

Recall that one of the reasons for which Nussbaum rejects cosmopolitanism is that it is not conducive to eudaimonia. I have tried to establish that while Nussbaum's criticism applies to the extreme impartiality espoused by Stoic cosmopolitanism, it does not apply to the rooted liberal cosmopolitanism of Appiah who sees no incompatibility in the oxymoronic conception of the idea of a *cosmopolitan patriot*: "you can be cosmopolitan – celebrating the variety of human cultures;

³³⁶ Appiah, *The Ethics of Identity*, 239.

rooted... and patriotic – celebrating the institutions of the state (or states) within which you live.”³³⁷ By implication, *the problem of watery motivation* which Nussbaum raised against Stoic cosmopolitanism does not imperil the rooted liberal cosmopolitanism of Appiah.

Appiah’s thesis vitiates the plausibility of Nussbaum’s wholesale rejection of cosmopolitanism; it demonstrates that when modified, cosmopolitanism is conducive to a eudaimonic moral psychology. In fact, it can be demonstrated that the aims of Nussbaum’s “globally sensitive patriotism” converge with Appiah’s “patriotically sensitive cosmopolitanism.”³³⁸ While Nussbaum takes an orientation that places the accent on patriotism, Appiah takes an orientation that emphasizes cosmopolitanism, they both, nonetheless, agree that extreme impartiality, extreme cosmopolitanism is both psychologically unappealing and unconducive to eudaimonia. Just as Appiah’s patriotically sensitive cosmopolitanism insists that patriotic attachments must be disciplined by cosmopolitan concerns, Nussbaum seemingly concedes that her form of patriotism is commodious in that it is “a form that accepts the constraints of global justice.”³³⁹ She has considerably written in support of global justice. Her works *Women and Human Development: The Capabilities Approach*, *Frontiers of Justice: Disability, Nationality, Species Membership*, and *Creating Capabilities: The Human Development Approach* contain forceful arguments in support of global justice from the point of view of the capabilities approach.

³³⁷ Appiah, “Cosmopolitan Patriots,” 106.

³³⁸ For instance, Noah Feldman argues in a review article that Appiah and Nussbaum share similar ideas on cosmopolitanism. His objective in the article is to highlight the legal implications of cosmopolitanism. The article reviews Appiah’s *Cosmopolitanism: Ethics in a World of Strangers* and *The Ethics of Identity*, as well as Nussbaum’s *Frontiers of Justice: Disability, Nationality, Species Membership*. See Noah Feldman, “Cosmopolitan Law?” *The Yale Law Journal* 116, no. 5 (2007), 1022 – 1070. Nussbaum wrote a response to the article rejecting the characterization of her capabilities approach as a form of cosmopolitanism; see Nussbaum, “The Capabilities Approach and Ethical Cosmopolitanism: A Response to Noah Feldman” 117 *Yale Law Journal Pocket Part* 123, 2007, <http://thepocketpart.org/2007/10/30/nussbaum.html>.

³³⁹ Nussbaum, “Toward a Globally Sensitive Patriotism,” 80.

As an advocate of global justice, Nussbaum shares the concerns of leading liberal cosmopolitans like Charles Beitz, Thomas Pogge, Kwame Appiah, Gillian Brock, etc. It can be demonstrated that the intuition that animates the philosophical anthropology of her capabilities approach is similar to that which animates the philosophical anthropology of Kwame Appiah. While she does not characterize her capabilities-based theory of global justice as cosmopolitan, she nonetheless accepts that “Cosmopolitans can endorse the capabilities approach.”³⁴⁰

I do not only intend to endorse the intuitions of her capabilities approach for cosmopolitanism, I actually intend to show that despite her disavowal of cosmopolitanism, her capabilities approach shares a lot in common with the objectives of liberal cosmopolitanism. My aim is to both associate her capabilities approach to global justice with liberal cosmopolitanism and in fact, assimilate it into liberal cosmopolitanism. I must therefore attend to her claim that cosmopolitanism is a form of comprehensive liberalism. I will try to establish that, in some ways, her capabilities approach is not only compatible to liberal cosmopolitanism (I will be doing this comparison with that of Appiah) it is also, pace Nussbaum, a form of comprehensive liberalism. The import of this is that her *comprehensive liberalism objection to cosmopolitanism* is tenuous. Several studies of the alleged distinction between comprehensive liberalism and political liberalism question the plausibility of the distinction.³⁴¹ I will not be delving into that distinction

³⁴⁰ Nussbaum, *The Therapy of Desire: Theory and Practice in Hellenistic Ethics*, (Princeton: Princeton University Press, 1994), xvi. She makes this comment in the 2009 edition of this work. Another point that indicates that her views are compatible with liberal cosmopolitanism is that she sees the nation as “a fulcrum for the creation of universal human concern.” She goes on to spell out this universal concern in the vocabulary, vision, and aspirations of liberal cosmopolitans: “For all of the members of our family of nations, the idea of *equal political and civil liberties* plays a key role. All citizens enjoy the right to vote, the right to seek political office, freedoms of speech and association, religious freedom, freedom of movement and travel, and the benefits of a free press, on a basis of equality with others,” *Political Emotions*, 121.

³⁴¹ Some prominent sceptics of the distinction between political liberalism and comprehensive liberalism include Kok-Chor Tan, *Toleration, Diversity and Global Justice*, (University Park PA: The Pennsylvania State University Press, kindle edition, 2000), 50 – 82; Gerald F. Gaus, “The Diversity of Comprehensive Liberalisms,” in *Handbook of Political Theory*, eds. Gerald F. Gaus and Chandran Kukathas, (London: Sage Publications, 2004), 100 – 114, Jeremy Waldron, “Liberalism, Political and Comprehensive,” also in *Handbook of Political Theory*, 89 – 99;

in this chapter. I will do so in the final chapter where I will establish that liberalisms of all stripes are unavoidably comprehensive. Differences in their comprehensiveness are only in scope. For the purposes of its connection with Nussbaum's capabilities approach, I will briefly scrutinize why she makes the claim in the next section.

4.5. The Philosophical Anthropology of the Capabilities Approach of Martha Nussbaum

From the beginning of this chapter, I noted that the motifs of luck and vulnerability are prominent in the thought of Nussbaum. Her reading of the ancient Greek preoccupation with insulating or mitigating the impact of contingencies on human life must have informed her conception of the capabilities approach to justice. Conceived and developed in somewhat different ways by Nussbaum and Amartya Sen, the capabilities approach originated from Sen's *Tanner Lectures on Human Values* in which he critiqued leading theories of equality in the 70s and 80s, such as utilitarian equality, total utility equality and Rawlsian equality.³⁴² Sen's critique is essentially that neither resources (income, commodity command) nor utility (happiness, desire fulfilment) constitute or adequately represent human well-being and deprivation. Instead, what is required is a more direct approach that focuses on human functionings and the capability to achieve valuable functionings.

The distinctive insight of Sen's approach is that it highlighted the ineluctable complexity of the problem of equality. Sen plausibly demonstrated that on account of the indisputable heterogeneity of human beings, the problem of equality is ineliminably manifold. Put in his own words: "We differ from each other not only in external characteristics (e.g. in inherited fortunes,

Charles Jones, "Global Liberalism: Political or Comprehensive," *University of Toronto Law Journal* 54, no. 2 (2004), 227 - 248. Steven Wall's book on the relationship between liberalism and perfectionism also belongs to this debate. See, Steven Wall, *Liberalism, Perfectionism and Restraint*, Cambridge: Cambridge University Press, 1998.

³⁴² Amartya Sen, "Equality of What?" 476 – 486. This paper was delivered in 1979 at Stanford University.

in the natural and social environment in which we live), but also in our personal characteristics (e.g. age, sex, proneness to illness, physical and mental abilities).”³⁴³ The formal equality of all, the equal moral status of all, does not negate the fact of human diversity.

The capabilities approach is a broad framework of analysis for evaluating other single-factor based approaches to egalitarianism, such as welfare and resource-based approaches. Sen rejects welfarist approaches that rely exclusively on utility and thus exclude non-utility variables from their moral judgments. The non-included variable could be a person’s physical needs due to handicaps. Sen also criticizes normative theories that rely exclusively on mental states. While Sen admits that mental states such as happiness are important, he insists that happiness should not be the only relevant variable.

He also raises objections against the resource-based approach of John Rawls and Ronald Dworkin. He criticises Rawls’s concentration on primary goods because it neglects the diversity of human beings.³⁴⁴ He stresses that “The capability approach focuses on human lives, and not just on the resources people have, in the form of owning – or having use of – objects of convenience that a person may possess.”³⁴⁵ Thus, this approach proposes a shift from the means of living to the actual opportunities a person has. It gives a central role to a person’s actual ability to do the different things that she values doing.

Generally speaking, Sen’s model of the capabilities approach could be commended for broadening the informational base of evaluation, refocusing on people as ends in themselves (rather than treating them merely as means to economic activity), recognizing human heterogeneity

³⁴³ Amartya Sen, *Inequality Reexamined*, (Cambridge MA: Harvard University Press, 1992), 1. See also Amartya Sen, *The Idea of Justice*, 255.

³⁴⁴ This argument has already been furnished in chapter 1.

³⁴⁵ Amartya Sen, *The Idea of Justice*, 253.

and diversity (through differences in interpersonal conversion functions), drawing attention to group disparities (such as those based on gender, race, class, caste or age), embracing human agency and participation (by emphasizing the role of practical reason, deliberative democracy and public action in forging goals, making choices and influencing policy), and acknowledging that different people, cultures and societies may have different values and aspirations. Notwithstanding these observations, Nussbaum criticises Sen's model for being overly broad. She insists that Sen should have provided "an objective normative account of human functioning and by describing a procedure of objective evaluation by which functionings can be assessed for their contribution to the good human life."³⁴⁶

In articulating her own conception of the capabilities approach, that is, a normative account of the good human life, Nussbaum adopts a methodology that is rare in contemporary liberalism: it is based on the idea that an adequate account of a flourishing human life should precede any theory of egalitarian justice. Inspired by Aristotle,³⁴⁷ she maintains that "a rather full account of the human good and human functioning must precede and ground an account of political distribution."³⁴⁸

³⁴⁶ Nussbaum, "Nature, Function, and Capability: Aristotle on Political Distribution," in *Oxford Studies in Ancient Philosophy: Supplementary Volume*, (Oxford: Oxford University Press, 1988), 176. I don't intend to contrast between their conceptions of the capabilities approach. I have chosen to delve into the version articulated by Nussbaum because I intend to link it with the aspirations of cosmopolitanism. Many notable works comparing Nussbaum's and Sen's approach have been written. The following are some notable examples: Ingrid Robeyns, *The Capabilities Approach: An Interdisciplinary Introduction*, (December, 2003), http://commonweb.unifr.ch/artsdean/pub/gestens/f/as/files/4760/24995_105422.pdf; John, M. Alexander, *Capabilities and Social Justice: The Political Philosophy of Amartya Sen and Martha Nussbaum*, Burlington: Ashgate Publishing Company, 2008.

³⁴⁷ Aristotle argues in Book VII of *The Politics* that "He who would duly inquire about the best form of a state ought first to determine which is the most eligible life; while this remains uncertain the best form of the state must also be uncertain," Aristotle, "The Politics," in *The Basic Works of Aristotle*, ed. Richard McKeon, (New York: Random House, 2001), 1323a14 – 17.

³⁴⁸ Nussbaum, "Nature, Function, and Capability: Aristotle on Political Distribution," 7 – 8.

This methodological strategy is clearly informed by philosophical anthropological considerations. The idea is that the definition of *the subject* of political arrangements must precede the design of the political institutions. Unlike Sen, she provides a more explicit portrait of the subject of the capabilities approach. For instance, in her critique of contractarianism, she maintains that the problem of contractarian theories of justice is that the image of the parties to the contract is inadequate,³⁴⁹ remarking that, “Images of who we are and why we get together shape our thinking about what political principles we should favour and who should be involved in their framing.”³⁵⁰

Nussbaum’s point is that if the ‘image of who we are’ is not adequately conceived, the accompanying policies would not be conducive to human flourishing. In her conception of ‘who we are,’ vulnerability is featured as an ineliminable ingredient of every human life; so for her we are *vulnerable subjects*. The articulation of this is undertaken against the background of the ubiquity of luck in human life. She makes this point in *Political Emotions*, noting that the conception of the human being that informs her theory:

...involves both *striving* and *vulnerability*. Human beings are not just passive recipients of fortune’s blows. Instead, they are active beings who pursue aims and who seek lives rich in activity. At the same time, however, they are to a significant degree passive, in the sense that fortune’s blows mean something to them, impinge seriously on the quality of their lives.³⁵¹

The thread of vulnerability and luck remains a constant feature of her philosophical anthropology. In her later works, she conceives vulnerability in terms of a distinctive kind of dignity; a dignity that rejects the Kantian dignity that underpins Rawlsian moral personality or

³⁴⁹ This point was raised in chapter one against the Rawlsian conception of moral personality and reciprocity.

³⁵⁰ Nussbaum, *Frontiers of Justice*, 4.

³⁵¹ Nussbaum, *Political Emotions*, 120. In *Frontiers of Justice*, she notes that her conception of “the person holds that human beings are vulnerable temporal creatures, both capable and needy,” 221. See also Martha Nussbaum, *Hiding from Humanity*, 6 – 18.

rational personality. She draws on Aristotle and Marx to construct a composite conception of dignity. This conception of dignity is a combination of rationality and animality: “I strongly insist on valuing the whole of our animality and not just our rationality, and on holding the two together.”³⁵² This conception of dignity rests on the normative idea that all human beings are of equal worth. Her conception of the human being and the capabilities approach is universalist.³⁵³ The universalist outlook of her conception of the capabilities approach is designed to attenuate the impact of luck on human lives. In view of this, she develops an account of nonnegotiable core defining features of any flourishing human life that will be normative sources of moral claims against nations and governments all over the world. Noteworthy philosophical anthropological features of the capabilities approach are that it: (1) is individualist, it takes each person as an end,³⁵⁴ (2) focuses on choices and freedom – creating a conducive environment for people’s power of self-

³⁵² Nussbaum, “Aristotle, Politics, and Human Capabilities: A Response to Antony, Arneson, Charlesworth, and Mulgan,” *Ethics* 111, no. 1 (2000), 102 – 140, 122. Nussbaum elaborates on this point in *Frontiers of Justice*. In it, she insists that her capabilities approach “see rationality and animality as thoroughly unified. Taking its cue from the human being as a political animal, and from Marx’s idea that the human being is a creature ‘in need of a plurality of life-activities,’ it sees the rational as simply one aspect of the animal;” 159.

³⁵³ She notes that her conception of the universalist basis of her capabilities approach is not based on some eternally prefixed truths. It is not a universalism that is grounded by some predetermined metaphysics. She insists that “universal ideas of the human do arise within history and from human experience, and they can ground themselves in experience;” Nussbaum, *Sex and Social Justice*, (New York: Oxford University Press, 1999), 38. See also Nussbaum, “Human Functioning and Social Justice: In Defense of Aristotelian Essentialism,” *Political Theory* 20, no. 2 (1992), 202 – 246, 205; See also Nussbaum, “Human Capabilities, Female Human Beings,” in *Women, Culture, and Development: A Study of Human Capabilities*, eds. Martha Nussbaum and Jonathan Glover, (New York: Oxford University Press, 1995), 63; *Women and Human Development: The Capabilities Approach*, (Cambridge: Cambridge University Press, 2000), 5 – 7; *Frontiers of Justice*, 273 – 324. Early versions of her articulation of the capabilities approach (“Nature, Function, and Capability: Aristotle on Political Distribution;” “Human Functioning and Social Justice: In Defense of Aristotelian Essentialism;”) were clearly founded on explicitly stated historically grounded essentialism. She no longer characterises recent versions of her capabilities approach as essentialist.

³⁵⁴ Nussbaum is a clear advocate of liberal individualism: “I argue that liberal individualism does not entail egoism or a preference for the type of person who has no deep need for others... What does distinguish liberalism from other political traditions is its insistence on the separateness of one life from another, and the equal importance of each life, seen on its own terms rather than as part of a larger organic or corporate whole. Each human being should be regarded as an end rather than as a means to the ends others;” *Sex and Social Justice*, 10.

definition, (3) is pluralist about value, (4) aims to abolish domination, social injustice, and unjust inequalities.³⁵⁵

What then is the capabilities approach? What are the core features of a flourishing human life contained in the capabilities approach? According to Nussbaum, it is an approach that focuses on “what people are actually able to do and to be, in a way informed by intuitive idea of a life that is worthy of the dignity of the human being.”³⁵⁶ It is an outcome based approach to justice (both locally and globally) that specifies a list of ten core human capabilities that highlights “a minimum threshold level to be met by the world community..., it insists that each and every human beings in the world has entitlements to these important goods, and it assigns to humanity generally the duty of realizing these entitlements.”³⁵⁷ In other words, it stipulates a universal standard of adequacy for a common determination of what a dignified human life ought to be. The list is as follows:

1. *Life*. Being able to live to the end of a human life of normal length . . .; not dying prematurely.
2. *Bodily Health*. Being able to have good health, including reproductive health; to be adequately nourished; to have adequate shelter.
3. *Bodily integrity*. Being able to move freely from place to place; to be secure against violent assault, including sexual assault and domestic violence; having opportunities for sexual satisfaction and for choice in matters of reproduction.
4. *Senses, Imagination, and Thought*. Being able to use the senses, to imagine, to think, and reason ... and to do these things in ... a way informed and cultivated by an adequate education. Being able to use one's mind in ways protected by guarantees of freedom of expression with respect to both political and artistic speech and freedom of religious exercise. Being able to have pleasurable experiences and to avoid non-beneficial pain.
5. *Emotions*. Being able to have attachments to things and persons outside ourselves; to love those who love and care for us, to grieve at their absence; ... to experience longing,

³⁵⁵ Nussbaum, *Creating Capabilities: The Human Development Approach*, (Cambridge MA: The Belknap Press of Harvard University Press, 2011), 18 – 19.

³⁵⁶ Nussbaum, *Frontiers of Justice*, 70.

³⁵⁷ Nussbaum, *Frontiers of Justice*, 291.

gratitude, and justified anger. Not having one's emotional development blighted by fear or anxiety...

6. *Practical reason*. Being able to form a conception of the good and to engage in critical reflection about the planning of one's own life. (This entails protection for liberty of conscience and religious observance.)

7. *Affiliation*.

A. Being able to live with and toward others, to recognize and show concern for other human beings, to engage in various forms of social interaction; to be able to imagine the situation of another...

B. Having the social bases of self-respect and nonhumiliation; being able to be treated as a dignified being whose worth is equal to that of others. This entails provisions of non-discrimination on the basis of race, sex, sexual orientation, ethnicity, caste, religion, national origin.

8. *Other Species*. Being able to live with concern for and in relation to animals, plants, and the world of nature.

9. *Play*. Being able to laugh, to play, to enjoy recreational activities.

10. *Control over One's Environment*.

A. *Political*: Being able to participate effectively in political choices that govern one's life; having the rights of political participation of free speech and association.

B. *Material*: Being able to hold property (both land and movable goods), and having property rights on an equal basis with others; having the right to seek employment on an equal basis with others...³⁵⁸

Nussbaum's list is strikingly humane and ambitious. It invites us to imagine what human lives would look like if the entitlements are met by the governments of all nations. The list is meant to foster and guarantee a state of affairs that would be conducive to human flourishing or what she calls 'a good human life.' The list has drawn qualified praise and criticisms.³⁵⁹ I do not aim to assess the plausibility of the list. I am interested in the tacit philosophical anthropology of the list.

³⁵⁸ Nussbaum, *Frontiers of Justice*, 76 – 78.

³⁵⁹ Some include: Susan Wolf, "Martha C. Nussbaum: Human Capabilities, Female Human Beings," in *Women, Culture, and Development: A Study of Human Capabilities*, 105 – 115; Michele M. Moody-Adams, "The Virtues of Nussbaum's Essentialism," *Metaphilosophy* 29, no. 4 (1998), 263 – 272; Richard Arneson, "Perfectionism and Politics," *Ethics* 111, no. 1 (2000), 37 – 63; Elizabeth Anderson, "Justifying the Capabilities Approach to Justice,"

The methodology and the underlying philosophical anthropology of her capabilities approach is a sufficient resource for constructing the philosophical anthropology of liberal cosmopolitanism. Before outlining the reasons why her capabilities approach is a very useful resource for articulating an adequate philosophical anthropology of liberal cosmopolitanism, let me briefly address the question of her claim that cosmopolitanism is a form of *comprehensive liberalism* and why the capabilities approach is a variant of *political liberalism*. I will come back to this debate about political and comprehensive liberalism in the final chapter since it has much to do with liberalism as one amongst many conceptions of the good life.

4.6. The Capabilities Approach: Political or Comprehensive?

One of the reasons why Nussbaum rejected cosmopolitanism is that it is a form of comprehensive liberalism insofar as it espouses priority of allegiance to humanity over all forms of particularistic attachments. I have already argued that this criticism applies to Stoic cosmopolitanism and not to the rooted liberal cosmopolitanism of Kwame Appiah. So, the case I want to make is that Nussbaum's claim that her capabilities approach is not a form of comprehensive liberalism is unfounded. In fact, liberalism is a composite of a variety of

in *Measuring Justice: Primary Goods and Capabilities*, 81 – 99; Jonathan Wolff and Avner De-Shalit, *Disadvantage*, Loc 524 – 911. Wolff and De-Shalit's book is particularly significant here in that they take an empirically-driven revisionist approach to ascertaining the plausibility of the list. While endorsing the list, they nonetheless modify it by using the concept of *disadvantage* to probe into the problem that Nussbaum set out to address. They provide a pluralist account of disadvantage - that disadvantage 'clusters' in the sense that some people are disadvantaged in several different respects. They explain why disadvantage concerns not only lack of opportunity and low functioning (failure to meet basic needs in areas such as being able to live, to enjoy bodily health, and to have attachments) but also increased risks and insecurity about future functionings. They also maintain that disadvantage could be 'declustered' by promoting programs that enhance functioning and by eliminating 'corrosive disadvantages'. Based on their findings, they observe that a major criticism of Nussbaum's theory is that it overemphasizes the liberal, autonomous individual who cares for her entitlements as opposed to the active community member who participates in social projects. They insist that the well-being of people is also a matter of their being able to contribute to, and to shape, society. Consequently, they add the following categories of functioning to Nussbaum's list: *doing good to others* and *living in a law-abiding fashion*.

comprehensive liberalisms differing from one another in terms of scope, that is; thick or thin, strong or weak. Liberalism is a continuum of views on conceptions of the good life. Beginning with Rawls³⁶⁰ and Charles Larmore³⁶¹ the distinction within liberalism between comprehensive and political liberalism was occasioned by the need to articulate a model of pluralism and toleration in a pluralistic society composed of citizens professing incompatible and irreconcilable reasonable but comprehensive views on religious, philosophical and moral doctrines. Rawls's key solution to this conundrum is the idea of an *overlapping consensus*. As Rawls articulates it, an overlapping consensus is a feature of the political conception of justice in a pluralistic democratic society. In this society, the political conception of justice is a free-standing view that does not derive from any of the comprehensive doctrines which citizens affirm. The overlapping consensus is tacit in the moral content of the political conception of justice. The idea is that the moral content is thin enough for it to be acceptable to all the major comprehensive doctrines. It is a sort of module to which citizens from disparate comprehensive outlooks can all attach their own views of life.³⁶²

As a form of liberalism, Rawls states that political liberalism:

aims for a political conception of justice as a freestanding view. It offers no specific metaphysical or epistemological doctrine beyond what is implied by the political conception itself. As an account of political values, a freestanding political conception does not deny there being other values that apply, say, to the personal, the familial, and the associational; nor does it say that political values are separate from, or discontinuous with, other values.³⁶³

Nussbaum appropriates this idea for her capabilities approach, describing it as a species of political liberalism. Her own conception of political liberalism has a moral content, prominently including the equality of citizens, the importance of equal respect, the idea of each human being

³⁶⁰ Rawls, *PL*, xviii

³⁶¹ Charles Larmore, *The Morals of Modernity*, (Cambridge: Cambridge University Press, 1996).

³⁶² Rawls, *PL*, 11 – 14.

³⁶³ Rawls, *PL*, 10

as an end, etc. She notes that in her own version of political liberalism, the capabilities list operates by the principle of ‘overlapping consensus’ on the part of people who have disparate conceptions of what true human functioning entails. Thus, the list is presented as:

a partial account of the good, for political purposes, which citizens may attach to different conceptions of the good. It is articulated, or at least we hope so, in terms of freestanding ethical ideas only, without reliance on metaphysical and epistemological doctrines (such as those of the soul, or revelation, or the denial of either of these) that would divide citizens along lines of religion or comprehensive ethical doctrine.³⁶⁴

Following Rawls, Nussbaum’s version of political liberalism claims to be detached from any metaphysical doctrine. Unlike Rawls who holds a state-centric liberal democratic conception of political liberalism,³⁶⁵ Nussbaum construes her conception of the overlapping consensus “as fully available internationally across lines of tradition and religion.”³⁶⁶ She even likens her capabilities approach to the Universal Declaration of Human Rights. Nussbaum’s main concern is to ensure that the basic threshold of people’s capabilities is not left to the fortune or misfortune of nationality, religion, gender, etc. Human vulnerability is a constant intuition and motif that provides justifications for the moral claims of her capabilities approach.

While I endorse her divergence from the truncated conception of human rights in Rawls’s *Law of Peoples*, I do not think her claim that her capabilities approach is not a variant of comprehensive liberalism holds up. For example, some items on the list of her capabilities approach are deeply rooted in the liberal tradition of the significance of liberty and equality for human flourishing. Take some of the following phrases: ‘being able to use one’s mind in ways

³⁶⁴ Nussbaum, *Frontiers of Justice*, 163

³⁶⁵ His state-centric view is found in his *Law of Peoples*

³⁶⁶ Nussbaum, *Frontiers of Justice*, 163. She is unequivocally critical of Rawls for his conservative bent on the international domain. She makes this case in her article, “Women and the Law of Peoples,” *Politics, Philosophy and Economics* 1, no. 3 (2002), 283 – 386. See also *Frontiers of Justice*, 295 – 324 and Martha Nussbaum, “Beyond the Social Contract: Capabilities and Global Justice,” in *The Political Philosophy of Cosmopolitanism*, eds., Gillian Brock and Harry Brighouse, (New York: Cambridge University Press, 2005), 196 – 218.

protected by guarantees of freedom of expression... and freedom of religion.’ These examples are indisputably liberal. The claim that it is not a form of comprehensive liberalism is not plausible. This objection is corroborated by the fact that liberalism as she conceives it is *not morally neutral*. In fact, she writes in *Political Emotions* that she hopes for:

a type of liberalism that is not morally “neutral,” that has a certain definite moral content, prominently including respect for persons, a commitment to equal liberties of speech, association, conscience, and a set of fundamental social and economic entitlements.³⁶⁷

One of the aims of political liberalism and its accompanying idea of overlapping consensus is to furnish political institutions with politically neutral principles. It does not seem from the above that Nussbaum’s conception of liberalism aims for this. I actually think that Nussbaum is right not to aim for a morally neutral liberalism, because no such liberalism exists.³⁶⁸ Insofar as Nussbaum’s capabilities approach aspires to a non-neutral liberalism, her claim that her capabilities approach is not a form of comprehensive liberalism is not valid. I maintain that not only is her capabilities approach a form of comprehensive liberalism; it is compatible with rooted liberal cosmopolitanism.

4.7 The Merits of Martha Nussbaum’s Philosophical Anthropology

A distinctive feature of Nussbaum’s liberalism is that, more than many of the leading thinkers in the domain of Anglo-American political philosophy; she makes explicit the underlying philosophical anthropology of her theories; that is, the constitutive feature of the subject of her theories are sufficiently delineated. This point justifies the eligibility and suitability of her

³⁶⁷ Nussbaum, *Political Emotions*, 16.

³⁶⁸ I will make this case in the final chapter.

conception of the human person as a resource for constructing the philosophical anthropology of liberal cosmopolitanism. Multiple reasons account for this:

1. **Methodology:** An easily observable pattern in the ethico-political philosophical works of Nussbaum is that, depending on the issue, she almost always starts with the idea of the constitutive features of her subject. Following Aristotle, for her, the:

... search for the good life of any being *O* must begin with an account of the essential ingredients of an *O*-ish life and *O*-ish activity – those features without which we will not be willing to count a life as *O*-ish at all.³⁶⁹

This consideration is one of the strengths of her ethico-political philosophy. Her methodology ascribes normative primacy to the constitutive features of her subject. Regardless of whether one agrees with the content of her conception of the good human life, I submit that she does better than many leading thinkers in Anglo-American political philosophy on this count. Her approach converges with that of Appiah who rightfully maintains that we begin by figuring out (*ethics*) “what it is for a human life to go well” before we face the moral challenge of (*morality*) “how we should take account of the lives of others.”³⁷⁰

2. **The Preponderance of the Motif of Vulnerability:** Ideas of vulnerability and fragility are quite visible in Nussbaum's works. The pervasiveness of vulnerability is foregrounded in her portrait of human beings as well as in her conception of social and international political institutions. She features human vulnerability as a constraint in the articulation of solutions aimed at mitigating the contingencies of birth. It is precisely on this account that the threshold of her capabilities approach is posited as a safety net to mitigate the pernicious

³⁶⁹ Nussbaum, *The Fragility of Goodness*, 293.

³⁷⁰ Appiah, “Morality: Aid, Harm, and Obligation,” 662.

effects of misfortune on people lives. As she puts it: the “basic capabilities of human beings are sources of moral claims wherever we find them”³⁷¹

3. ***Nussbaum's Neo-Aristotelian/Neo-Marxist Conception of Dignity***: This point arises from her critique of the portrait of rational personality prevalent in social contract theories. She conceives it in ways that track the constant and variable vulnerability that hangs over every human life. Dignity is not idealized; it is pictured as compatible with our animality, our fragile materiality. This is one area in which Nussbaum's conception of dignity could be used as a corrective for the somewhat Kantian trappings of Appiah's notion of dignity. Dignity need not be construed in its problematic metaphysical groundings; articulating in terms of the normative claims of our vulnerability is sufficient.
4. ***The Postulate of Sympathetic Imagination***: This is an extension of Nussbaum's concept of *cosmopolitan education* which, as noted earlier, facilitates self-knowledge and knowledge of humanity, diminish prejudices arising from nationalistic bias and fosters global dialogue to solve global problems. The intuition behind cosmopolitan education is the inspiration informs her idea of cultivating the sympathetic imagination. For Nussbaum, cultivating sympathetic imagination entails learning to imaginatively enter into another's sufferings, feelings, experience in order to have a kind of kinship with her. It entails vicariously participating in the emotions and predicament of another. Nussbaum construes it as a help to abstract thinking about principles. It is:

“a curious questioning, and receptive demeanor that says in effect, ‘Here is another human being. I wonder what he (or she) is seeing and feeling right now.’ This curiosity needs to be fed by fact: for without correct historical and empirical information we can't possibly answer such a question. But it needs something more, a willingness to move out of the self and to enter another world.”³⁷²

³⁷¹ Nussbaum, *Frontiers of Justice*, 278.

³⁷² Nussbaum, *The New Religious Intolerance: Overcoming the Politics of Fear in an Anxious Age*, 139. For more on this, read from 139 – 187. Sen has a similar idea to this. Sen observes that the aims of justice would be well served if we learn to scrutinize our actions and institutions from the viewpoint of an outsider, refusing to limit moral

The sympathetic imagination is a kind of ‘inner eye,’ that helps us recognize the humanity of others. It is analogous to Appiah’s idea of narrative imagination discussed in the last chapter. In short, cultivating the sympathetic or narrative imagination is surely one vital instrument in the toolbox of liberal cosmopolitanism.

5. ***The Underlying Objectivism of Nussbaum’s Moral Outlook:*** One of the distinctive features of Nussbaum’s moral outlook is that it is underpinned by a non-essentialist moral universalism.³⁷³ For her, objectivity is not to be understood as “the complete absence of subjectivity, the complete bracketing of anything our own minds contribute.”³⁷⁴ Her conception of moral objectivism is not supported by metaphysical realism, the view that there is an immutable eternal structure of the world that is independent of the mind. Her conception of moral objectivity is one that is pragmatically based, aimed as it is against the arguments of moral relativists and subjectivists. Her reason for insisting on the reasonability of moral objectivity is that ceding the moral landscape to the objections of moral relativists and subjectivists might amount to flattening the moral domain. The outcome of this might be to imply that ‘anything goes’. For example, capitulating to the arguments of relativists and subjectivists would entail abandoning people facing injustice, oppression, and domination to *fate*, an issue which liberal cosmopolitanism aims to mitigate. Like Appiah’s, her conception of moral objectivity is not absolute; that is, does

discussions within the boundaries of a country or locality. As Sen puts it the “assessment of justice demands engagement with the ‘eyes of mankind’, first, because we may variously identify with the others elsewhere and not just with our local community; second, because our choices and actions may affect the lives of others far as well as near; and third, because what they see from their respective perspectives of history and geography may help us to overcome our own parochialism;” Amartya Sen, *The Idea of Justice*, 130.

³⁷³ She makes a strong defence of moral universalism in *Women and Human Development*, 34 – 110.

³⁷⁴ Nussbaum, “Political Objectivity,” *New Literary History* 32, no. 4, Objectivity in Ethics, Politics, and Aesthetics, (2001), 883 – 906, 884.

not entail the capacity for unmediated access to ‘moral truths.’ Her conception of moral objectivity is qualified. Conceding that absolute moral truth is impossible, she insists that “though all truth may be in a sense interested, infused by human needs and projects..., this does not mean that all interests are on a par and anything goes.”³⁷⁵ In light of her concession regarding the impossibility of having access to absolute moral truth, her conception of moral objectivity is moderate in orientation. She endorses moral objectivity for instrumental reasons. As she puts it, we need it “to show why certain arguments, say, about sex difference or racial difference, are bad science.”³⁷⁶ Her pragmatic conception of moral objectivity aims at combating the pernicious consequences of relativism and subjectivism. In keeping with the prominence of vulnerability in her moral vision, it is reasonable to surmise that her conception of moral objectivity derives its normativity from human vulnerability. The vulnerability of human beings to social and natural contingencies is a limiting factor against the claims of relativism and subjectivism.

By and large, the underlying philosophical anthropology of Nussbaum’s capabilities approach is both compatible with and continuous with that of rooted liberal cosmopolitanism. It shares the key defining features of liberal cosmopolitanism: it is not only individualist, universalist, and egalitarian; it also aspires to diminish the impact of the contingencies of the natural and social order on human life. The piecing together of key features of the supporting philosophical anthropologies of Appiah and Nussbaum offers the promise of sufficient resources for constructing

³⁷⁵ Nussbaum, “Political Objectivity,” 886.

³⁷⁶ Nussbaum, “Political Objectivity,” 886. Hilary Putman shares this view. He argues that abandoning the metaphysical trapping of objectivity is not tantamount to “giving up the idea that there are what Dewey called ‘objective resolutions of problematic situations’ – objective resolutions to problems which are *situated*, that is, in a place, at a time, as opposed to an ‘absolute’ answer to the ‘perspective-independent’ questions. And that is objectivity enough,” Hilary Putman, “Objectivity and the Science-Ethics Distinction,” in *The Quality of Life*, ed. Martha Nussbaum and Amartya Sen, (Oxford: Oxford University Press, 1993), 143 – 157, 156.

the philosophical anthropology of liberal cosmopolitanism; one that matches the aspirations of liberalism. I will establish this point in the next chapter.

Chapter Five

The Philosophical Anthropology of Liberal Cosmopolitanism

5.1 Introduction

In this chapter, I will provide an elucidation of the philosophical anthropology of liberal cosmopolitanism. Prior to this, I will argue that to the extent that liberalism is a moral doctrine, all forms of liberalism, pace Rawls, are comprehensive in nature. In other words, liberalism is a comprehensive doctrine.

5.2 Liberalism and Human Flourishing

I have tried to establish in this thesis that liberalism has certain moral commitments about the conditions that are conducive to human flourishing. I have maintained that these liberal commitments arise from the constitutive features of human beings; we are the kinds of creatures for whom things can be good or bad. Liberalism is a varied tradition that shares a family resemblance of views on the importance of liberty and autonomy for self-determination; of equality against the forces of domination and oppression; and of individual rights. It rejects the view that cultures are ends in themselves. I noted passingly in the last chapter that liberalism is a composite of a variety of comprehensive liberalisms differing from one another in terms of scope, that is; strong or weak. It is a continuum of views on conceptions of the good life. This has implications for Rawls's and Nussbaum's distinction between political and comprehensive liberalism.

I want to insist, as do Gerald Gaus³⁷⁷ and Kok-Chor Tan³⁷⁸, that the distinction between political liberalism and comprehensive liberalism is a misleading dichotomy. Gaus for instance, opines that “rather than conceiving of comprehensive liberalisms as all relying on a fully comprehensive doctrine, it is better to conceive of them in terms of a spectrum of theories.”³⁷⁹ Gaus’s point is that the approach taken by Rawls in distinguishing between political and comprehensive liberalism oversimplifies the scope entailed in the diverse classifications of liberalism. While Gaus’s contention against the Rawlsian distinction between political and comprehensive liberalism focuses on definitional issues, Tan’s objection focuses more on “the toleration problem.”³⁸⁰ The objection advanced by the *toleration problem* is that Rawls’s conception of political liberalism restricts the scope of autonomy to the political arena requiring that the state refrains from taking a critical stance against some oppressive practices of some groups.³⁸¹ The *toleration problem* arises from the Rawlsian distinction between political liberalism and comprehensive liberalism. In making this distinction, Rawls uses two senses of autonomy: *political autonomy* and *ethical autonomy* to illustrate the distinction between the two kinds of liberalism. *Political autonomy* is the autonomy that persons have in the public sphere in their role as citizens. This autonomy protects the freedom and equality of all citizens irrespective of their

³⁷⁷ Gerald F. Gaus, *Contemporary Theories of Liberalism: Public Reason as a Post-Enlightenment Project*, (London: Sage Publications, 2003), 177 – 204; Gerald F. Gaus, “The Diversity of Comprehensive Liberalisms,” in *Handbook of Political Theory*, Gerald F. Gaus and Chandran Kukathas, eds., (London: Sage Publications, 2004), 100 – 114;

³⁷⁸ Kok-Chor Tan, *Toleration, Diversity and Global Justice*, kindle edition, (University Park PA: The Pennsylvania State University Press, 2000), 50 – 82; See also Charles Jones, “Global Liberalism: Political or Comprehensive,” *University of Toronto Law Journal* 54, no. 2 (2004), 227 - 248.

³⁷⁹ Gerald F. Gaus, “The Diversity of Comprehensive Liberalisms,” 100.

³⁸⁰ Kok-Chor Tan, *Toleration, Diversity and Global Justice*, 49. Suffice it to say that Tan also notes like Gaus that, “Comprehensive liberalism is not a monolithic view of liberal political morality, but is itself given to alternative interpretations. For example, comprehensive liberals do not all agree on whether to adopt a neutralist or perfectionist model of liberalism.” 48.

³⁸¹ Tan points out that “most feminist liberals reject political liberalism as too feeble a liberal morality to support women’s rights precisely because it cannot directly address the core gender problem, namely unjust familial arrangements, they are more optimistic about comprehensive liberalism,” 50.

conceptions of the good. From the perspective of *political autonomy*, groups (like churches or mosques) that do not prioritize autonomy as an important personal good, can organize their internal activities in keeping with their traditions while respecting the rights of their members in the political sphere. Political liberalism requires that groups be *politically* liberal without necessarily being *internally* liberal.

On the other hand, *ethical autonomy* is the autonomy that operates in the private sphere; that is, the autonomy that structures people's private conceptions of the good; it concerns how people run their daily lives. *Ethical autonomy* is more extensive than *political autonomy* in that it extends beyond the political sphere.³⁸² Unlike *political autonomy*, groups (like churches and mosques) are not only required to be politically liberal, they are required not to constrain the *ethical autonomy* of their members. *Ethical autonomy* is a coordinate of moral individualism to the extent that it espouses an individualist view of the good life. This is to say that *ethical autonomy* is underpinned by the liberal motifs of moral individualism and moral universalism. *Ethical autonomy* is, in this connection, more morally consistent than *political autonomy*.

Accordingly, Rawls's aim to find a solution to the problem of stability occasioned by the fact of pluralism in liberal democracies, imperils the crucial moral commitment of liberalism: its critical stance against illiberal practices. The liberal commitment of the state should not aim only to promote the autonomy of its citizens in the public sphere; it should also do likewise in the private sphere in order to protect vulnerable minorities within minority communities. Giving elevated significance to *political autonomy* would be tantamount to reducing and confining it to the political sphere. *Political autonomy* should not short-change *ethical autonomy*. In fact, *political autonomy*

³⁸² John Rawls, *PL*, 77 – 80.

supervenes on *ethical autonomy*; that is, it is a derivative of *ethical autonomy*. The concern for stability engendered by *political autonomy* ought not to override the good of *ethical autonomy*. *Ethical autonomy* should have normative priority over *political autonomy*. The reason for this is to secure the moral content of liberalism, one element of which is individual autonomy. *Political autonomy* as conceived by Rawls would leave oppressed members of nonliberal groups at the mercy of their groups. Rawls's notion of political liberalism then, does not furnish a sufficient shield against the vulnerabilities to which unchosen membership in a nonliberal group could pose for an individual. The prioritization of *ethical autonomy* is precisely designed to mitigate the impact of the pernicious consequences of belonging to a group that has illiberal practices. In this connection, political liberalism has a very lame and limited normative reach and force. The moral content of political liberalism is, so to speak, impoverished.

The point about securing the moral content of liberalism is meant to state that liberalism is unavoidably comprehensive insofar as it is a moral doctrine.³⁸³ The comprehensiveness of liberalism admits of various gradations and scopes. For Gerald Gaus, the spectrum of comprehensive liberalism ranges from full to partial. Gaus notes that liberalism conceived as a secular philosophy is a fully comprehensive liberalism insofar as it has an all-inclusive conception of human life in society that includes "a metaphysics, an epistemology, as well as theories of morality and politics."³⁸⁴ For Kok-Chor Tan, the spectrum of the comprehensiveness of liberalism ranges from "weak" to "strong". Tan's conception of strong comprehensive liberalism is philosophically identical to Gaus's concept of "full" comprehensive liberalism. Perhaps, the

³⁸³ Jeremy Waldron puts this point thus: "Liberalism is based on certain ethical commitments, certain propositions about what matters and about the importance of certain kinds of respect for the lives, experiences, and liberty of ordinary men and women. It is not a neutral or nonchalant creed, and its commitments arguably cannot be articulated at a purely political level," "Liberalism, Political and Comprehensive," 15.

³⁸⁴ Gerald F. Gaus, "The Diversity of Comprehensive Liberalisms," 100.

difference between strong and full comprehensive liberalism lies in the fact that strong comprehensive liberalism endorses an *interventionist* and *coercive* approach to advancing liberal values. Rawls explicitly objects to the use of an interventionist and coercive approach to support any comprehensive view: “It is unreasonable for us to use political power should we possess it, or share it with others, to repress comprehensive views that are not unreasonable.”³⁸⁵ Rawls is right in objecting to an interventionist and coercive approach. His objection applies to strong comprehensive liberalism and not weak comprehensive liberalism. To explain why this is the case, let me first define weak comprehensive liberalism. Weak comprehensive liberalism is a form of comprehensive liberalism that espouses the moral importance of the liberal values of autonomy and equality for a good human life both in the public and private spheres. Unlike political liberalism, it subscribes to the comprehensive moral doctrine of liberalism in order to secure ~~the~~ not just the *political autonomy* of individuals but also their *ethical autonomy*. Like political liberalism, weak comprehensive liberalism does not endorse an interventionist and coercive approach. Weak comprehensive liberalism does not, however, stop at rejecting an interventionist and coercive approach to advancing the aspirations of liberalism. When warranted, it takes a critical stance against practices that political liberalism might refrain from critiquing. This disengaged stance of political liberalism in the private domain as it pertains to nonliberal practices of reasonable comprehensive doctrines is one of the drawbacks of its conception of liberalism. To be specific, this shortcoming is the *toleration problem* about which I earlier spoke. Jeremy Waldron notes for instance that, “If liberal positions are to be sustained, certain confrontations at the comprehensive level may be unavoidable.”³⁸⁶ Weak liberalism endorses the idea that confrontations inspired by the moral content of liberalism are inescapable. This is why Tan

³⁸⁵ Rawls, PL, 61.

³⁸⁶ Jeremy Waldron, “Liberalism, Political and Comprehensive,” 99.

observes that weak comprehensive liberalism, “allows for the distinction between *making a judgment* and *acting on that judgment*.”³⁸⁷ By *making a judgment*, Tan means taking a critical stance against unjust and illiberal practices that undermine human flourishes without necessarily intervening coercively (*acting on that judgment*). This is to say that the conception of toleration implicit in weak comprehensive liberalism is not as expansive as that advanced by the Rawlsian conception of political liberalism.

As a matter of interest, the conception of toleration in Rawlsian political liberalism does not even get the approval of Martha Nussbaum, who is a self-described advocate of political liberalism. In fact, Nussbaum’s article, “Women and the Law of Peoples,” is a critique of the expansive conception of toleration and the truncated conception of human rights in Rawlsian *transnational* political liberalism.³⁸⁸ Nussbaum’s critique of Rawlsian *transnational* political liberalism is implicitly supported by the moral universalism and individualism that undergirds liberal cosmopolitanism. In my view, her critique of the Rawlsian *transnational* political liberalism undermines the plausibility of her critique of liberal cosmopolitanism, which I have noted is also supported by moral universalism and individualism.

In light of my observations against the normative scope of political liberalism, the version of comprehensive liberalism I endorse is the weak version in that it neither explicitly spells out a full version of the good life nor imposes or enforces its conception of the good life on dissenting individuals as a strong comprehensive liberalism would. Weak comprehensive liberalism is animated by the inescapable critical character and humane aspiration of liberalism. Against the

³⁸⁷ Kok-Chor Tan, *Toleration, Diversity and Global Justice*, 59.

³⁸⁸ Martha Nussbaum, “Women and the Law of Peoples,” in *Politics, Philosophy and Economics*, Vol. 1, No. 3, (October 2002): 283 – 306.

view of strong comprehensive liberals like Joseph Raz³⁸⁹ who espouse imposing the liberal conception of the good life, weak comprehensive liberalism aims to promote public awareness campaigns and discussions on issues of public concern from the viewpoint of liberalism.³⁹⁰

The point I am trying to establish is that weak comprehensive liberalism then is consistent with the broad aspiration of liberalism. The philosophical anthropology of liberal cosmopolitanism is a species of weak comprehensive liberalism. As a form of weak comprehensive liberalism, it avoids the parochial and state-centric orientation of Rawlsian political liberalism.³⁹¹ It does this on account of its moral content. For the most part, the moral content of liberalism derives from the constitutive features of human beings.³⁹² Our constitutive features are shot through and through with vulnerability. This is why I maintain that the motif of vulnerability should have normative paramountcy and made more explicit in liberal theories of justice, egalitarianism, society, etc. Tracking the unavoidability of vulnerability would help align theories of liberalism to two architectonic motifs of liberalism: firstly, individuals, irrespective of race, religion, nationality, ethnicity, sexual orientation, and gender, are the ultimate units of moral concern – not groups or collectivities; secondly, contingent facts about an individual's life should not determine the individual's chances of leading a flourishing life. This consideration should be at the heart of any

³⁸⁹ Joseph Raz, *The Morality of Freedom*, (Oxford: Clarendon Press, 1986).

³⁹⁰ Tan writes in *Toleration, Diversity and Global Justice*, that "Comprehensive liberals can deploy state (i.e., publicly shared) resources to question and even criticize some nonliberal group practices without actually criminalizing or enacting legislation against them," 60. Some examples of discussions on nonliberal practices include teaching the value of gender equality, offering opportunities to oppressed internal minorities, etc.

³⁹¹ The shortcomings of political liberalism are clearly reflected in Rawls's Law of Peoples. Prominent critiques of his conception of political liberalism in the international domain include Joseph Beitz, "Rawls's Law of Peoples," *Ethics* 110, no. 4 (July 2000), 669 – 696; Allen Buchanan, "Rawls's Law of Peoples: Rules for a Vanished Westphalian World," *Ethics* 110, no. 4 (July 2000), 697 – 721; Allen Buchanan, "Taking the Human out of Human Rights," in *Rawls's Law of Peoples: A Realistic Utopia?* Eds. Rex Martin and David A. Reidy, (Oxford: Blackwell Publishing, 2006), 150 – 168.

³⁹² Bhikhu Parekh, "Cosmopolitanism and Global Citizenship," *Review of International Studies* 29, no. 1 (Jan., 2003), 3 – 17; Peter Lopston, *Theories of Human Nature*, 3rd Edition, (Peterborough: Broadview Press, 2006), 78 – 79.

liberal conception of the human condition. I insist that, compared to all other conceptions of liberalism, liberal cosmopolitanism, insofar as it is underpinned by moral universalism and moral individualism, offers the most consistent vision of liberalism. Liberal cosmopolitanism is a normative theory that encapsulates the best of the humane vision of liberalism and cosmopolitanism. It is a vision that is undergirded by a philosophical anthropology that is in need of a theory. What then is the philosophical anthropology of liberal cosmopolitanism? In the next subsection, I elucidate the key elements of the philosophical anthropology of liberal cosmopolitanism.

5.3 Elements of the Philosophical Anthropology of Liberal Cosmopolitanism

Before elucidating the elements of the philosophical anthropology of liberal cosmopolitanism, let me once again say what I mean by a philosophical anthropology. It is any conception of humans or the human condition arrived at by the methods distinctive to philosophy, that is, by partly abstract and critical reflection, supplemented with facts and ideas derived from historical, sociocultural, psychological, and biological dimensions of human life. In part, such a conception is unavoidably normative, regarding what makes for living well in light of human, needs, capacities, and circumstances; and on the negative side, which conditions or aims typically hinder human development or living a fulfilled life, individually and socially. It is the underlying philosophical conception of the human person that is tacit or assumed in liberal institutions and theories.

I examined three models in this thesis, namely: the Economic Model, the Sociological Model and the Integrationist Model. The Economic Model and the Sociological Model have conceptions of the human subject that do not match the motifs of moral individualism and universalism that underscore liberalism, and a due recognition of human vulnerability.

In scrutinizing the Economic Model with Rawls's theory of justice as the principal subject, I pointed out that the philosophical anthropology that underlies Rawls's theory of justice is a derivative of the economic system within which Rawlsian contractarian vision would efficiently operate. Considerations of economic efficiency shape the image of the subjects of the society conceived in Rawls theory of justice. This is why the moral persons in his theory are Independent Subjects as opposed to Vulnerable Subjects that I propose in the philosophical anthropology of liberal cosmopolitanism. On this score, the Economic Model is not a good candidate for this project.

The Sociological Model is a multicultural critique of the liberal ideal of universal humanity. This Model principally focused on the multicultural theory of Will Kymlicka. A major feature of Kymlicka's argument is that an 'autonomously' constituted liberal self needs a secure societal culture in order to flourish. The major error of Kymlicka's project is that it gives primacy to cultural identity, making it a primary source of one's identity and self-respect. So, Kymlicka's thesis oversimplifies the ways in which one's multiple identities structure one's manifold experiences. His foregrounding of cultural identity reduces the phenomenon of rootedness to cultural or national identity. In so doing, in effect he endorses cultural essentialism although claiming to avoid it, and in the process, imperils the notion of autonomous self-constitution about which he so eloquently and forcefully argued.

The Integrationist Model, drawn from Appiah and Nussbaum adequately offers a philosophical anthropology that is compatible with the liberal ideal that arbitrary facts about a person's life should not determine the person's chances of leading a flourishing life. I have argued that, in distinctive ways, Nussbaum and Appiah track and reflect the motif of vulnerability in their works. Key features of liberalism are reflected in their works: moral individualism, moral

universalism, and egalitarianism. In short, Nussbaum and Appiah both provide important resources for the philosophical anthropology of liberal cosmopolitanism. Here then are the elements of the philosophical anthropology of liberal cosmopolitanism:

5.3.1 Vulnerability

Vulnerability as an analytical tool is making very strong inroads into moral philosophy. Its emergence into the domain of political philosophy promises to bring about much needed change in the conceptions of the liberal self assumed in theories of moral and political philosophy. Moral and political philosophy is a domain in need of a philosophical anthropological orientation. Vulnerability is the category that will fill this much-needed space.

Vulnerability is an inherent feature of human beings. It is a coordinate of luck, of uncertainty since it is understood as a state of constant possibility of harm, of unexpected reversals in one's good fortunes. Martha Fineman notes that vulnerability arises from our embodiedness; it is a universal unescapable feature of the human condition.³⁹³ Catriona Mackenzie provides a very good taxonomy of the varieties of vulnerabilities to which we are open. They are as follows: *Inherent* (arising from our embodiment and its concomitant needs); *Situational* (these are institutionally generated and perpetuated forms of vulnerabilities); and *Pathogenic* (these are vulnerabilities arising from oppressive and abusive interpersonal relationships).³⁹⁴ Vulnerability has normative force. Our inherent, situational and pathogenic vulnerabilities provide grounds for

³⁹³ Martha Albertson Fineman, "The Vulnerable Subject and the Responsive State," *Emory Law Journal* 60, no.2 (2010), 251 – 275, 8 – 10. Also see, Martha Albertson Fineman, "The Vulnerable Subject: Anchoring Equality in the Human Condition," *Yale Journal of Law and Feminism* 20, no. 1, (2008), 1 – 24; and Martha Fineman and Anna Gear, eds., *Vulnerability: Reflections on a New Ethical Foundation for Law and Politics*, (Surrey: Ashgate Publishing Limited, 2013). Another good work on vulnerability was written by Erinn C. Gilson, *The Ethics of Vulnerability: A Feminist Analysis of Social Life and Practice*, (New York: Routledge, 2014).

³⁹⁴ Catriona Mackenzie, "The Importance of Relational Autonomy and Capabilities for an Ethics of Vulnerability," in *Vulnerability: New Essays in Ethics and Feminist Philosophy*, Catriona Mackenzie, Wendy Rogers, and Susan Dodds, eds., (New York: Oxford University Press, 2014), 38 – 39.

the reconceptualization of the principles and categories used to portray the liberal self. Our common vulnerability underscores our *telos*. By *telos*, I do not mean the Aristotelian essentialist connotation. Rather, I mean the fact that our biological, affective and social lives thrive in certain conditions.³⁹⁵ The idea of *telos* suggests that the desire for well-being is a universal human propensity. It is an ineradicable human impulse. Liberal cosmopolitanism aspires to diminish the impact of luck on the life chances of individuals; this aspiration supervenes on a conception of human beings as *vulnerable subjects* who are constantly susceptible to misfortunes that could undermine their well-being.

5.3.2 Cultivation of Sympathetic imagination:

In chapter three, I quoted a saying attributed to the playwright of the Roman Republic, Publius Terentius Afer (simply known as Terence). The saying goes something like this: I am human and nothing human is alien to me. The saying encapsulates what sympathetic imagination is all about. It entails learning to imaginatively enter into another's sufferings, feelings, experiences, or 'world' in order to have a kind of kinship with her. It entails vicariously participating in the emotions and predicament of another. It consists in asking the question: what is it like to have X's vulnerabilities, disadvantages, etc.?

It is a capacity to which both Appiah and Nussbaum attended. I mention this element for instrumental reasons: it is useful for cultivating a conception of the self in which the sense of our common humanity and its concomitant vulnerabilities is kept in the foreground of our imagination as a deterrence against illusions of invulnerability. This capacity is analogous to Amartya Sen's

³⁹⁵ Peter Lopston observes that liberals "have a conception of human flourishing. We have a *telos*, a condition of being under which we thrive and deviation from which makes us wilt, or become ill, or non-human," *Theories of Human Nature*, 79.

notion of ‘Open Impartiality.’ Against the shortcomings of the ‘Closed Impartiality’ operated in Rawls’s Original Position,³⁹⁶ Sen argues that the device of Open Impartiality uses the ‘eyes of mankind’ in its scrutinization process. It does so because it assumes that anyone can imaginatively step into another’s shoes and imagine what it is like to be in their ‘world.’ When we adopt the device of Open Impartiality, “we may variously identify with the others elsewhere and not just with our local community.”³⁹⁷ Cultivating sympathetic imagination is a useful element for keeping track of the conception of ourselves as vulnerable subjects.

5.3.3 Moderate Moral Objectivism

Moral objectivity smacks of the idea of having unmediated access to irrefutable moral facts, one devoid of relativism or subjectivism. A popular version of moral objectivity is moral realism; that is, the meta-ethical view that holds that moral ‘facts’ and values exist independent of our minds and perceptions. Debates in meta-ethics about the plausibility of moral relativism and moral objectivism are still ongoing and are characteristically accompanied by metaphysical assumptions. It is not my intention in this thesis to join in this debate. However, to the extent that liberal cosmopolitanism endorses moral individualism and moral universalism, some sort of moral objectivity is assumed. The conception of moral objectivity that is entailed in the philosophical anthropology of liberal cosmopolitanism is not rooted in moral realism. It endorses moderate moral objectivity in that its justification is not metaphysical but practical, being concerned with concrete effects, the state of affairs it brings about, that is, the kinds of moral goods it fosters. Moderate moral objectivism derives its goodness from the practical human significance of engendering the

³⁹⁶ The shortcomings of Rawls’s device of the Original Position mentioned by Amartya Sen include: Exclusionary neglect (bracketing off non-members of a focal group), Procedural Parochialism (the idea that while the veil of ignorance might help overcome in-group bias, it might not be able to overcome the shared prejudices of the focal group), *The Idea of Justice*, 138 – 139.

³⁹⁷ Amartya Sen, *The Idea of Justice*, 130.

abolition or reduction of oppression, injustice and, domination. The consequences of moderate moral objectivism have normative basis insofar as they protect our interests in not being harmed and provide conditions conducive for flourishing.

A look at the historical changes wrought by liberalism against the forces of inegalitarianism and oppression demonstrate that the values of liberalism are more conducive for human flourishing than its competing political creeds. In other words, adopting liberalism enhances the well-being of individuals.³⁹⁸ The state of affairs that liberalism produces attests to the reasonability of its underlying moderate moral objectivism. This is precisely why the philosophical anthropology of liberal cosmopolitanism is underpinned by moderate moral objectivism. Since moderate moral objectivism is not metaphysically based, it is to be construed as being socially and historically constructed. Its humane consequences provide justification for its plausibility.

5.3.4 The Moral Psychology of Liberal Cosmopolitanism

Sceptics of liberal cosmopolitans frequently criticize it for advancing psychologically unrealistic and undesirable aspirations in a world of real people with real emotions. These criticisms are based on the claim that we have a proclivity that drives us to crave belonging to groups and that patriotic and nationalistic partiality is one way of meeting this need. I have argued on the strength of the rooted liberal cosmopolitanism of Appiah that this is unfounded.³⁹⁹ A moderate liberal cosmopolitanism, such as Appiah is not psychologically unrealistic. In a world of increasing globalization and cultural hybridization it makes sense to conceive the self as ‘a

³⁹⁸ For more on this, see Amartya Sen, *Development as Freedom*, (New York: Random House, 1999), Fareed Zakaria, *The Future of Freedom: Illiberal Democracy at Home and Abroad*, (New York: W. W. Norton and Company, 2003).

³⁹⁹ A similar idea has also been advanced by Jason D. Hill, *Becoming Cosmopolitan: What It Means to Be a Human Being in the New Millenium*, (Lanham: Rowman & Littlefield Publishers, Inc. 2000).

mongrel self,' 'a cosmopolitan self,' 'a multicultural self,' and a 'cosmopolitan patriot.' In other words, liberalism has sufficient scope to accommodate the concerns of liberal nationalism and the universalist aspirations of liberal cosmopolitanism.

One of the reasons why it is possible to conceive of the self in this fluid way is that the philosophical anthropology of liberal cosmopolitanism holds that human beings are remarkably malleable. The liberal self is simultaneously capable of taking pleasure in his or her *natal patria* while fashioning a distinctive self-identity from heterogeneous sources. It is against reductionist and subsumptive conceptions of identity on account of their essentialist trappings and potential harmful consequences. Unlike reductionist and subsumptive conceptions of identity, the philosophical anthropology of liberal cosmopolitanism is much more complex and versatile, naming as it does the multiple vulnerabilities people are potentially subjected to on account of other dimensions of their identities.

5.4 Conclusion

In this thesis, I uncovered and scrutinized the implicit philosophical anthropologies of prominent theories of liberal egalitarianism. Specifically, I examined three models of liberal conceptions of the self (the Economic, Sociological and Integrationist Models) with a view to ascertaining whether they are compatible with the ideal of liberalism: arbitrary facts about a person's life should not determine the person's chances of leading a flourishing life.

I argued the Economic and Sociological Models do not sufficiently reflect the pervasiveness and inevitability of vulnerability in every human life. Unlike the Integrationist model, these two models have conceptions of the human subject that do not match the motifs of moral individualism and universalism that underscore liberalism, and a due recognition of human vulnerability. Vulnerability, I averred, has normative force.

The vulnerability of persons is a primary irreducible ingredient, a fixed point that should constrain the structure of liberal theories. This fact should be adequately reflected in liberal theories. Any plausible theory should derive from the constitutive features of human persons, the conception of human beings as vulnerable subjects. I demonstrated that the Economic and Sociological models failed in this regard in that the underlying conceptions of the liberal subject derived from their theories do not sufficiently reflect vulnerability. This is one area of significant difference the Integrationist Model has vis-à-vis the other two models. I disclosed that Appiah and Nussbaum ascribed normative primacy to the constitutive features of human beings. The inescapability of vulnerability is always foregrounded in Appiah and Nussbaum. It is a consideration that shaped the structure of their respective theories. In this connection, I submit that the philosophical anthropology of liberal cosmopolitanism, the idea of persons as vulnerable

subjects should be the standard image to serve as the signpost of liberal theories. Images mold our conceptions and attitudes towards individuals. They are the lens with which we see the world.

The point I am making is that adopting a conception of the liberal self as a vulnerable subject could be construed as a heuristic device for engaging the threats against human flourishing as they arise in given historical circumstances. The philosophical anthropology of liberal cosmopolitanism is imbued with a critical character on account of the nobility of its moral aspiration. Its appeal is not metaphysically based; it makes no claims about privileged access to unchanging moral truths about the human good. Its appeal is a function of the good it brings about – human flourishing.

The philosophical anthropology of liberal cosmopolitanism is a philosophical conception of human beings that ascribes normative priority to the undeniable vulnerability of human beings. Because of the constant and pervasive presence of vulnerability to human experience, it structures our notions of harm and *eudaimonia*, interests and rights, equality and inequality. It is nurtured by core moral principles of liberalism: that individuals, not collectivities, are the ultimate units of moral concern and that individuals regardless of nationality, race, gender, religion, etc. are of equal moral worth. It is animated by the cosmopolitan aspiration that the contingencies of birth which pervade every human life, should not determine the life chances of individuals. In this connection, it resists the reification of identity categories. This implies that we should not think of human beings as determinately subsumed in identity categories.

By and large, the philosophical anthropology of liberal cosmopolitanism aims to inspire a paradigm shift in the way we think of ourselves, the way we picture ourselves. It is a normative theory about how we ought to think of ourselves (our identities) and how we ought not to think of

ourselves (our identities). For instance, we ought not to think of ourselves in essentialist and subsumptive identity categories. We ought to think of ourselves as subjects capable of cultivating a capacious imagination and fashioning distinctive identities from diverse sources. This claim has implications for survivalist and protectionist conceptions of cultural and other collective identity categories.

Insofar as liberalism subscribes to the view that individuals have the capability to live lives in pursuit of aims that they themselves endorse to be necessary for a flourishing life, a theory that makes this view plausibly imaginable for all individuals is indispensable. The philosophical anthropology of liberal cosmopolitanism is such a theory.

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