The Plural States of Recognition

Edited by Michel Seymour

The Plural States of Recognition

Palgrave Politics of Identity and Citizenship Series

Series Editors: **Varun Uberoi**, University of Oxford; **Nasar Meer**, University of Southampton and **Tariq Modood**, University of Bristol

The politics of identity and citizenship has assumed increasing importance as our polities have become significantly more culturally, ethnically and religiously diverse. Different types of scholars, including philosophers, sociologists, political scientists and historians make contributions to this field and this series showcases a variety of innovative contributions to it. Focusing on a range of different countries, and utilizing the insights of different disciplines, the series helps to illuminate an increasingly controversial area of research and titles in it will be of interest to a number of audiences including scholars, students and other interested individuals.

Titles include:

Nasar Meer
CITIZENSHIP, IDENTITY AND THE POLITICS OF MULTICULTURALISM
The Rise of Muslim Consciousness

Michel Seymour (*editor*)
THE PLURAL STATES OF RECOGNITION

The Plural States of Recognition

Edited by

Michel Seymour
Professor, Department of Philosophy, University of Montreal, Canada

Contents

Notes on the Contributors

Rajeev Bhargava is Senior Fellow and director of the Programme of Social and Political Theory at the Centre for the Study of Developing Societies in Delhi, India. His publications include *Individualism in Social Science* (Clarendon Press, 1992), *Secularism and its Critics* (ed.) (Oxford University Press, 1998), *Multiculturalism, Liberalism and Democracy* (ed. with A. Bagchi and R. Sudarshan) (Oxford University Press, 1999), *Transforming India* (ed. with Francine Frankel et al.) (Oxford University Press, 2000), *Civil Society, Public Sphere and Citizenship* (ed. with H. Reifeld) (Sage, 2005), *Politics and Ethics of the Indian Constitution* (ed.) (Oxford University Press, 2008), *Social Justice* (ed. with M. Dusche and H. Reifeld) (Sage, 2008) and *Political Theory: An Introduction* (ed. with Ashok Acharya) (Pearson, 2008).

Avigail Eisenberg is Associate Professor in the Department of Political Science and a Faculty Associate in the Indigenous Governance program at the University of Victoria. She is the author of *Reasons of Identity: A Normative Guide to the Assessment of Identity Claims* (Oxford University Press, 2009) and of *Reconstructing Political Pluralism* (SUNY Press, 1995). She also published three collections of research papers: *Minorities within Minorities* (ed. with Jeff Spinner-Halev) (Cambridge University Press, 2005), *Diversity and Equality* (UBC Press, 2006) and *Sexual Justice/Cultural Justice* (ed. with Barbara Arneil, Monique Deveaux and Rita Dhamoon) (Routledge, 2007).

Anna Elisabetta Galeotti is Professor at the Faculty of Philosophy, Department of Studi Umanistici, University of Piemonte Orientale in Vercelli, Italy. She is the author of *Toleration as Recognition* (Cambridge University Press, 2002). She also wrote 'Difference, Identity and Toleration', in *The Oxford Handbook of Political Theory* (ed. J. Dryzeck, B. Honig and A. Phillips) (Oxford University Press, 2006). Her writings have appeared in *Political Theory*, *Respublica*, *Ratio Juris* and *CRISSP*.

Heikki Ikäheimo is Professor in the Department of Philosophy at Macquarie University. He is the author of *Self-Consciousness and Inter-subjectivity. A Study on Hegel's Encyclopedia Philosophy of Subjective Spirit* (1830) (*Publications in Philosophy* 67, University of Jyväskylä, 2000). He

co-edited (with Arto Laitinen) *Recognition and Social Ontology* (2009), (with Arto Laitinen) *Dimensions of Personhood* (Imprint Academic, 2007) and (with Eerik Lagerspetz and Jussi Kotkavirta) *On the Nature of Social and Institutional Reality* (SoPhi Academic Press, 2001).

Arto Laitinen is Professor in the Department of Social Sciences and Philosophy, University of Jyväskylä, Finland. He is the author of *Strong Evaluation without Moral Source:. With and Against Charles Taylor* (Peter Lang, 2007). In addition to the above-mentioned co-edited volumes with Heikki Ikäheimo, he co-edited (with Nicholas H. Smith) *Perspectives on the Philosophy of Charles Taylor* (Societas Philosophica Fennica, 2002). He has published articles in journals such as *Critical Review of International Social and Political Philosophy* and *Inquiry*.

Jacob T. Levy is Tomlinson Professor of Political Theory in the Department of Political Science at McGill University and a member of the McGill Centre for Human Rights and Legal Pluralism. He is the author of *The Multiculturalism of Fear* (Oxford University Press, 2000). He has also published in *Political Theory*, *Critical Review of International Social and Political Philosophy*, *American Political Science Review* and *Social Philosophy and Policy*.

Jocelyn Maclure is Professor in the Faculté de philosophie, Université Laval, Québec, Canada. He is the author of *Quebec Identity: The Challenge of Pluralism* (preface by Charles Taylor) (McGill-Queen's University Press, 2003) and co-edited (with Alain G. Gagnon) *Repères en mutation* (Québec Amérique, 2001). He has also published papers in *Philosophy & Social Criticism* and the *Canadian Journal of Political Science*.

Tariq Modood is Director of the Centre for the Study of Ethnicity and Citizenship, Professor of Sociology, Politics and Public Policy, Department of Sociology, University of Bristol. His most recent publications include *Multiculturalism: A Civic Idea* (Polity Press, 2007) and *Multicultural Politics: Racism, Ethnicity and Muslims in Britain* (University of Minnesota Press and Edinburgh University Press, 2005). He co-edited (with G. G. Raymond) *The Construction of Minority Identities in France and Britain* (Palgrave Macmillan, 2007), (with A. Triandafyllidou and R. Zapata-Barrero) *Multiculturalism, Muslims and Citizenship: A European Approach* (Routledge, 2006) and (with S. May and J. Squires) *Ethnicity, Nationalism and Minority Rights*, Cambridge University Press, 2004.

Michel Seymour is full Professor in the Department of Philosophy at Université de Montréal. He is the author of *De la tolérance à la reconnaissance. Une théorie libérale des droits collectifs* (Boréal, 2008), *L'institution du langage* (Presses de l'Université de Montréal, 2005), *Le pari de la démesure. L'intransigeance canadienne face au Québec* (L'Hexagone, 2001), *La nation en question* (L'Hexagone, 1999) and *Pensée, langage et communauté* (Vrin/Bellarmin, 1994). He has edited *The Fate of the Nation-state* (McGill-Queen's University Press, 2004), co-edited (with Jocelyne Couture and Kai Nielsen) *Rethinking Nationalism* in the *Supplementary Volumes* of the *Canadian Journal of Philosophy* (1998) and (with Matthias Fritsch) *Reason and Emancipation: Essays in the Philosophy of Kai Nielsen* (Humanities Books, Prometheus, 2007).

Simon Thompson is Senior Lecturer in Politics, and Fellow of the Centre for Psycho-social Studies at the University of the West of England, Bristol. He is author of *The Political Theory of Recognition* (Polity, 2006), and co-editor (with Simon Clarke and Paul Hoggett) of *Emotions, Politics and Society* (Palgrave Macmillan, 2006) and (with Matthew Festenstein) of *Richard Rorty: Critical Dialogues* (Polity, 2001). His articles have been published in *Critical Review of International Social and Political Philosophy*, *Constellations* and *Contemporary Political Theory*.

Robert R. Williams is Affiliate Professor in the Department of Germanic Studies, University of Illinois at Chicago. He is author of *Hegel's Ethics of Recognition* (University of California Press, 1997), *Recognition: Fichte and Hegel on the Other* (SUNY Press, 1992) and *Schleiermacher the Theologian: The Construction of the Doctrine of God* (Fortress Press, 1978). He is editor of *Beyond Liberalism and Communitarianism: Studies in Hegel's Philosophy of Right* (SUNY Press, 2001). He is translator and editor of *Hegel's Lectures on the Philosophy of Spirit 1827/8* (Oxford University Press, 2007) and *L. A. Dorner: The Immutability of God* (1994).

Acknowledgements

Introduction

Michel Seymour

This book deals with the politics of recognition. The discussion was first initiated by G. W. F. Hegel in his *System of Ethical Life* (1802–03), in his *First Philosophy of Spirit* (1803–04) and finally in the *Phenomenology of Spirit* (1807), especially in the section dealing with the dialectical relation of master and slave. In the 1990s, a few years after new versions of Hegel's early writings had become available, a number of ground-breaking works appeared simultaneously on the theme of the ethics and politics of recognition. At almost the same time, Jean-Marc Ferry (1996), Nancy Fraser (1995), Axel Honneth (1992), Charles Taylor (1992) and Robert R. Williams (1992) published their seminal works on the topic.

However, recognition theory has many facets and can be understood from many different angles. Firstly, recognition has often been discussed from the angle of an appropriation of the Hegelian heritage. Hegel's works have been the subject of many general studies which contributed to a renewed interest in his work, and these are certainly helpful in prompting special attention to the concept of recognition. We should, for instance, mention the works of Sybol Cook Anderson (2009), Bernard Bourgeois (1969, 1986, 1990, 1992), Jacques d'Hondt (1984, 1986, 1987), Axel Honneth (1992, 2000, 2001, 2005), Jean Hypolite (1983, 1991, 1946), Jean-François Kervégan (2005, 2008), Alexandre Kojève (1947), Pierre-Jean Labarrière (1979, 1987, 1996), Alan Patten (1999, 2000), Robert Pippin (2000, 2008), Guy Planty-Bonjour (1985a, 1985b, 2003), André Stanguennec (1985, 1997), Charles Taylor (1997), Éric Weil (1979, 2002), Robert R. Williams (1992, 1997, 2001) and Allen Wood (1990). The issue of recognition, omnipresent in Hegel's early writings, appears to have been present in his later writings also, and this is slowly provoking a real paradigm shift in contemporary political philosophy. Contemporary authors are increasingly inclined to move from a Kantian to a Hegelian paradigm.

Secondly, a certain number of authors see recognition from the point of view of the Frankfurt School of critical theory, and thus conceptualize a

set of issues concerning the relationships between excluded or dominated individuals and groups and dominant majorities. This movement is especially present in France and Germany. The issue of recognition is seen as a common denominator among many different struggles in which individuals and groups are engaged. Domination relations persist in the interactions between men and women in private life, but also in the struggles involving ethnic, cultural, linguistic or sexually oriented minorities confronted with a system of rights and liberties initially designed for the bourgeois class, or finally in the class struggles that are at play in the workplace. All these very different issues have striking similarities. Although they may concern very different problems like love, culture, or work, they all have similarities, because they are all about alienation and about emancipation from this alienation. They also have, according to Honneth (1992), important psychological implications on our self-confidence, self-respect (dignity) or self-esteem. They illustrate different concrete exemplifications of recognition such as trust, respect or esteem. According to this account, recognition is closely tied to self-realization. Some of the main authors illustrating this second trend are Jean-Philippe Deranty (2003), Jean-Marc Ferry (1996), Axel Honneth (1992, 2000, 2001, 2005), Heikki Ikäheimo (2002), Arto Laitinen (2002), Christian Lazzeri (2004), Hervé Pourtois (2002), Emmanuel Renault (2004, 2008) and Simon Thompson (2006).

The problem of recognition also raises the issue of multiculturalism. It is this theme that one finds at the core of the present collection of articles. Can individuals, cultural groups and peoples be the objects of a recognition policy? This is the angle from which Charles Taylor (1992) approaches the issue. Of course, for Taylor also, recognition plays an important role for the self-realization of persons. Our personal identity is partly constituted by recognition. And it is also very obvious that Taylor is to a very large extent influenced by Hegel. But the focus is on the issue of culture, and it is one that has less importance for critical theorists and Hegelians. Since the publication of his seminal paper on the politics of recognition, and in certain cases even before him, many authors have been writing favourably about policies of cultural pluralism. Rajeev Bhargava (2004), Nancy Fraser (1995, 2000, 2001, Fraser and Honneth, 2003), Anna Elisabetta Galeotti (2002), Will Kymlicka (1989, 1995a, 1995b, 2001, 2007), Bhikhu Parekh (2000, 2008), James Tully (1995), Michel Wieviorka (2001) and Iris Marion Young (1990, 2000) took parallel and sometimes different tracks along the lines sketched out by Taylor. Many of these authors accept, to varying degrees, a recognition policy for groups and not merely for individuals, and they do so very often from

within a multicultural approach, which includes not only groups such as feminists and homosexuals, but also 'ethnic' groups.

The version proposed by Taylor and his supporters has many detractors. In addition to Habermas (1995, 2005), we can mention Anthony Appiah (1994, 2005, 2006a, 2006b), Brian Barry (2001), Seyla Benhabib (2002), Amy Gutmann (2003), James Johnson (2000), Chandran Kukathas, (1992, 1997), Martha Nussbaum (2006), Anne Phillips (2007) and Jeremy Waldron (1995), not to mention authors from the deconstructionist current, such as Patchen Markell (2003), Kelly Oliver (2001) and Richard Rorty (2000), and from the feminist current, such as Susan Moller Okin (1999).

These various contributions from authors that are favourable or unfavourable to a politics of recognition for persons, cultural groups or peoples have been the subject of many different debates. Some have been gathered into well-known volumes. These collections discussed the works of Honneth (Van den Brink and Owen, 2007; Coll. *Inquiry*, 2002; Chaumont and Pourtois, 1999; Renault and Sintomer, 2003), Taylor (Gutmann, 1994), Fraser (Olson, 2008), Kymlicka (Coll. *Constellations*, 1997), Rawls (Martin and Reidy, 2006), Nussbaum (Cohen, 1996), Okin (Cohen and Howard, 1997) and Barry (Kelly, 2002); see also Laden and Owen (2007) and the special issue of the *Revue du MAUSS* (Coll., 2004). It has also been the subject of many important debates in Canada. Apart from the contributions of Taylor, Kymlicka and Tully, we could mention the works of Charles Blattberg (2000), Joe Carens (2006), Stéphane Courtois (2005), Avigail Eisenberg (1995), Jocelyn Maclure (2000), Margaret Moore (2004), Geneviève Nootens (2004), Ayelet Shachar (2001), Daniel Weinstock (1998, 1999), Melissa Williams (1995, 2000) and so many others. I myself contributed to this discussion in my most recent book (Seymour, 2008).

In the collection of chapters in this volume, the authors focus mainly on the theme of cultural recognition for persons or peoples. The book is therefore mostly a contribution to the discussion concerning multiculturalism. This does not prevent some authors from studying issues concerning Hegel's legacy or Honneth's contributions to critical theory, but most of them are primarily interested in cultural recognition. Of course, it does not mean that issues about cultural pluralism should replace issues about distributive justice, equality and class struggles, as some might think (see Benn Michaels, 2006). As Fraser has argued (1995, 2000, 2001, 2003), the two issues of distribution and recognition can complete each other.

Since the fall of the Berlin Wall and the subsequent reshuffling of cultural, religious and social relations, the persistence of plural identities has gradually emerged as an essential feature of contemporary politics. Although there is a huge literature on the topic of recognition, there are not too many collections of essays that attempt to provide a critical reflection such as this one. This critical approach has been triggered by the events that have taken place since September 2001. The chapters have also all been written in the aftermath of the different crises concerning multiculturalism that occurred in Britain, the Netherlands, France and Canada.

Recognition defined

Before we move on to describe the particular chapters of the book, it would perhaps be appropriate to define the concept of recognition a little more clearly. Paul Ricoeur (2004) has pointed out the polysemic nature of the term, and has ascribed it three meanings. Firstly, the expression can be used to refer to a repeated action of identifying a single object or individual. Secondly, it can also apply to oneself, when one recognizes oneself in what one does or in the things that other people do. This second notion refers to what can provide some unity or continuity in one's life. Thirdly, the expression can refer to the mutual 'acknowledgement' that individuals or groups choose to give to one another. Obviously, in the context of multiculturalism, we are interested in the third meaning. The scope of the first meaning is purely epistemological, while the second can have ethical consequences, although it is also fundamentally epistemological. In contrast, the third has an essential practical dimension. It is a moral action and not merely an action that might have moral repercussions. It is a decision and not the discovery of a reality that is already given. It brings into play a declarative illocutionary force that gives a certain status to the recognized entity. Application of this conception of recognition is already very well-established among persons, but it also applies to peoples; for instance, when the international community acknowledges the existence of a new sovereign state. Recognition is in this case constitutive of the institutional identity of peoples. So, as it is used in the contemporary literature, the concept has application for persons and peoples.

The conceptual space opened up by the theme of reciprocal recognition is vast. Its scope can be seen if we take into account the various ways in which Hegel's analysis can be used. Reciprocal recognition can be seen as the culmination of a struggle between protagonists and not as the struggle

itself, even if they reach that point only through the struggle. This happens when the protagonists choose to accept dialogue with one another in a situation in which there is ideal communication. A theory of recognition is in this sense at work in Habermas's writings, for example, but only in the form of an exchange between persons regulated in accordance with normatively justified procedures governing statements. Honneth (1992, 2000, 2001, 2005) brings the theme of recognition out of the restricted framework of dialogue, and takes into account conflicts, power relations and struggles by various groups operating in pre-institutional spheres. He uses the concept of recognition in a quasi-transcendental theory of social psychology in which it is seen as a psychological action. According to Honneth, mutual recognition has three psychological effects: self-confidence, self-respect and self-esteem. In a way, this quasi-transcendental perspective harks back to the approach that Habermas introduced when he established a connection between different types of knowledge and different types of fundamental anthropological interests. His typology between technical, practical and emancipatory interests was quite different, but it was nevertheless an approach that was founded on a moral psychology.

As opposed to these psychological approaches, Nancy Fraser (1995, 2000, 2001, Fraser and Honneth, 2003) sees recognition as the granting of an equal or a differential social status. Recognition must, according to her, belong first and foremost to the institutional or political sphere. If we limit ourselves to this statutory conception of recognition, love is automatically excluded, as is the related theme of self-confidence, and this makes it possible to discuss a politics of recognition without having to take into account their psychological aspects. The two 'recognized' forms of reciprocal recognition are thus 'respect' (equal recognition) and 'esteem' (recognition of difference), but Fraser is concerned with institutional forms of recognition in the political sphere and not with psychological attitudes.

No matter how we separate or connect the political and psychological dimensions of recognition, there are at least three ways of understanding the relationships between respect (identical treatment) and esteem (difference). While Honneth sees respect and esteem as two distinct psychological modalities of recognition, Geoffrey Brennan and Philip Pettit (2004, p. 33) adopt a different position. In their view, we must distinguish self-respect from self-esteem, but only self-respect can be seen as the subjective effect of the redistribution of a statutory recognition, whereas self-esteem is the subjective effect of a distribution of a distinct type of social measures. This means that, for them, esteem is not to be

conceptualized as an instance of recognition. The third possibility is provided by Rawls himself. It involves treating the notions of respect and esteem as almost interchangeable, at least in connection with his conception of primary social goods.

So, what position should we adopt? Sune Laeggard (2005) thinks that liberalism can be consistent with a recognition policy that takes the form of an equal respect policy, but not that of a policy of difference, because the latter seems to require introducing issues related to metaphysical identity into the moral and political space. In contrast, others will propose a modified version of Honneth's approach: respect and esteem have to be seen as different aspects of recognition, except that, like Fraser, it is possible to understand them as principles governing political relations. According to this view, there is an irreducible polysemy involved in the word 'recognition'. It may indeed be used to encompass respect and esteem, but it has also a more restricted sense. If the principle of recognition in the wide sense is close to the notion of respect and covers all measures intended to ensure equal statutory treatment for individuals and peoples in the political space, the principle of recognition in the more restricted sense of esteem concerns all measures intended to ensure recognition of a differentiated status for individuals and peoples in the political space. Understood in this way, a politics of recognition is a set of statutory rules aiming to ensure the social conditions of self-respect and self-esteem for both individuals and peoples, and it does not serve to promote specific psychological effects (Seymour, 2008).

Rawls did not distinguish between the primary social goods that provide social conditions for self-respect and those that relate to self-esteem. It can also be noted that he did not clearly distinguish cultural recognition from distribution measures, in the sense that only the latter interested him. However, he did make the distinction between principles of equal respect and principles concerning esteem in the two aspects of the second principle of justice, since equality of opportunity may be interpreted as related to respect while the difference principle relates to esteem. Also, a Rawlsian philosopher could and perhaps should agree with Nancy Fraser and accept the inclusion in a theory of justice principles of cultural recognition as well as distributive justice principles. The distinction between respect and esteem could therefore, going beyond Rawls, have an application in the sphere of cultural recognition.

We can also distinguish between the notions of recognition and toleration. In a basic sense, toleration is nothing but a *modus vivendi*, and it does not have much to do with recognition. However, in the sense of toleration as respect, it becomes a specific case of recognition.

Finally, toleration as respect can be used to justify, together with the observation of cultural inequality, a politics of difference. So there are three degrees of involvement in the liberal principle of toleration: *modus vivendi*, toleration as respect, politics of difference. Now the last two are clearly examples of recognition. The important distinction is thus the following: in a narrower sense, it concerns cultural and socio-economic differential rights for persons and peoples. In the broader sense in which it is equivalent to a certain form of tolerance-respect, recognition makes it possible to cover a wide range of examples and to provide a general framework for a theory asserting the cultural and socio-economic equality of chances for persons and peoples, as well as a politics of cultural difference and the difference principle for persons and peoples. In the broad sense, therefore, it provides a glimpse into the general framework of political liberalism. A politics of recognition could in a way amount to the theory of justice as a whole, especially when the theory is, like Rawls's, based on the principle of toleration as respect for others. This would follow the general meaning that Honneth himself attaches to the word 'recognition', if we ignore the fact that he uses the word in a psychological sense.

But how should we understand the substantial content of the concept of recognition? Whether we apply it to persons or peoples, it can be merely symbolic and turned towards the past, as advocated in Ferry's reconstructive ethics (1996), or understood as also having institutional and contemporary repercussions. Recognition can also be strictly relegated to the political and informal spheres, as in the work by Seyla Benhabib (2002), Melissa Williams (1995) and Iris Marion Young (1990), or it may have juridical consequences, as in Galeotti (2002). Formal statutory recognition may concern only the symbolic principles with institutional consequences of recognition relegated to the informal and administrative spheres, as in Galeotti's work, or the constitutional elements can also refer to specific institutional arrangements.

Following Arto Laitinen (2002), and notwithstanding the fact that he confines recognition to individuals, we could say that the concept of recognition is 'multidimensional'. A can recognize B *as such* (universality principle), but he can also recognize her as a person of a certain *kind* (principle of particularity) or as a *certain* person (principle of singularity). The third sense is the one we must exclude if we choose to restrict our discussion to the social and political spheres. Again in line with Laitinen, recognition also has to be seen as a practical approach entailing institutional consequences and not just as something confined to the symbolic sphere. Finally, the concept of recognition also has to be 'strict'

in Laitinen's sense: it supposes an agent who recognizes, an agent who is recognized, and the relevance, importance and significance of the facts recognized.

Acts of recognition generate obligations and responsibilities, but they are also reactions to pre-existing facts. We could say that through an act of recognition, certain features of the recognized agent are given a certain status. The response to the pre-existing facts can vary along a continuum that includes acknowledgement, verbalization, protection of valuable features and promotion. Thus the fact that peoples are valuable can lead an individual or group to recognize them. But recognition is not merely a reaction to pre-existing features. The act of recognition is not merely epistemological because it gives a certain status to the recognized entity and therefore brings something new into play through the performance of a declarative illocutionary act. It should not be understood in a purely epistemological sense, as simply grasping of what is already there. It is an act that partly constitutes the thing recognized, even if it is not an action that wholly creates the object recognized. A person exists fully only insofar as he or she is recognized. This is why persons and peoples are mutually interdependent.

To complete the conceptual analysis, I would like to add two last points. Firstly, even though recognition should not be divorced from struggles and power relations, it must not be imposed, but granted, and it has to take the form of reciprocal recognition. Secondly, it does not necessarily suppose a final outcome because it may be part of an ongoing process.

As we can see then, even if the concept of recognition is restricted to reciprocal recognition (thus excluding the two first concepts introduced by Ricoeur) and to the political sphere (shying away from the properly psychological issues discussed by Honneth), it still has many different aspects and areas of application. It can be a question of recognition in the sense of respect (equal treatment) or of esteem (difference), and it can be understood in a broad sense (tolerance-respect) or a narrow sense (politics of difference). It can apply to individuals or to peoples and it can operate at the domestic or international levels. It can be purely symbolic or have institutional repercussions, and it can be a struggle or an outcome at the end of a struggle. Finally, it can be a process that has a final ending or that is ongoing.

The present volume

The chapters that are gathered in this volume stem for the most part from a workshop that was held in Montreal in September 2007. Some

of the chapters that deal mostly with critical theory were published in a special issue of the journal *Politique et Sociétés*. There are also chapters that have been translated or written in French and that are published by Québec Amérique under the title *La reconnaissance dans tous ses états*.

As I said, there are at least three general trends in the literature on the subject. The present volume mostly concerns the third topic that was mentioned above, namely multiculturalism, although inevitably it partly overlaps the first two themes. So even if we are mostly concerned with the issue of multiculturalism, there are, for instance, chapters that deal with the historical appropriation of Hegel's legacy and provide a new account of the frontiers of recognition. The chapters by Robert Williams, Rajeev Bhargava and Jacob Levy fall into that category. Williams is a leading expert on the interpretation of Hegel's theory of recognition. In Chapter 1, he examines the relationship between Hegel and Aristotle. He approaches Aristotle's account of friendship in the context of his theory of virtues. Recognition is a necessary condition of Aristotle's theory of friendship – for he cannot even state his theory without appealing to recognition, and reciprocity of a certain sort is central to Aristotle's account of *philia*. Yet Aristotle's theory lacks any account of negation and otherness. For Hegel, friendship is a determinate form of mutual recognition, and mutual recognition is the telos and actualization towards which the process of recognition aims. Thus, despite significant differences, both Aristotle and Hegel maintain that *philia* is the foundation of ethical life, and this influences their view of justice. For Aristotle, justice has a friendly quality, and Hegel cites Aristotle's claim that justice is another's good.

In Chapter 2, Bhargava explains how Taylor's particular reappropriation of Hegel must be understood. His chapter has three objectives. Firstly, to capture the distinctiveness of Taylor's concept of recognition and to explore what it owes to Hegel and the extent to which it advances and enriches the concept; secondly, to explore the relationship between Taylor's concept of recognition/misrecognition and the felt condition of humiliation; finally, to show how a conception of humiliation enriched by Taylor's understanding of misrecognition illuminates the plight of Dalits (the former untouchables) in India today. It is a marvellous and sometimes moving piece of work.

In Chapter 3, Levy suggests that multiculturalism could and perhaps should not only transcend a rights-based approach. Much of the debate on 'reasonable accommodation' and religious exemptions from general laws and rules rests on misunderstandings, and much of the remainder rests on unjustifiable demands on one side or the other; a lot of the disputes that are politically hard are morally easy. Levy discusses the

principles for adjudicating these, in relatively straightforward liberal ways. But a large category of cases remain that are relatively understudied by political theorists or legal scholars: cases in which what religious minorities seek has direct implications for, but does not necessarily violate the rights of, their neighbours. In this category are many of the cases that involve seeing or being seen: the desire by Muslim and Orthodox Jewish women to have greater or lesser parts of their bodies concealed from the male view, the attempt by Orthodox Jewish men in Montreal to be spared the sight of women in exercise clothes, the disputes over single-sex or mixed-sex use of swimming pools, and so on. Some others involve interactions with others in non-religious settings – restrictions on making eye contact with, shaking hands with, or meeting alone with members of the opposite sex in workplace settings. The chapter describes what unifies these cases, what makes them morally and legally especially difficult, and why the failure to separate them out makes it harder to handle other cases appropriately. Finally, it offers norms and suggestions – not rules or principles – for handling questions of religious and cultural accommodation on the border between morals and manners.

The second trend, as mentioned, concerns Axel Honneth's particular approach that reinserts the notion of recognition in the context of Critical Theory. The chapters by Anna Elisabetta Galeotti, Arto Laitinen and Heikki Ikäheimo, and Simon Thompson all fall roughly into that category.

In Chapter 4, Galeotti looks at the distinction between unconditional (*a priori*) respect and quality (*a posteriori*) respect. She argues that equal respect is not only a moral value, but also a fundamental *political* value, which has become particularly prominent in the struggles for recognition of identity of oppressed, subordinated and marginal groups. In order to understand how equal respect is pursued via recognition of identity, she advances some considerations, provided by conceptual analysis, on how claims and attributions of respect function; that, in turn, helps her to make sense of contemporary politics of recognition as a remedy to systematic patterns of disrespect within liberal democracy. The way in which respect-claims work has important consequences on how the politics of recognition is to be understood.

Galeotti starts by commenting on Stephen Darwall's idea of the second-person dimension of respect-attribution. From that vantage point, she argues for a distinction between rights and respect, based on the idea that the nature of respect is deeper than rights. Secondly, she argues that respect can never be given directly, that is, that there is not a precise *what* corresponding to respect. Respect is always assigned indirectly and often

by means of acknowledging and granting other specific rights. From this argument it can be inferred that recognition-respect always requires a contextual and particular act signifying respect which is, in fact, the just response to the universal claim to be respected. Finally, she reflects on the distinction, and on the complex link, between unconditional respect, on the one hand, and the loss of respect, on the other, as a consequence of a dramatically debasing kind of conduct. She argues that despite the relevance of the analytical distinction between unconditional respect and quality respect, there is a sense in which the two are connected. The link is possibly accounted by a genealogical explanation which describes unconditional respect as derived from the ascriptive respect attributed to special statuses in a hierarchical, pre-modern society.

Chapter 5, by Laitinen and Ikäheimo, is an illustration of the crucial importance of Honneth's notion of esteem, although the authors do not simply describe Honneth's account. They provide an original conceptual analysis of the notion. According to them, one of the basic questions concerning interpersonal recognition is whether there are one or more forms of interpersonal recognition. And if there are more, what are they and how is their genus to be determined? They assume that there is more than one form of interpersonal recognition. They concentrate on one of these species, or on one phenomenon that seems to be a form of interpersonal recognition, namely esteem, or *Wertschätzung* in German.

More exactly, they focus on the kind of esteem which is central to Axel Honneth's analysis, namely esteem for contributions made to the good of others, or to the common good. They provide two accounts of this important phenomenon. According to a personifying contributional account (PC) (which is in fact Ikäheimo's view) discussed in the first part of the chapter, the phenomenon to be analysed covers everything there is to esteem as a form of recognition. And, side by side with respect and love, it forms one of the three species of interpersonal recognition.

According to an unrestricted normativist view (which is in fact roughly Laitinen's view), discussed in the second part of the chapter, recognition for contributions made to the common good, or the good of others, is a broader phenomenon than the first view allows (for example, it includes instrumental valuing), but nonetheless even this broader phenomenon constitutes merely one subspecies of esteem, and is much more marginal than constituting, logically, 'one third' of the realm of recognition. That is partly because recognition is defined in a broader way as responsiveness to the normatively relevant features of the other, or taking the other as someone who counts. 'Personifying attitudes', while important, constitute just one subspecies of interpersonal recognition, according to

this normativist view. So while the two accounts agree that contributions to the common good, or the good of others, are of great importance, they differ greatly on the conceptualization of the phenomenon.

Thompson's aim in Chapter 6 is to conduct a critical analysis of the relationship between democracy and recognition. To date, many discussions of this relationship have focused on a relatively narrow range of issues. Above all, they have been concerned to establish whether – and, if so, how – a democratic polity should guarantee the representation of certain social groups and/or categories of person. Cases often discussed include quotas for women, special representation rights for national minorities, and representation for marginalized and oppressed groups. Thompson argues that, in at least some cases, these discussions are based on prior but unarticulated assumptions about the relationship between democracy and recognition. One such assumption has to do with the objects of recognition. Does the idea of recognition only concern the status of collective groups, or does it also concern the standing of individual citizens? Another assumption relates to the scope of recognition when evaluating democracy. Should a standard of recognition only be used to evaluate the fairness of democratic procedures, or can it also be used to judge the fairness of outcomes? A third assumption concerns the relationship between recognition and democracy. Are these two political goods always perfectly compatible, or can they come into conflict? And, if they can pull in different directions, then how are such conflicts to be resolved? Thompson argues that it is only when satisfactory answers to these and other questions have been provided that we can move on to address more substantive issues about the institutional arrangements necessary to achieve democracy and recognition in practice. It is for this reason that, in his chapter, he focuses on a number of fundamental assumptions about the relationship between democracy and recognition.

As mentioned, the third trend, largely influenced by Charles Taylor, explores the specific articulation that the notion of recognition entertains with multiculturalism and more generally with politics of cultural pluralism. The chapters by Jocelyn Maclure, Tariq Modood, myself, and Avigail Eisenberg can broadly be seen as contributions in that specific area.

Maclure is a passionate advocate of multiculturalist policies. In Chapter 7, he provides a critical commentary on Samuel Scheffler's 'Immigration and the Significance of Culture'. He sees this article as one of the most cogent and helpful contributions to the debate on multiculturalism and justice in recent years. Although not at all unsympathetic to the claims of justice made by immigrants, Scheffler's article offers what

Maclure takes to be one of the soundest arguments against the case for 'multicultural' theories of justice. Since he is inclined to think that we should recognize that multiculturalism – or, perhaps better, a principle of respect of reasonable cultural diversity – should and does play a role within our political morality, he wants to question and amend Scheffler's conclusion that we ought to 'forswear any appeal to cultural rights or to the language of multiculturalism' in thinking about the relationship between immigrants and host societies.

In Chapter 8, Modood offers an outline of and a justification for political multiculturalism. The chapter begins with a concept of negative difference and seeks the goal of positive difference and the means to achieve it, which crucially involve the appreciation of the fact of multiplicity and groupness, the building of group pride amongst those marked by negative difference, and political engagement with the sources of negativity and racism. This suggests neither separatism nor assimilation but an accommodative form of integration which would allow group-based racialized, ethnic, cultural and religious identities and practices to be recognized and supported in the public space, rather than require them to be privatized. This is justified by an extended concept of equality, not just equal dignity but also equal respect. While the focus is not on anything so narrow as normally understood by 'culture', and multicultural equality cannot be achieved without other forms of equality, such as those relating to socio-economic opportunities, its distinctive feature is about the inclusion into and the making of a shared public space in terms of equality of respect as well as equal dignity.

In my own chapter, Chapter 9, I argue that people can and should be the subject of recognition and that they are for this reason holders of collective rights. I claim that recognition policies should allow not only for individual rights for persons but also for collective rights for peoples. I also respond to some of the criticisms raised by those who embrace liberalism. These are in general favourable to the classical version held by Kant and Mill. If we embrace instead political liberalism, we are naturally led to new insights in this regard. We must respect all the moral agents that practise tolerance towards each other in the public sphere. We must therefore adopt a political conception of persons and peoples. That is, we must admit persons in their institutional identity of citizens, but also peoples understood as having an institutional identity as societal cultures. I am able in this way to refute most if not all objections to collective rights for peoples, including those that rely on the concept of post-national identity.

Finally, in Chapter 10 Eisenberg looks at the specific claims made by Aboriginal peoples. One striking characteristic of legal cases and government reports which aim to resolve disputes that involve indigenous claims is how often, in these contexts, indigenous identities are assessed and incorporated into decision-making. In national and international disputes about land use, resource distribution, status and membership, indigenous identity is a noted factor in the decision-making of public institutions (for example, courts, commissions of inquiry, adjudicative committees, legislatures, regulatory agencies) far more often than it is in decisions which involve religious or linguistic minorities. Here Eisenberg examines some of the reasons for what seems to be an institutional enthusiasm to assess and incorporate the recognition of indigenous identity into public decision-making in western states.

The first part of the chapter outlines three reasons why the recognition of identity can inappropriately become the focus of legal/political disputes which involve indigenous peoples. These cautionary observations, she argues, do not foreclose either the likelihood or, in some circumstances, the desirability of framing disputes in terms of indigenous identity claims. The second part of the chapter shows how such framing can be done in a manner that is normatively defensible. Eisenberg surveys cases that involve indigenous peoples from a variety of national and international contexts. The cases reveal that identity assessments have three components: (1) identity characterization, (2) practice assessment, and (3) weighing factors. She proposes a normatively defensible approach to recognizing indigenous identity in relation to each component. This approach is then contrasted with the approaches adopted by courts in a selection of represented cases. The final part of the chapter identifies the core objections to the use of identity in assessing indigenous claims and indicates how the approach proposed here meets these objections.

References

Anderson, Sybol Cook (2009) *Hegel's Theory of Recognition: From Oppression to Ethical Liberal Modernity*, Continuum Studies in Philosophy, Continuum.

Appiah, Anthony Kwame (1994) 'Identity, Authenticity, Survival: Multicultural Societies and Social Reproduction', in Amy Gutmann (ed.), *Multiculturalism*, Princeton, Princeton University Press, pp. 149–63.

Appiah, Anthony Kwame (2005) *The Ethics of Identity*, Princeton, Princeton University Press.

Appiah, Anthony Kwame (2006a) *Cosmopolitanism*, New York, W. W. Norton.

Appiah, Anthony Kwame (2006b) 'The Case for Contamination, *New York Times*, 1 January.

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

Benhabib, Seyla (2002) *The Claims of Culture: Equality and Diversity in the Global Era,* Princeton, Princeton University Press.

Benn Michaels, Walter (2006) *The Trouble with Diversity: How We Learned to Love Identity and Ignore Inequality*, New York, Macmillan.

Bhargava, Rajeev (2004) 'The Majority-Minority Syndrome and Muslim Personal Law in India', in Michel Seymour (ed.), *The Fate of the Nation-state*, Montreal/ Kingston, McGill-Queen's University Press, pp. 327–56.

Blattberg, Charles (2000) *From Pluralist to Patriotic Politics: Putting Practice First*, Oxford, Oxford University Press.

Bourgeois, Bernard (1969) *La pensée politique de Hegel*, Paris, PUF.

Bourgeois, Bernard (1986) *Le droit naturel de Hegel*, Paris, Vrin.

Bourgeois, Bernard (1990) *Philosophie et droits de l'homme*, Paris, PUF.

Bourgeois, Bernard (1992) *Études hégéliennes. Raison et décision*, Paris, PUF.

Brennan, Geoffrey, and Pettit, Philip (2004) *The Economy of Esteem*, Oxford, Oxford University Press.

Carens, Joe (2006) *Culture, Citizenship, and Community: A Contextual Exploration of Justice As Evenhandedness*, Oxford, Oxford University Press.

Chaumont, Jean-Michel, and Pourtois, Hervé (1999) *Souffrance sociale et attentes de reconnaissance. Autour du travail d'Axel Honneth*, Louvain-la-Neuve, *Recherches sociologiques*, Vol. 30, No. 2.

Cohen, Joshua (ed.) (1996) *For Love of Country: Debating the Limits of Patriotism*, Boston, Beacon Press.

Cohen, Joshua, and Howard, Matthew (eds) (1997) *Is Multiculturalism Bad for Women?*, Princeton, Princeton University Press.

Coll. (1997) *Constellations*, Vol. 4, No. 1 (special issue on Kymlicka).

Coll. (2002) *Inquiry*, Vol. 45, No. 4 (special issue on Honneth).

Coll. (2004) *De la reconnaissance, Don, identité et estime de soi, Revue du MAUSS*, No. 23, Éditions la Découverte.

Courtois, Stéphane (2005) 'Are Multiculturalist Theories Victims of the "Cultural Essentialism" Fallacy?', *Human Affairs*, Vol. 15, No. 2, 149–65.

Deranty, Jean-Philippe (2003) 'Mésentente et lutte pour la reconnaissance: Honneth face à Rancière', in E. Renault and Y. Sintomer (eds), *Où en est la théorie critique?*, Paris, La Découverte, pp. 185–99.

D'Hondt, Jacques (1984) *Hegel, le philosophe du débat et du combat*, 'Le livre de poche', collection 'Textes et débats', Paris, LGF.

D'Hondt, Jacques (1986) *Hegel secret. Recherches sur les sources cachées de la pensée de Hegel*, 'Épiméthée' collection, Paris, PUF.

D'Hondt, Jacques (1987) *Hegel, philosophe de l'histoire vivante*, 'Épiméthée' collection, Paris, PUF.

Eisenberg, Avigail (1995) *Reconstructing Political Pluralism*, Albany, NY, SUNY Press.

Ferry, Jean-Marc (1996) *L'éthique reconstructive*, Paris, Cerf.

Fraser, Nancy (1995) 'From Redistribution to Recognition? Dilemma of Justice in a Postsocialist Age', *New Left Review*, No. 212 (July/August), 68–93.

Fraser, Nancy (2000) 'Rethinking Recognition', *New Left Review*, No. 3, 107–20.

Fraser, Nancy (2001) 'Recognition Without Ethics?', *Theory, Culture & Society*, Vol. 18, Nos 2–3, 21–42.

Fraser, Nancy, and Honneth, Axel (2003) *Recognition or Redistribution?*, New York, Verso.

Galeotti, Anna Elisabetta (2002) *Toleration as Recognition*, Cambridge, Cambridge University Press.

Gutmann, Amy (1994) *Multiculturalism and the Politics of Recognition*, Princeton, Princeton University Press.

Gutmann, Amy (2003) *Identity in Democracy*, Princeton, Princeton University Press.

Habermas, Jürgen (1995) 'Multiculturalism and the Liberal State', *Stanford Law Review*, Vol. 47 (May), 849–53.

Habermas, Jürgen (2005) 'Equal Treatment of Cultures and the Limits of Postmodern Liberalism', *Journal of Political Philosophy*, Vol. 13, No. 1, 1–28.

Hegel, G. W. F. (1802–03) *System of Ethical Life*, ed. and trans. T. M. Knox, Albany, NY, SUNY Press, 1979.

Hegel, G. W. F. (1803–04) *First Philosophy of Spirit* (Part III of the System of Speculative Philosophy), ed. and trans. T. M. Knox, Albany, NY, SUNY Press, 1979.

Hegel, G. W. F. (1807) *Phenomenology of Spirit*, trans. A.V. Miller (with analysis and foreword by J. N. Findlay), Oxford, Clarendon Press, 1977.

Honneth, Axel (1992) *Kampf um Anerkennung. Zur moralischen Grammatik sozialer Konflikte*. Frankfurt, Suhrkamp. Published in English as *The Struggle for Recognition: The Moral Grammar of Social Conflicts*, Cambridge, Polity Press, 1995.

Honneth, Axel (2000) *Das Andere der Gerechtigkeit*, Frankfurt, Suhrkamp. Published in English as *Disrespect. The Normative Foundations of Critical Theory*, Cambridge, Polity Press, 2007.

Honneth, Axel (2001) *Suffering from Indeterminacy: An Attempt at a Reactualization of Hegel's Philosophy of Right*, Netherlands, Van Gorcum.

Honneth, Axel (2005) *Verdinglichung. Eine anerkennungstheortische Studie*. Frankfurt, Suhrkamp. Published in English as *Reification: A New Look at an Old Idea*, Oxford, Oxford University Press, 2007.

Hypolite, Jean (1946) *Genèse et structure dans la phénoménologie de Hegel*, Paris, Aubier.

Hypolite, Jean (1983) *Introduction à la philosophie de l'histoire de Hegel*, Paris, Seuil.

Hypolite, Jean (1991) *Logique et existence. Essai sur la logique de Hegel*, Paris, PUF.

Ikäheimo, Heikki (2002) 'On the Genus and Species of Recognition', *Inquiry*, Vol. 45, No. 4.

Johnson, James (2000) 'Why Respect Culture?', *American Journal of Political Science*, Vol. 44, No. 3, 405–18.

Kelly, Paul (ed.) (2002) *Multiculturalism Reconsidered*, Oxford, Polity Press.

Kervégan, Jean-François (2005) *Hegel et l'hégélianisme*, Paris, PUF.

Kervégan, Jean-François (2008) *L'Effectif et le rationnel. Hegel et l'esprit objectif*, Paris, Vrin.

Kojève, Alexandre (1947) *Introduction à la lecture de Hegel*, Paris, Gallimard.

Kukathas, Chandran (1992) 'Are there any Cultural Rights?', *Political Theory*, Vol. 20, 105–39.

Kukathas, Chandran (1997) 'Liberalism, Multiculturalism and Oppression', in Andrew Vincent (ed.), *Political Theory: Tradition and Diversity*, Cambridge, Cambridge University Press.

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

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

Kymlicka, Will (ed.) (1995b) *The Rights of Minority Cultures*, Oxford, Oxford University Press.

Kymlicka, Will (2001) *Politics in the Vernacular*, Oxford, Oxford University Press.

Kymlicka, Will (2007) *Multicultural Odysseys*, Oxford, Oxford University Press.

Labarrière, Pierre-Jean (1979) *Introduction à une lecture de la Phénoménologie de l'Esprit de Hegel*, Paris, Aubier-Montaigne.

Labarrière, Pierre-Jean (with Gwendoline Jarczyk) (1987) *Les premiers combats de la Reconnaissance. Maîtrise et Servitude dans la Phénoménologie de l'Esprit de Hegel*, Bibliothèque du Collège International de Philosophie, Paris, Aubier-Montaigne.

Labarrière, Pierre-Jean (with Gwendoline Jarczyk) (1996) *De Kojève à Hegel. 150 ans de pensée hégélienne en France*, Paris, Albin Michel.

Laden, Anthony Simon, and Owen, David (eds) (2007) *Multiculturalism and Political Theory*, Cambridge, Cambridge University Press.

Laegaard, Sune (2005) 'On the Prospects for a Liberal Theory of Recognition', *Res Publica*, Vol. 11, 325–48.

Laitinen, Arto (2002) 'Interpersonal Recognition: A Response to Value or a Precondition of Personhood', *Inquiry*, Vol. 45, No. 4, 463–78.

Lazzeri, Christian (2004) 'Le problème de la reconnaissance dans le libéralisme déontologique de John Rawls', *De la reconnaissance, Don, identité et estime de soi*, *Revue du MAUSS*, No. 23, Éditions la Découverte, 2004, pp. 165–79.

Maclure, Jocelyn (2000) *Récits identitaires. Le Québec à l'épreuve du pluralisme*, Montréal, Québec Amérique.

Markell, Patchen (2003) *Bound by Recognition*, Princeton, Princeton University Press.

Martin, Rex, and Reidy, David (2006) *Rawls's Law of Peoples*, Oxford, Blackwell.

Moller Okin, Susan (1999) 'Is Multiculturalism Bad for Women?', in Joshua Cohen and Matthew Howard (eds), *Is Multiculturalism Bad for Women?*, Princeton, Princeton University Press.

Moore, Margaret (2004) *The Ethics of Nationalism*, Oxford, Oxford University Press.

Nootens, Geneviève (2004) *Désenclaver La Démocratie: Des Huguenots à La Paix Des Braves*, Montréal, Québec Amérique.

Nussbaum, Martha (2006) *Frontiers of Justice: Disability, Nationality, Species Membership*, Cambridge, MA, Belknap Press of Harvard University Press.

Oliver, Kelly (2001) *Witnessing: Beyond Recognition*, Minneapolis, University of Minnesota Press.

Olson, Kevin (ed.) (2008) *Adding Insult to Injury: Social Justice and the Politics of Recognition*, New York, Verso.

Parekh, Bhikhu (2000) *Rethinking Multiculturalism: Cultural Diversity and Political Theory*, London, Macmillan.

Parekh, Bhikhu (2008) *A New Politics of Identity: Political Principles for an Interdependent World*, Basingstoke, Palgrave Macmillan.

Patten, Alan (1999) *Hegel's Idea of Freedom*, New York: Oxford University Press.

Patten, Alan (2000) 'Hegel on Social Contract Theory and the Politics of Recognition', in Robert R. Williams (ed.), *Beyond Liberalism and Communitarianism: Studies in Hegel's Philosophy of Right*, Albany, NY, SUNY Press, 167–84.

Phillips, Anne (2007) *Multiculturalism without Culture*, Princeton, Princeton University Press.

Pippin, Robert (2000) 'What is the Question for which Hegel's Theory of Recognition is the Answer?', *European Journal of Philosophy*, Vol. 8, No. 2, 155–72.

Pippin, Robert (2008) *Hegel's Practical Philosophy: Rational Agency as Ethical Life*, Cambridge, Cambridge University Press.

Planty-Bonjour, Guy (1985a) *Droit et liberté selon Hegel*, Paris, PUF.

Planty-Bonjour, Guy (1985b) *Hegel et La Religion*, Paris, PUF.

Planty-Bonjour, Guy (2003) *Le Projet Hegelien*, Paris, Vrin.

Pourtois, Hervé (2002) 'Luttes pour la reconnaissance et politique délibérative', *Philosophiques*, 287–309.

Renault, Emmanuel (2004) *L'expérience de l'injustice: Reconnaissance et clinique de l'injustice*, Paris, La Découverte.

Renault, Emmanuel (2008) *Souffrances sociales*, Paris, La Découverte.

Renault, Emmanuel, and Sintomer, Yves (eds) (2003) *Où en est la théorie critique?*, Paris, La Découverte.

Ricoeur, Paul (2004) *Parcours de la reconnaissance*, Paris, Gallimard.

Rorty, Richard (2000) 'Is "Cultural Recognition" a Useful Concept for Leftist Politics?', *Critical Horizons*, Vol. 1, No. 1, 7–20.

Seymour, Michel (2008) *De la tolérance à la reconnaissance. Une théorie libérale des droits collectifs*, Montréal, Boréal.

Shachar, Ayelet (2001) *Multicultural Jurisdictions*, Cambridge, Cambridge University Press.

Stanguennec, André (1985) *Hegel, critique de Kant*, Paris, PUF.

Stanguennec, André (1997) *Hegel, une philosophie de la raison vivante*, Paris, Vrin.

Taylor, Charles (1992) 'The Politics of Recognition', in Amy Gutmann (ed.), *Multiculturalism and the Politics of Recognition*, Princeton, Princeton University Press.

Taylor, Charles (1997) *Hegel*, Cambridge, Cambridge University Press.

Thompson, Simon (2006) *Political Theory of Recognition: A Critical Introduction*, Oxford, Blackwell.

Tully, James (1995) *Strange Multiplicity*, Cambridge, Cambridge University Press.

Van den Brink, Bert, and Owen, David (2007) *Recognition and Power. Axel Honneth and the Tradition of Critical Social Theory*, Cambridge, Cambridge University Press.

Waldron, Jeremy (1995) 'Minority Cultures and the Cosmopolitan Alternative', in Will Kymlicka (ed.), *The Rights of Minority Cultures*, Oxford, Oxford University Press, pp. 93–119.

Weil, Éric (1979) *Hegel et la philosophie du droit*, Paris, PUF.

Weil, Éric (2002) *Hegel et l'État*, Paris, Vrin.

Weinstock, Daniel (1998) 'How can Liberalism and Collective Rights be Reconciled?', in R. Bauböck (ed.), *Blurred Boundaries*, Aldershot, Ashgate, pp. 279–302.

Weinstock, Daniel (1999) 'Building Trust in Divided Societies', *Journal of Political Philosophy*, Vol. 7, No. 3, 287–307.

Wieviorka, Michel (2001) *La Différence: Identités culturelles: enjeux, débats et politiques*, Paris, Balland.

Wieviorka, Michel (2008) *Rapport sur la Diversité*, Paris, Robert Laffont.

Williams, Melissa (1995) 'Justice Toward Groups', *Political Theory*, Vol. 23, 67–91.

Williams, Melissa (2000) *Voice, Trust and Memory*, Princeton, Princeton University Press.

Williams, Robert R. (1992) *Recognition: Fichte and Hegel on the Other*, Albany, NY, SUNY Press.

Williams, Robert R. (1997) *Hegel's Ethics of Recognition*, Berkeley, University of California Press.

Williams, Robert R. (2001) *Beyond Liberalism and Communitarianism: Studies in Hegel's Philosophy of Right*, Albany, NY, SUNY Press.

Wood, Allen (1990) *Hegel's Ethical Thought*, Cambridge, Cambridge University Press.

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

Young, Iris Marion (2000) *Inclusion and Democracy*, Oxford, Oxford University Press.

1
Aristotle and Hegel on Recognition and Friendship

Robert R. Williams

In *Nicomachean Ethics* (hereafter *NE*),[1] Aristotle developed perhaps the only major philosophical theory of friendship, an account which has recently attracted interest (Cooper, 1980, pp. 301–40; Nussbaum, 1986, chs 11–12; Ricoeur, 1992, pp. 169–202; Smith, 2001). The topic of friendship is not a mere afterthought tacked onto an otherwise complete theory of virtue; Aristotle devotes more space to the topic of *philia* than any other single topic in both of his major ethical treatises. Friendship is not something optional or a piece of 'applied ethics', in contrast to the 'heavy lifting' of virtue theory or metaethics. Rather, friendship is, for Aristotle a, perhaps the, prime exemplification and fulfilment of his theory of virtue, and the existential and interpersonal grounding of his theory of justice. I hope to show that Aristotle's account of friendship cannot even be stated without reference to reciprocal recognition. Friends must not only exhibit mutual goodwill towards each other, they also must recognize their goodwill (*NE*, 1169b8–18). My principal focus is on the mutuality inherent in Aristotle's account of friendship, not on his metaphysical arguments that are intended to buttress his case.

Hegel is an admirer of Aristotle. His praise of Aristotle's *De Anima* as 'by far the most admirable, perhaps the sole work of philosophical value on this topic', such that the task of philosophy is to 'reinterpret the lesson of those Aristotelian books',[2] is the most favourable comment he made about any philosopher (Hegel, 1973, §378). While Hegel lectured on Aristotle's ethics, he has written very little about either virtues or friendship. His preferred term is 'ethical life' (*Sittlichkeit*). But he does claim that the virtues have an intersubjective structure of mutual recognition, that is, the self's relation to itself is mediated by another

so that self-relation includes relation to other, and vice versa (Hegel, 1973, §§434–6). However, the actuality of mutual recognition is not apparent from the discussion in the *Phenomenology of Spirit*. If one wants to see what reciprocal recognition looks like, and how it is linked not to coercion and domination, but rather to freedom and liberation, one must turn to Hegel's *Encyclopedia Philosophy of Spirit*. My thesis is that reciprocal recognition is the deep structure of intersubjectivity inherent in spirit and *Sittlichkeit*.

Accordingly, this chapter has two parts: first a consideration of Aristotle's theory of friendship. Aristotle cannot state his own view of friendship without using the term recognition. Second, I shall argue that something like Hegel's concept of mutual recognition belongs to the deep structure of *philia*. I shall review Hegel's concept of recognition, how it establishes different existence possibilities, and show how the concept of mutual recognition engenders Hegel's concept of spirit and the virtues as dimensions of his account of *Sittlichkeit*.

Aristotle on friendship

We turn now to Aristotle's theory of friendship. Right off the bat we have to acknowledge a terminological problem. Strictly speaking, we have no equivalent English term for *philia*. Therefore we have difficulty interpreting, expounding and writing about what Aristotle is after, because we lack the term, the concept and the grammar. Martha Nussbaum has called attention to this problem when she refuses to follow the traditional practice of translating *philia* as 'friendship'. She notes:

> *philia* includes many relationships that would not be classified as friendships. The love of mother and child is a paradigmatic case of *philia*; all close family relations, including the relation of husband and wife, are so characterized. Furthermore, our 'friendship' can suggest a relationship that is weak in affect relative to some other relationship, as in the expression 'just friends' … But *philia* includes the very strongest affective relationship that human beings form; it includes moreover relationships that have a passionate sexual component. For both of these reasons English 'love' seems more appropriately wide ranging. So where we translate we shall speak of love. [However] the emphasis of *philia* is less on passionate longing than on disinterested benefit, sharing and mutuality … on a rare kind of balance and harmony. (Nussbaum, 1986, p. 354)

Philia names a strong affective attraction and relationship, that includes benefit, sharing and mutuality. It is better translated as love than as friendship.

But there is a second translation problem that, as Nussbaum notes, is 'more intractable. In English partners to a love relationship are linguistically divided into the active and the passive: we have a "lover" or person who loves, and we have a "loved one". But the Greek *philos* makes no active/passive distinction. And mutuality will in fact be an important part of Aristotle's conception of *philia* and *philos*. (In this respect the English "friend" is better off.)' (Nussbaum, 1986, p. 354). I want to underscore this point, because if we miss this mutuality we really don't get what Aristotle is talking about. To anticipate, Hegel gets this point; his concept of reciprocal recognition evolves out of his concept of love (Williams, 1992; Henrich, 1971, p. 27).

A widespread view, particularly in the philosophical tradition, is that freedom involves self-sufficiency, and the pursuit of self-sufficiency requires or ends in a solitary life. But Aristotle rejects this view, and in the beginning of *NE* he indicates that the self-sufficiency that characterizes the best human life is an intersubjective, social self-sufficiency, and not a solitary self-sufficiency (*NE*, 1097b7–11; Nussbaum, 1986, pp. 344–5). A solitary life and narrow self-love are insufficient for *eudaimonia* (the good life). Thus his account of *philia* consists, as Nussbaum notes, of a series of arguments against solitary self-sufficiency. The fundamental mutuality inherent in *philia* also raises, in a complex variety of ways, the issue of the other, and it is from this perspective that our examination will proceed.

What is *philia*, according to Aristotle? We begin with Aristotle's succinct definition given in the *Rhetoric*: *philia* is 'wishing for another what you believe to be good things, not for your own sake, but for his, and being inclined, as far as you can, to bring these things about. A *philos* is one who feels thus and excites these feelings in return' (*Rhetoric*, 1380b26–1381a2). *Philia* requires an other, an other different from and other than oneself. What is wished for the other is a good, not for one's own sake, but for the other's sake, whether or not this accords with one's own good or interest. However, this is only part of the story, because it does not yet express the mutuality constitutive of *philia*.

The issue can be clarified by a question: Can one love an object, such as wine? Aristotle replies that 'we do not use the word *philia* for the love of lifeless objects; for this is not *mutual* love, nor is there a wishing of good to the other (for it would surely be ridiculous to wish wine well; if one wishes anything for the wine, it is that it may keep, so that one may have it for oneself); but to a *philos* we say we ought to wish what

is good for his sake' (*NE*, 1155b28–32). Thus *philia* is a form of mutual goodwill, which is disinterested in the sense that it is directed towards the other for his sake, and not because of any pleasure or utility or self-interest.[3] In the latter case, 'it is not as being the man that he is that the loved person is loved, but as providing some use or pleasure' (*NE*, 1156a18–19). In contrast, *Philia* loves the person for his own sake, *as being the person that he is*.

Is *philia* then equivalent to goodwill? Not quite. For if the goodwill is not reciprocated, we do not yet have *philia*, but *only* goodwill. 'Goodwill when it is *reciprocal* is *philia*' (*NE*, 1155b33; emphasis added). So *philia* requires mutuality and reciprocity. Do we have *philia* when we have reciprocal-mutual goodwill? Again, not quite:

> Or must we add, 'when it is *recognized*'? For many people have goodwill to those whom they have not seen but judge to be good or useful; and one of these might return this feeling. These people seem to bear goodwill towards each other; but how could one call them *philoi* when they do not know their mutual feelings? To be *philoi*, then, they must be *mutually recognized* as bearing goodwill and wishing well to each other for the aforesaid reasons. (*NE*, 1155b36–1156a4; emphasis added)

Aristotle's theory of *philia* exhibits some notion of mutual recognition. *Philia* has three requirements:

1. Mutuality, reciprocity, recognition: As we have seen, these are implied in the very term and concept of *philia*. These are requisite for the exchange and the sharing of mutual benefits and affection.
2. Alterity: The object of *philia* is a separate being with its own separate good, and not simply an extension of the *philos*, or his possession.
3. Non-coercion: The other is not under the control of the *philos*, nor does he wish to control or dominate the other. Coercion would violate his separateness and independence. Hence there can be no *philia* between master and slave.

Both Nussbaum and Ricoeur note that *philia* modifies and completes Aristotle's account of virtue (*arete*). Nussbaum notes that all the virtues turn out to be modifications of *philia* in the sense that one cannot choose a virtue, an excellent activity as an end in itself (as the very notion of excellence itself implies and requires) without also choosing the good of others as part of this end (Nussbaum, 1986, p. 352). Since *philia* is love of

an other for being the person she or he is, all the virtues as modifications of *philia* have a relational structure (Nussbaum, 1986, p. 343). *Philia* lifts the virtues out of the merely private sphere and constitutes them as social.

Ricoeur makes a similar point in a different way: *philia* implies that the virtues require mediation by other 'along the route from capacity to realization … It is just this mediating role that is celebrated by Aristotle in his treatise on *philia*' (Ricoeur, 1992, p. 181). Self-actualization is not solitary, but mediated by other. Aristotle's self-actualization theory regarded through the lens of *philia* is actually a theory of mediated self-actualization. The friend, being another oneself, furnishes what the self cannot provide by its own effort (*NE*, 1169b6–7). Aristotle asserts that the friend is essential to one's self-knowledge: 'Therefore to perceive a friend must be in a way to perceive one's self and to know a friend [is] to know oneself' (*Eudemian Ethics*, 1245a35–6). Thus we have a strong hint that self-perception and self-knowledge are bound up with and mediated by one's *philos*.

This hint is confirmed in the *Magna Moralia* (hereafter *MM*), which takes up the question of whether the self-sufficing man will need friends (*MM*, 1213a8–9).[4] The human being, however self-sufficient, needs and depends on a friend as a second self. This claim is justified by an appeal to the impossibility of achieving self-knowledge on one's own:

> Since then it is both a most difficult thing, as some of the sages have said, to attain a knowledge of oneself, also a most pleasant (for to know oneself is pleasant) – now we are not able to see what we are from ourselves (and that we cannot do so is plain from the way in which we blame others without being aware that we do the same things ourselves; this is the effect of favor or passion and there are many of us who are blinded by these things so that we judge not aright); as then when we wish to see our own face, we do so by looking in a mirror, in the same way when we wish to know ourselves we can obtain that knowledge by looking at our *philos*. For the *philos* is, as we assert, a second self. If then it is pleasant to know oneself, and it is not possible to know this without having someone else for a *philos*, the self-sufficing man will require *philia* in order to know himself. (*MM*, 1213a13–26)

Here we have a formulation of mediated self-knowledge and the centrality of *philia* in such a mediated self-knowledge. For Aristotle there is no contradiction between the self-sufficiency of virtue and the relationship of friendship, which is why friendship is the crown of the virtues. The

philos as a second self is like a mirror in which we may behold ourselves. That is why to be deprived of and separated from one's *philoi* is tragic.

Two points must be noted as we conclude our brief examination of Aristotle. The first is that there is a connection between *philia*, community and justice. Philia serves as transition between the aim of the good life and justice. As Aristotle notes, *philia* is said to be equality, and thus implies fairness. Further, '*philia* seems to hold states together' (*NE*, 1155a21; Ricoeur, 1992, p. 182). *Philia* is not only a tie that binds a friendship 'double' together in mutuality, it is a tie that binds a community together in equality and fairness. *Philia* is thus connected with justice, 'for the truest form of justice is thought to be a friendly quality' (*NE*, 1155a26). Aristotle suggests that justice originates in *philia*. *Philia* focuses attention on the good of the other. Thus Aristotle points out that 'justice, alone of the excellences, is thought to be *another's good*, because it is related to others, for it does what is advantageous to another, either a ruler or a partner' (Aristotle, 1984, NE, 1130a3–4; emphasis added).[5] But justice is also abstract and does not replace *philia*. Aristotle observes that 'when men are *philoi* they have no need of justice, while when they are just they need *philia* as well …' (*NE*, 1155a26–7).

The second point is an observation that takes us back to where we began, namely, what is *philia*? Why is it so prized as the greatest external good? Could the thing itself still have eluded us? I believe it has. The point is difficult to formulate, and yet without it *philia* has still not yet shone forth as what it is. We have found that *philia* involves mutuality, reciprocally recognized goodwill, and that such reciprocity presupposes the separation and independence of the *philoi*. Following Ricoeur, we noted that *philia* is an exchange between separate and independent non-replaceable individuals. The *philos*, as another self or a second self, not only doubles the first self, but 'doubles', that is, enhances his goodness. *Philia* names this gift of goodness that beyond all merely economic exchange, enhances, uplifts and actualizes each *philos*.[6] *Philia* names this mutual exchange and enhancement. Aristotle puts it this way: 'But if it is pleasant for a man himself to live well and also his friend, and in their common life to engage in mutually helpful activity, their partnership surely would be above all in things included in the end' (*Eudemian Ethics*, 1245b2–4). Partnership is the multiplier in friendship: it drives each partner to a higher level and degree of self-actualization. Partnership thus has to be regarded not as a means, but rather must be included in the end of individual flourishing. Living together in friendship is for Aristotle not the antithesis or nemesis of freedom, but its completion and fulfilment.

Limitations and questions

Aristotle formulates the concept of doubling and mutual exchange that lies at the heart of *philia*. However, as Ricoeur notes, Aristotle has no general theory or view of alterity or otherness.[7] Consequently Aristotle's account of *philia* has the defects of immediacy, provincialism and abstraction. Its *immediacy* is exhibited in a naivety, that is, insufficient appreciation of difference, plurality, intersubjective distance and subjective freedom.

It is *provincial*. As Nussbaum notes, Aristotle's theory of *philia* is a theory of male friendship that denies that women are capable of the highest form of *philia*, yet he inconsistently points to the relation between mothers and children as a form of *philia* (Nussbaum, 1986, pp. 370ff.). Further, Aristotle concentrates on people of similar class, gender and ethnicity; this means that the common element that ties them together in friendship is marked by the absence of any serious difference. Because the selves are assumed to be fundamentally alike, because the recognition between them is assumed to be unproblematic, the common element or universal, the 'binding tie', remains a limited, parochial universal. Aristotle's sexism and defence of slavery is symptomatic of this parochial, exclusive 'universal'.

It is *abstract*. Although Aristotle's analyses are in some sense meant to be descriptions of actual relations in his culture, the question has been posed as to whether Aristotle's theory of *philia* is nevertheless an ideal impossible of realization. I am thinking of the strange declamation attributed to Aristotle: 'O friends, there are no friends!' (Nietzsche, 1995, §376; Derrida, 1997, p. 1). It is far from clear what to make of this declamation. It seems to be a cry of despair that calls into question the doubling and mutuality at the heart of *philia*. Is there another self? Is the truth of the matter that there is no mutuality, no intersubjective recognition, no *philos* and thus no *philia*? If so we have here a belated and devastating recognition of negation, the negation overlooked by and excluded from the theory. But if it is true that there are no friends, that there is no one who is 'another oneself', then who are the friends to whom this outcry is addressed?

Hegel

Hegel does not present a theory of friendship *per se*. The little he does say reveals that, like Aristotle, he regards friendship as a virtue. But Hegel doesn't even present a comprehensive theory of virtue; instead he grounds the virtues in a philosophical anthropology. Mutual recognition

is the existential-ontological deep structure immanent in Hegel's account of ethical life (*Sittlichkeit*). Thus the main focus of the topic of friendship in Hegel must be his account of recognition because it provides the ontological structure which friendship embodies.

However, Hegel's concept of recognition has become identified with the famous struggle for recognition that culminates in master and slave in the 1807 *Phenomenology of Spirit* (Hegel, 1977a). In Kojève's lectures on Hegel, the concept of recognition is virtually synonymous with master and slave (Kojève, 1969). But if the concept of recognition is simply identified with struggle, master–slave, domination, it is difficult to see how it can ground ethical life, right and justice, much less friendship. There is something wrong with this picture. The error in Kojève's reading of Hegel is his failure to distinguish between the concept of recognition and its different possible instantiations. Master and slave is but one of the existence possibilities supported by recognition, that is, a deficient, incomplete realization. Hegel agrees with Fichte that recognition is essentially, inherently mutual: 'The relation of free beings to one another is a relation of reciprocal interaction through intelligence and freedom. One cannot recognize the other if both do not mutually recognize each other; and one cannot treat the other as a free being if both do not mutually treat each other as free' (Fichte, 2000, p. 42).

In the *Phenomenology of Spirit*, the starting point of the analysis of recognition is with desire (*Begierde*). Desire in its immediacy is inherently particular and self-seeking. Desire is also an immediate existential contradiction: it is a need, or lack, that seeks something to fill it. When it finds something that fills its need, desire achieves temporary satisfaction. Desire achieves this satisfaction violently; it demonstrates the inner nullity of its object by consuming it. Desire remains in immediacy throughout the process of consumption and satisfaction.[8]

Hegel's exposition of the concept of recognition begins with the doubling (*Verdoppelung*) of self-consciousness: a self-consciousness exists for a self-consciousness, that is, self-consciousness exists as doubled (Hegel, 1952, pp. 141ff.; 1977a, §178). The English translation mistranslates *Verdoppelung* as 'duplication'. Duplication implies an original and a copy. But Hegel's point is not that the other is a copy of the self, but rather it is another independent self. Because it is independent, the other can offer resistance to desire, but also may cooperate with it. The encounter with the other exposes desire to serious opposition, a break with its immediacy, and opens it to a process of mediation.

Hegel's expression 'a self-consciousness exists for another self-consciousness' formulates an encounter absent any rules or conventions.

The encounter is a collision between two individuals, the zero point of mediation. Desire seeks to remain in its immediacy, its circle of immediate gratifications, but it cannot. Desire experiences the encounter as self-loss. Such self-loss provokes efforts to overcome it, to return to the original immediacy, and these one-sided efforts, although futile, make struggle inevitable. As Hegel notes, the one-sided recognition of master and slave does not resolve the original contradiction of doubled unity, but merely propounds another contradiction, namely the coercion of a free being (Hegel, 1981, pp. 82–3). Hegel believes that coercion is a dead end, observing that a one-sided, asymmetrical relation is no relation at all (Hegel, 1966, p. 46).

Hegel's analysis of the concept of recognition also includes a second existential possibility. This existence possibility is one in which the parties do not seek to negate and eliminate the other. As Hegel observes, to eliminate the other and all otherness and diversity is self-defeating: elimination of the other is self-defeating, because what is done to the other is also done to the self; besides, what is really sought is the other's recognition, not his elimination. The abstract negation of the other – his elimination – would prove to be irrational and self-defeating. In contrast, this second existence possibility proceeds by negating these abstract negations, that is, by renouncing force and coercion, and letting the other go free (Hegel, 1952, p. 142; 1977a, §181). This letting go is not indifference, it is rather a suspension of coercion and an affirmation of both self and other. The process of recognition is a double-sided action, which

> has the double significance of being both its own action and the action of the other as well … The process is therefore absolutely the doubled action of both self-consciousnesses … A one-sided action would be useless, because what is supposed to occur can only come about through both acting together. The action is therefore double sided, not only because it is an action directed towards oneself as well as towards another, but also because it is indivisible, the doing of the one as well as the other. (Hegel, 1952, p. 142; 1977a, §182–3)

This is the existential possibility that leads to mutual recognition, spirit and ethical life.

For Hegel the process of mutual recognition requires the repudiation of coercion and it is supposed to culminate in liberation and freedom. Following Ludwig Siep, we can distinguish four distinct moments in this process: to wit, autonomy, union, self-overcoming and letting

go (*Freigabe*) (Siep, 1992). Each of these moments is an aspect of the sublimation (*Aufhebung*) of desire from its immediate self-seeking particularity to an intersubjectively mediated universal recognitive consciousness. Let us examine each term briefly. Autonomy for Hegel, as for Kant, constitutes a break with nature and natural causation; it is the capacity for self-originated action. Autonomy is the independence of the will from external or heteronomous influences which can come from nature (inclinations, passions, goods such as happiness) and from human communities, for example, legal coercions and other forms of dependencies. Autonomy is understood negatively as freedom from external influence, and positively as independent, self-originated action. However, Hegel does not understand autonomy in the strict Kantian sense. Rather, he believes that autonomy can be realized only in and through community (*Zusammenleben*). Since autonomy is intersubjectively achieved and mediated, it is not absolute, but a conditional, dependent autonomy.

The second moment or feature of freedom is union (*Vereinigung*) or association.[9] Union is not fusion, but relationship to another and to a community in which the other ceases to be a hindrance or limit to freedom. Thus for Hegel, as for Aristotle, freedom does not signify the isolation of one from the other, but rather union with other(s). Does union contradict autonomy? Or is it rather the condition of autonomy? Kant and Jacobi believe the former. Hegel sides with Aristotle, Goethe and Herder in holding the latter view (Siep, 1992, p. 159).[10] He criticizes Kant's and Jacobi's position on the grounds that it absolutizes finitude and difference.[11] For Hegel, union and autonomy are not mutually exclusive alternatives, but are two basic features of freedom (Siep, 1992, p. 118).

Hegel's view is that entering into relation not only does not contradict or diminish freedom, rather relation is a condition of genuine freedom. Real freedom, in contrast to abstract freedom, is achieved only in relation. In Hegel's words, '[s]ince freedom consists in my identity with the other, I am truly free only when the other is also free and recognized as such by me. This freedom of the one in the other unites [*vereinigt*] human beings in an inner way …' (Hegel, 1973, §431). Union or solidarity with other is a condition of genuine relational freedom. As will become evident, this has ethical implications, or rather it constitutes the ethical sphere of existence.

The third feature of freedom is self-overcoming (*Selbstüberwindung*). Self-overcoming follows from union, that is, association and union with an other transform and enlarge the narrow mentality of desire. Recall that desire, Hegel's *Begierde*, names a self-seeking particularity that in its

immediacy relates only to itself (Hegel, 1978, p. 334). *Begierde* signifies a natural solipsism and narrow self-identity in which the self lives simply for its own satisfactions and pleasures. Hegel tells us that the satisfaction that *Begierde* seeks is generally destructive because it is purely a self-seeking (*selbstsüchtig*) (Hegel, 1978, p. 326).[12] This basic posture, wherein the self takes only itself as its end, is a source of conflict, mastery and domination. Hegel believes that immediacy of desire is a bondage, a restriction on freedom that must be overcome. Self-overcoming therefore is an ethical conception that expresses the *Aufhebung* of immediacy and natural solipsism. What is *lost* in mutual recognition is self-seeking desire for domination; what is *gained* through mutual recognition is an enlarged mentality, a substantive ethical freedom and community with other. Freedom thus comes to mean not merely liberation from nature, but more crucially being at home with self in one's other. This is what Hegel captures in the following complicated sentence: 'Self-consciousness exists in and for itself when, and by the fact that it-is-in-and-for-itself-for-an-other, that means, it exists only as recognized' (Hegel, 1952, p. 141; 1977a, §178). Self-overcoming breaks with immediate self-seeking, and enlarges the horizon and mentality of desire. This means that self-overcoming is not simply under the control of the self because it is the indivisible action of the self and its other.

This brings us to the fourth moment, the *Freigabe*, 'letting go' or 'release'. This means the renunciation of attempts to dominate and control the other. Positively, *Freigabe* signifies allowing the other to be, and affirming the other as she or he determines herself or himself to be, or, in Aristotle's language, as being the person that she or he is. In short, it means to accept and respect the other as an end in herself or himself such that controlling, dominating and manipulating behaviours are inappropriate. *Freigabe* makes explicit what had been implicit all along, namely, that for Hegel freedom is not simply individual but intersubjectively mediated and thus it is universal, shared and indivisible. *Freigabe* is the consummation of reciprocal recognition, through which *Geist* is constituted as the I that is a We. *Freigabe* makes it clear that the 'We' Hegel is after is a community of freedom that does not absorb or reduce individuals to some homogeneity, but rather presupposes, requires and affirms individuals in their differences. *Freigabe* is the recognition of the otherness of the other, the difference of difference. Actual freedom is *bei sich im anderen zu sein*, to be at home with self in another. This consummation of the process of recognition resolves the original contradiction of the encounter regarded as self-loss. 'They recognize themselves as reciprocally recognizing each other' (Hegel, 1952, p. 143).

'Only in such a manner is true freedom realized, for since *this consists in my identity with the other*, I am truly free only when the other is also free and is recognized by me as free' (Hegel, 1973, §431; emphasis added).

This has important implications for justice, law and right. For Hegel mutual recognition involves the renunciation of coercion and domination inherent in master–slave. Inherent in the transformation (*Aufhebung*) of desire, coercion and vendetta into justice is the recognition of the other as free, as an end in itself, and the constitution of right as the intersubjective agreement of wills in the form of law.[13] Hegel achieves a synthesis between Fichte's formal concept of mutual recognition, Kant's concept of freedom as end, and Aristotle's conception of justice as the good of the other. As Hegel puts it, '[w]e know that when others have rights I too have rights, or that *my right is essentially the right of the other …*' (Hegel, 1981, pp. 76–7; emphasis added).[14] Recognition of the other in the foundation of right and justice means that 'my right is essentially the right of the other'. It is this recognition of justice as the other's right that coercion, revenge and vendetta deny.

Thus Hegel articulates Aristotle's central insight about friendship as the crown of the virtues, in the modern language of the intersubjective structure of non-parochial, universal ethical life. Hegel sums up the result of mutual recognition in the concept of a universal recognitive self-consciousness:

> The universal self-consciousness is the affirmative knowing of oneself in another self, in which each as a free particular has absolute independence, but by virtue of its negation of its immediacy or desire, no longer distinguishes itself from the other. Each is therefore universal and objective, and thus possesses real universality as mutuality (*Gegenseitigkeit*), since it knows itself to be recognized by a free other, and knows this insofar as it recognizes the other and knows it as free. (Hegel, 1973, §436; 1981, p. 90)

Note that 'real universality' here is understood as mutuality, the same structure we noted previously in Aristotle's account of *philia*. Hegel agrees with Aristotle that *philia* is the paradox of affirmative exchange at the heart of the different and irreplaceable. 'In this state of universal freedom, in being reflected into myself, I am immediately reflected into the other person, and conversely, in relating myself to the other, I am immediately self-related' (Hegel, 1973, §436). Hegel makes explicit the crucial point that to be self-related is to be related to an other, and that relation to other is the highest development and articulation of self-

relation. Hegel identifies the universal recognitive self-consciousness as 'the form of consciousness of the substance of every essential spiritual institution (*wesentliche Geistigkeit*), be it family, fatherland, state; as well as the structure of all virtues, love, *friendship*, valor, honor, esteem' (Hegel, 1973, §436; emphasis added). This extraordinary text shows how Hegel understands mutual recognition to be the deep structure and constitutive of ethical life, including all its institutions, all the virtues including friendship.

Love and the virtues: Hegel's early theological writings

How can *philia*, love, transform the virtues from self-regarding into social virtues, transform narcissistic egoism into an I that is a We? If we assume that love is merely an emotion, it is far from clear how love could accomplish the transformation, the self-overcoming and reconciliation that Hegel and Aristotle ascribe to it. But for Hegel while love has an affective, emotional aspect, it cannot be reduced to a mere emotion. Love is also an ethical concept, specifically, the love-commandment. Hence if it is a command, love must be more than an emotion, because emotions cannot be commanded, and if they are, they are not genuine but forced.

But love is not simply a commandment either, for, as Hegel observes, '"Love has conquered" does not mean the same as "duty has conquered" that is, subdued its enemies; it means that love has overcome hostility' (Hegel, 1971a, p. 247). This overcoming of hostility implies that love has an ontological dimension as well. This ontological dimension precludes any understanding of love as self-love. Hegel insists that self-love is a meaningless concept. Ontologically considered, love is the overcoming of alienation; it is a reunion of what is separated or estranged. Love cannot be reduced to self-love, because in the unity of a single self-consciousness there is no serious opposition. But love as reconciliation presupposes serious opposition, to wit, the intersubjective doubling of self-consciousness. As a reunion of the estranged, love cannot be conceived apart from opposition and estrangement. Love therefore is inherently an intersubjective conception. Love overcomes and reconciles, the dichotomy and unmediate opposition constitutive of the original encounter between separate plural individuals. Love presupposes the opposition, the broken relationship which it overcomes and restores.

When Hegel maintains that love is the transformation and reunion of the separate, this separateness must be understood in an intersubjective sense of estrangement and alienation. On the other hand, the reconciliation that love accomplishes is not a fusion or collapse of the double

into undifferentiated unity. 'In love the separate does still remain, no longer as something separated, but as united …' (Hegel, 1971a, p. 305). 'The beloved is no longer opposed to us; he is one with our being. We see only ourselves in him and yet he is not who we are – a miracle that we cannot comprehend' (Hegel, 1971b, p. 244). Neither absolute dualism nor absolute monism. How is a third alternative possible? Hegel insists that '[o]nly through love is the power of objectification broken, and through love the whole sphere of objectification [and separation] is broken through' (Hegel, 1971a, p. 247). Love's reconciliation is both restorative and transformative: 'In contrast with … reversion to obedience, reconciliation in love is a liberation; in contrast with the re-recognition of lordship and mastery, love is the cancellation of lordship in the restoration of the living bond, of that spirit of love and mutual faith which, considered in relation to lordship, is the highest freedom' (Hegel, 1971a, p. 241).

The affirmative sense of alterity with which mutual recognition concludes echoes and transforms Aristotle's dictum that the other is another oneself.[15] As the resolution of contradiction, love is an affirmative doubling which increases the good of both partners.

> [Love] is a mutual giving and taking … The lover who takes is not thereby made richer than the other; he is enriched indeed, but only so much as the other is. So too the giver does not make himself poorer; by giving to the other he has at the same time and to the same extent enhanced his own treasure. Compare Juliet in *Romeo and Juliet*: 'My bounty is as boundless as the sea, my love as deep. *The more I give to Thee, the more I have*.' This wealth of life love acquires in the exchange of every thought, every variety of inner experience, *for it seeks out differences and devises unifications ad infinitum*. (Hegel, 1971a, p. 307; emphasis added)

Whether Hegel was retrieving and appropriating Aristotle's concept of *philia*, or whether he arrived at a similar conception independently, the remarkable fact is that Hegel and Aristotle both hold that *philia* embodies mutual recognition as its deep structure, a social infinite in which self-relation and relation to other coincide while retaining and enhancing their individual differences. For this reason Hegel believes that *love*, *philia*, is the core of the institutions of ethical life, which is neither a herd nor a tyranny, but the highest freedom.[16]

However, Hegel goes further than Aristotle when he brings out the elements of conflict and reconciliation inherent in *philia* since Heraclitos – the elements which had been neglected or suppressed by Aristotle.[17]

Philia is not a given; rather, it has to be brought about by overcoming negations, struggles, conflicts and enmity. It has to come to be in a process of mutual recognition. In making struggle and conflict the starting point of his analysis of recognition, Hegel corrects Aristotle by reaching back to Heraclitos: *philia* is not thinkable apart from ontological separation, or apart from conflict and opposition that it overcomes. Hegel begins where Aristotle ends, namely with negation and serious opposition. Hegel thus grasps love's speculative ontological significance, namely that conflict and contradiction do not undermine relation, but are forms of relation. By beginning with negation and showing that one-sided coercive recognitions are useless and doomed to failure, Hegel confronts and overcomes the despair in Aristotle's cry, 'O friends, there are no friends!' Hegel believes that love is capable of enduring and reconciling tragic conflict and suffering. Hegel believes that love, precisely because it arises out of the negation of immediacy, is able to tarry with the negative, and can endure and even overcome negation and adversity.

Notes

1. All references to Aristotle's work in this chapter are to the *Complete Works of Aristotle* (Aristotle, 1984).
2. Alfredo Ferrarin contends that Hegel's knowledge of Greek is excellent, and his translations of Aristotle are superb (Ferrarin, 2001).
3. As Ricoeur notes, the proponents of philautia – that all love is self-love – are right if we are speaking about what belongs to the sphere of utility or pleasure, but they are wrong if they pretend to speak about what is most lovable (Ricoeur, 1992, p. 185).
4. There is dispute as to whether this book is written by Aristotle, or composed as a compendium after his death. However, there is no scholarly consensus. So it is regarded either as an earlier work of Aristotle or as a composition by someone else that is nevertheless very Aristotelian.
5. The phrase 'justice is the other's good' is found in Plato, *Republic* 343c.
6. Nussbaum notices this increase when she speaks of friendly love generating an increase in self-knowledge and self-perception that comes from mutual living together (Nussbaum, 1986, p. 364). Ricoeur makes the non-instrumentalism point when he characterizes the good of recognition as a gift, a good without price (Ricoeur, 2005, pp. 232–46).
7. 'One will readily grant that there is no place for a straightforward concept of otherness in Aristotle' (Ricoeur, 1992, p. 187).
8. In his *Encyclopedia Logic* Hegel analyses desire (*Begierde*) and need as experienced contradictions. Living beings can endure contradictions such as need and pain, and thus maintain themselves even in the negative of themselves (Hegel, 1991a, §60). In the *Science of Logic* Hegel observes that 'It is said that contradiction is unthinkable; but the fact is that in the pain of a living being it is even an actual existence' (Hegel, 1969, p. 770).

9. Dieter Henrich traces the concept of *Vereinigung* to the influence of Hölderlin on Hegel (Henrich, 1971).

10. In an earlier essay, Siep observes that Goethe and Herder defended the conception of freedom as union, while Kant and Jacobi argued that the concept of freedom as autonomy is incompatible with the concept of union (Siep, 1992, pp. 116–17).

11. 'The fundamental principle common to the philosophies of Kant, Fichte and Jacobi is, then, the absoluteness of finitude, and, resulting from it, the absolute antithesis of finitude and infinity, reality and ideality … .' Consequently, for Kant and Jacobi, autonomy and union with other 'stand opposed to each other in the connection of domination' (Hegel, 1977b, pp. 56, 60, 62).

12. Closely related to *Begierde* are *Eigensinn* or obstinacy, and *Willkür* or arbitrary will.

13. Kant put the point this way: 'Right is … the sum total of those conditions within which the will of one person can be reconciled with the will of another in accordance with a universal law of freedom' (Kant, 1991, p. 133). For Fichte and Hegel, Kant omits one of the conditions of right, namely, intersubjective reciprocal recognition. But such recognition is implicit in and presupposed by Kant's concept of right.

14. Hegel follows Plato and Aristotle here.

15. 'In general, love means the consciousness of my unity with another, so that I am not in selfish isolation, but win my self-consciousness only as the renunciation of my independence and through knowing myself as the unity of myself with another and of the other with me … The first moment in love is that I do not wish to be an independent person … The second moment is that I find myself in another person, that I count for something in the other while the other in turn comes to count for something in me. Love therefore is the most tremendous contradiction; the understanding cannot resolve it … Love is both the propounding and resolving of this contradiction' (Hegel, 1991b, §158).

16. In his *Difference* essay he puts the point in this way: 'If the community of rational beings were essentially a limitation of true freedom, community would be in and for itself the supreme tyranny … [But] the community of a person with others must not be regarded as a limitation of the true freedom of the individual but as its enhancement. Highest community is the highest freedom …' (Hegel, 1977c, p. 145).

17. Hegel's proximate source for the concept of love as reconciliation is Hölderlin, and his proximate source for the concept of recognition is Fichte (Henrich, 1971; Williams, 1992, 1998).

References

Aristotle (1984) *Complete Works of Aristotle*, trans. and ed. J. Barnes, Princeton, Princeton University Press.

Cooper, J. M. (1980) 'Aristotle's Concept of Friendship', in A. O. Rorty (ed.), *Essays on Aristotle's Ethics*, Berkeley, University of California Press.

Derrida, J. (1997) *Politics of Friendship*, trans. G. Collins, New York, Verso.

Ferrarin, A. (2001) *Hegel and Aristotle*, Cambridge, Cambridge University Press.

Fichte, J. G. (2000) *Foundations of Natural Law*, trans. M. Baur, Cambridge, Cambridge University Press.

Hegel, G. W. F. (1952) *Phänomenologie des Geistes*, Hamburg, Meiner Verlag. (Translated into English as Hegel, 1977a.)

Hegel, G. W. F. (1966) *Vorlesungen über die Beweise vom Dasein Gottes*, Hamburg, Meiner Verlag.

Hegel, G. W. F. (1969) *Science of Logic*, trans. A. V. Miller, New York, Humanities Press.

Hegel, G. W. F. (1971a) *Early Theological Writings*, trans. T. M. Knox and R. Kroner, Philadelphia, University of Pennsylvania Press.

Hegel, G. W. F. (1971b) 'Fragment on Love and Religion', in *Theorie-Werkausgabe*, Frankfurt, Suhrkamp.

Hegel, G. W. F. (1973) *Encyclopedia Philosophy of Spirit*, trans. W. Wallace, Oxford, Oxford University Press.

Hegel, G. W. F. (1977a) *Phenomenology of Spirit*, trans. A. V. Miller, Oxford, Oxford University Press.

Hegel, G. W. F. (1977b) *Faith and Knowledge*, trans. W. Cerf and H. S. Harris, Albany, NY, SUNY Press.

Hegel, G. W. F. (1977c) *Difference between the Fichtean and Schellingian System of Philosophy*, trans. H. S. Harris, Albany, NY, SUNY Press.

Hegel, G. W. F. (1978) '1825 Manuscript' in M. J. Petry (ed.), *Hegel's Philosophy of Subjective Spirit*, Vol. 3, Boston, D. Reidel.

Hegel, G. W. F. (1981) *The Berlin Phenomenology*, trans. and ed. M. J. Petry, Boston, D. Reidel.

Hegel, G. W. F. (1991a) *Encyclopedia Logic*, trans. T. F. Geraets, W. A. Suchting and H. S. Harris, Indianapolis, Hackett.

Hegel, G. W. F. (1991b) *Elements of the Philosophy of Right*, trans. H. B. Nisbet, ed. A. W. Wood, Cambridge, Cambridge University Press.

Henrich, D. (1971) 'Hegel und Hölderlin', in *Hegel im Kontext*, Frankfurt, Suhrkamp.

Kant, I. (1991) 'Metaphysics of Morals', in *Kant: Political Writings*, Cambridge, Cambridge University Press.

Kojève, A. (1969) *Introduction to the Reading of Hegel*, trans. J. H. Nichols, ed. A. Bloom, New York, Basic Books.

Nietzsche, F. (1995) 'Human, All Too Human', in E. Behler (ed.), *The Complete Works of Nietzsche*, Vol. 3, Stanford, Stanford University Press.

Nussbaum, M. (1986) *Fragility of Goodness*, Cambridge, Cambridge University Press.

Ricoeur, P. (1992) *Oneself as Another*, Chicago, University of Chicago Press.

Ricoeur, P. (2005) *The Course of Recognition*, trans. D. Pellauer, Cambridge, MA, Harvard University Press.

Siep, L. (1992) *Praktische Philosophie im Deutschen Idealismus*, Frankfurt, Suhrkamp.

Smith, T. W. (2001) *Revaluing Ethics: Aristotle's Dialectical Pedagogy*, Albany, NY, SUNY Press.

Williams, R. R. (1992) *Recognition: Fichte and Hegel on the Other*, Albany, NY, SUNY Press.

Williams, R. R. (1998) *Hegel's Ethics of Recognition*, Berkeley and Los Angeles, University of California Press.

2
Hegel, Taylor and the Phenomenology of Broken Spirits[1]

Rajeev Bhargava

This chapter has three sections. In the first, I briefly discuss Charles Taylor's 'The Politics of Recognition' (Taylor, 1994). I claim that Taylor's Hegelian approach helps us grasp notions of dignity and self-esteem as collective values – something lacking in purely Kantian treatments of these issues. But I point out that, unlike some of his other work, this essay reflects a tendency present in recent writings on recognition not to emphasize the importance of labour/work in mutual self-recognition. In the second section, I briefly examine Hegel's germinal discussion of the master–slave dialectic where he provides an account of recognition via labour. I point out some of its limitations. I claim that Hegel's conception of labour is modelled on certain types of work through which one could easily embody self-realization and recognition. Important as it is, such a conception fails to capture certain other forms of back-breaking and mind-numbing labour which are deeply degrading. In the third section, I adumbrate this claim by providing a phenomenology (in the narrow non-Hegelian sense) of 'broken spirits', a detailed account of Bhangis (manual scavengers), an Indian 'untouchable' *jati*.[2] Such types of work will be always shunned by everyone because their materiality is the source of much of their degradation. Therefore it is bound to be devalued, and those who do them willingly or unwillingly are and will be seen to have demeaned themselves. While one might still be able to claim that dignity attaches to such work, it is hard to argue that they could be vehicles of identity-recognition. I end with a broader claim that, apart from a politics of dignity and authenticity, we need another politics of self-reparation, one which simply affirms that all of us are equals in the quite simple sense that we are all endowed selves.

The politics of dignity and authentic identity

In his remarkable and very influential essay, 'The Politics of Recognition', Taylor (1994) shows how, even though they end up as competing and often conflicting projects, the politics of dignity and authentic identity spring from the same source. The collapse of social hierarchies and the loosening up of rigid social narratives from which identities are scripted and pinned down leads to a demand for equal respect. So modern egalitarian societies produce a politics of equal respect but, when conditions are propitious, this ideal has been realized in two different forms or in two different ways. In the first, equal respect translates into a politics of dignity, a quality shared by all humans by virtue of a potential or capacity that each has, namely to be self-directing agents. Each person is capable of developing a point of view on any issue and to act in accordance with it. The potential for this capacity is possessed regardless of one's cultural, social, religious and economic location. Hence everyone is equally worthy and owed equal respect. 'Equal' here translates into 'sameness'. Here, therefore, we must be recognized as being identical, not different. All are entitled to the same basket of rights and entitlements, *qua* human beings and citizens of a polity. To be accorded different treatment is to be treated as inferior or superior, as first- and second-class citizens, a throwback to a tradition of honour found in hierarchical societies.

In the second form, equal respect means recognizing the potential for working out, discovering and forming one's own, perhaps unique, way of being in the world. This is the recognition of one's potential to be different, to be distinctive, to carve out one's particularity and specificity rather than sameness with all others. Here, when treated identically, a person's individuality, the marker of our authenticity, something that springs from, even if not entirely made by us, is likely to be obliterated. In its benign form this would be an unwitting imposition of an unwanted uniformity. In its worst form, it would be the imposition of a negative self-image or a hegemonic culture on a positive or less powerful self-identification. Either way, it offends not only one's sense of self-respect but also a deeper sense of one's particular mode of existence. When deprived of proper recognition or misrecognized, one is treated as a second-class citizen. So we have two forms of equality: as sameness and as deep difference. In short, the egalitarian era opens up the possibility of two deeply interlinked but profoundly different political strategies that are in tension, if not in conflict, with one another.

Of course, these two forms of equal respect are realized in both senses of realization – made real and brought to consciousness and enhanced

conceptual awareness – only in the course of social interaction. Both are dialogically constituted. In this sense, both involve *re*cognition. No one has an inborn sense of dignity. One acquires it or fails to do so because this sense of self-respect is a feature of and results from our intrinsic sociality. Just so, with our sense of individuality. We have it or lack it, gain or lose it depending upon the assurances we have from at least some significant others. We could not really develop it on our own. It is realized in each of us but not really constituted individually. This is not just a contingent fact about us, something that we happen to have but flows from the kind of creatures we are – what Hegel calls conceptual necessity. This is why recognition and its failure is so crucial for us. This is a recurrent theme for Taylor, one that he traces back to Rousseau, Mead and Bakhtin, but most crucially to Hegel's phenomenology, specifically to the dialectic between master and slave.

Important as these insights are in capturing a large chunk of contemporary politics outside of ultimate ideals and mundane interests, they miss out on an important dimension of the human condition and the politics that emanates from it. Crucially, they bypass the lived experience of severely marginalized groups in some parts of the world. While drawing on the important work of Hegel and Taylor, the principal focus of this chapter is on what they deal with inadequately, namely what can be called the 'phenomenology of broken spirits', and by implication a *third* politics of recognition, a politics of self-reparation or self-restoration to which it leads.

The politics of dignity

With the move from an exclusivist virtue, honour, to an inclusivist virtue, dignity, comes a politics of 'abstract' universalism. Abstract, because it abstracts from all particular differences to arrive at an ideal of equal worth of all humans. This worth is 'above all price', non-quantitative, 'without equivalence', unsubstitutable and irreplaceable, and is grounded in neither heredity nor social rank. Hence the profound difference with honour. But it is also independent of merit. People's dignity is not intertwined with how much talent or even moral goodness they possess. Dignity is not earned. One has it simply because of one's potential to be a self-directing agent. If so, anything or anyone that denies or damages that potential also undermines or deprives one of one's dignity. Moreover, since dignity is present in all, and cannot be there more or less, citizenship rights cannot be unequally distributed. If some people are excluded from standing for public office because of their religious affiliation, then this undermines their dignity. Likewise, if people are treated unequally before

the law, as when the legal machinery is available to people of one race but not to another, or when people are paid differently for the same job merely because of their gender. For many, the inability to secure roughly equal conditions to develop their self-directing agency and personality (proper education, for instance) is also an affront to their dignity. The politics of dignity requires non-discriminatory principles.

Is dignity an individualist notion and tied inescapably to liberal individualism? At first sight, it appears so. And if Kant is the pre-eminent philosopher of dignity, then how can it not be so? Taylor's views on the subject, at least as expressed in the essay under discussion, confirm this. But is this really so? If individuals have dignity by virtue of their potential for self-directed agency, then why don't collectivities have it by virtue of their capacity for collective agency? A recent experience on my visit to Imphal, the capital of Manipur in India, where I had gone to attend a workshop, brought home this point to me. Manipur has a large, Meitei community which is Hindu – Vaishnav, to be precise. The Meiteis live in the plains which are surrounded by hills inhabited by the Nagas. Although, for their own reasons, the Meiteis also feel deeply alienated from India, their principal conflict is with the Nagas, who are themselves locked into one of the longest, most protracted and bitter conflicts with the Indian state. One of the Naga participants of the conference told me that this struggle against the Indian state – the movement for national self-determination – would probably never have erupted if, in the early 1950s, the Indian army had not killed three of their village elders and, worse, paraded their bodies in the marketplace. This was widely felt to be an affront to their 'ethnic dignity'. Clearly, this killing was seen not just as a murderous assault on individuals but much more. The Indian state was seen to be sending a message to the Naga people that their collective self-worth did not really add up to very much. It was seen as an attempt to damage their self-respect. Killing three village elders constituted not just a physical assault on three Nagas but the infliction of a collectively experienced wound. This led to the emergence of the 'nationalist' sentiment: this way of life can be protected only when they maintain the powers to direct their own collective agency embodied in their own state. The Naga movement for secession was spurred by the need to affirm the dignity of their own community.

What are the lessons to be drawn from this? Combine Kant with Hegel! Keep the pivotal idea of dignity but modify it by taking it in a Hegelian direction. What would that mean? To see human subjects as following what Taylor calls the principle of necessary embodiment. Human subjects exist not only as bodies – the sheer materiality of human existence – but

are also embedded in socially and culturally specific contexts. If so, their agency consists not in 'creating value' out of nothing and nowhere, but in finding, receiving and transforming it. Self-directed agency is then viewed as the human potential we possess to live our lives in accordance with social and cultural values we identify, receive and transform. (A Kantian who willingly takes this step is Thomas Hill Jr (2000, pp. 59–86).) Second, self-directed agency also means the ability we possess to live by projects we conceive and endorse. But we need to admit, again following Hegel and Taylor, that many of these projects are collectively conceived, held and acted upon. It follows that any threat to these collectively realizable capacities may undermine both our individual and collective dignity. A politics of dignity or equal dignity may also lead to a politics of collective national or subnational self-determination (Thus the case for Naga self-determination can rest on a philosophical defence of collective ('ethnic') dignity.)

The politics of authentic identity

I spoke above of the collective dignity of Nagas. But the Naga struggle is equally to maintain and protect their distinctive way of life. Let me elaborate. The relationship between Nagas and the village elders killed by the army was no ordinary relationship. At least three features characterized it. Village elders for the Nagas are not just older, more experienced people, but figures of veneration. They are not just people from whom ordinary folks seek advice, but moral exemplars worthy of emulation and whose virtues they somehow seek to integrate into their own personalities. The relationship was a lived ethical relationship. Thus the deep resentment that was caused by the use of force against elders flowed from the sense that their relationship to the elders was violated.[3] Not just literally, but in a deep, ethical sense. Second, it was an intimate relation. Thus the use of force by the army was not just an invasion of the Nagas' territorial autonomy but an intrusion in their intimate relationship. For the Nagas, this ethnic sensibility was their very own, something bound up with their collective self-esteem. The injury inflicted was thus not felt individually but jolted their collective self-esteem.

In the case of Nagas, the two, self-respect (dignity) and self-esteem, come together. Not surprising, because they stem from the same source – universal equality, but 'through one of those shifts with which we are long familiar, where a new understanding of the human social condition imparts a radically different meaning to an old principle',[4] they acquire different normative valence and direction and therefore deserve separate discussion.

In Taylor's view, a pure politics of equal dignity is blind to an important human need under modern conditions: to be recognized in all one's particularity, an authentic sense of self that has been inwardly generated or discovered, a specific way of being that I call my own rather than one that has been given to me or which is found to be mere imitation of someone else's. This new ideal of authenticity has its individualist as well as non-individualist dimension, one that has been better noticed and acknowledged, as for instance in demands for cultural autonomy or nationalism. This leads to a politics of difference and is found in the politics of the colonized, in some forms of feminism and in multiculturalism. Taylor's essay spawned an extensive literature on this topic and I have little to add to it except this: It is sometimes said that persons are owed respect regardless of the worth of their cultures and that respecting persons is not conditional upon the worth of their culture. Looked one way, this seems true, but we need to pause here and think. Examine once again the Naga example. Identity-recognition and self-respect are intertwined with one another. Recognition is an affirmative notion. To recognize a cultural community may not entail the endorsement of every aspect of their overall practice and belief, but it does mean more than just tolerating at least some of them. If this is true, the failure to recognize and a deliberate denial of self-respect constitute a double blow. Killing three village elders constituted not just a physical assault on the three elder Nagas but a fundamental misrecognition of what they value. The Naga movement for secession was spurred by the need not only for the recognition of their way of life regardless of how it is valued, but of a way of life that others should regard as valuable. Why live with those who do not value your way of life?

Do we have to agree with this claim? Surely, not everyone has to agree to value a particular way of life, but we could recognize that those who live it do so because they value it. But still, what do we make of their demand that we, too, must value their way of life? Cultural communities must be open to critical evaluation, and though no judgements are final or wholly objective, it is likely that even our revisable judgements devalue at least some aspects of a particular cultural community. But this does not contradict Taylor's view that every cultural community expects that others would presume it to have equal worth. And that a culture is misrecognized if it is not approached with this presumption. To fail to do so is to treat them with disrespect – precisely what Saul Bellow does through his comments on Aztecs.[5]

Hegel on the master–slave dialectic

For Taylor, Hegel's master–slave dialectic marks an important stage in the development of European discourse of identity and recognition. The resolution of the dialectic and in Hegel's own case, its telos is the mutual recognition of subjects as free and interdependent members of a political community, joint authors of collective projects and co-constructors of individual and collective self-understandings. However, my purpose in recalling this dialectic is not to recapitulate and critically examine its main features in minute detail, but to draw our attention to something else: that which is missing in current discussions of recognition but was central to Hegel and Marx, and to identify some problems in Hegel's own discussion of it – the role of labour in recognition.

As is well known, in Hegel's phenomenology, intersubjective mutual or reciprocal recognition must pass through the master–slave dialectic. This is necessary partly because nothing is achieved immediately; everything must pass though stages. And before achieving full adequacy, even as they gain something, humans must pass through a stage of error and inadequacy. In the early, elementary fight for mutual recognition, human subjectivity is simple and underdeveloped, merely a desiring subjectivity. But even so, as subjective creatures, we already have thoughts and therefore a point of view on the world. But the world on which we have a point of view is an object of our desires. It is to Hegel's credit, of course, that he never sees human struggle as a simple struggle for same objects or scarce resources. It is already a struggle of subjective points of views. Each subject is not only desiring an object but making a claim that what he (or she) desires is worthwhile, that the claim made represents an authoritative point of view, backed by authoritative reasons (Taylor, 1977, pp. 148–60; Pinkard, 1996). Yet there are no 'objective' standards of what counts as authoritative. No subject can simply peep within and discover the objectivity of his claims. So in making a claim about an object, each subject is simultaneously making a claim that his point of view on the world is true and, to the extent that the point of view of others conflicts with his own, that the other's point of view is false. The trouble is that all are doing the same and each puts his whole personality and reputation at stake. This is why a struggle for objects also becomes a life-and-death struggle of rival truth claims or dignity.

In this struggle, where each is prepared to put his own life at stake, someone must give in. Even though both are real possibilities, neither the death of all nor the death of all but one is a proper solution to the struggle for recognition. So, those who fear death give in while those who do not

impose on others their point of view as the truth. The agent who risks his life for his views becomes the master, while the one who backs off, fearing death, becomes the slave of the other. One point of view, that of the master, is now accepted as authoritative. It is the dominant view on the world held jointly by the master and the slave. The slave serves the master not by force but by consent, because he has accepted the master's voice as legitimate and authoritative. From now on, the master has no need for force. The slave gives up his desires and projects and willingly serves the desires and projects of the master.

Of course, this solution is neither satisfactory nor final. Here again, Hegel's narrative is well known. For a start, the recognition of masters by slaves is a far cry from mutual recognition by free and equal subjects. The self that is mirrored back to the master is the severely impoverished self of the slave, one who is fearful, humiliated by defeat and has all but given up his own subjective point of view and with it his self-respect. This is not the mediated recognition that the original subject sought. Second, from now on the master is reduced to the status of a mere consumer. Thus the other, second, type of recognition of the master is achieved via a mute object, which for Hegel is very low on a scale of evaluative worth.

Why so? Readers might recall that for Hegel, every subject, to begin with, has only a simple and immediate relation with himself. At this stage of self-relation, subjectivity is barely formed, and there is very little self-consciousness or self-knowledge. All self-knowledge is mediated, even the barest self-understanding, that is, self as a desirous being. Humans have only an inchoate understanding of their own desires, they barely know that they are creatures of desires until they face some object. This elementary understanding is confirmed only when that object is consumed. It is in the simple negation of the mediated object that one progresses to a better self-understanding. This self-understanding, for Hegel, is too primitive, however. This is so because one's self-understanding as a desirous creature is ephemeral. It is born in the presence of the object and is gone the moment it is abolished (consumed). For stable recognition, humans need something longer-lasting. More importantly, this recognition is secured through a mere object, something which is barely, if ever, imbued with thought. What humans know of themselves at this stage is virtually devoid of any subjectivity. What is mirrored back to them is an ephemeral object. Thus, instead of recognition by co-subjects, the master secures measly recognition via material objects and by a subject virtually devoid of elementary personhood.

The story of the slave from now on is different, however, and one that is relevant to my own discussion. The slave exists to serve the desires and

needs of the master, to realize his rather impoverished projects. But in order to serve, he must work. The logic and momentum of work takes the slave in a different direction and on an altogether different plane, something he himself could never have envisaged. Through work or labour, the slave acts upon his natural environment and transforms it, and through it he also develops new ideas, conceptions and projects that he could not otherwise have developed. Hegel is a firm believer in the view that ideas and conceptions develop in and through social practices and work. Over a period of time, slaves generate new objects that embody concepts no one had witnessed earlier. In the object so transformed, the slave realizes his own idea, a plan which, when executed well, reaffirms his self-worth. Thus work is also a medium through which one affirms self-worth. And developing through labour are not just new concepts and thoughts, but new self-conceptions, new identities, different forms of recognition. Through work, humanity realizes ever newer forms of self. Women and men develop sharper conceptions of self-directed rational agency and a sense of new capabilities. They learn to distinguish themselves more sharply from other things. More significantly, they realize that while things may have value, they, humans, are the originators of value or significance. Labour then becomes a vehicle of forms of recognition of different, 'higher' selves. This idea of labour and its products as vehicles of self-realization and, via the recognition of its value by others, as vehicles of newer forms of self-recognition, is central to Hegel. For Hegel, as a little later for Marx, in struggles over the acquisition of material goods or instruments of power, what is really at issue is 'emancipation of labour as a crucial condition for symmetrical esteem' (Honneth, 1995, p. 147).

This idea of labour as self-realization and self-recognition is still very relevant. An important part of our recognition is bestowed on us by our work – both in the sense of what we do and in the other sense of what we achieve through what we do. Conversely, an equally important form of misrecognition occurs when socially valuable work is not properly recognized, when the real contribution of our labour to society or in our community is disregarded. It is important that in the many forms of social oppression we reintroduce this particular form of work-related misrecognition.

Feminists have already drawn attention to how the devaluation of household work reinforces the secondary/subordinate status of women in society. I wish to continue this line of thinking by speaking of other forms of labour which are essential to our social lives but which are infinitely more devalued. I do this by drawing attention to the work of 'manual scavengers' in India. However, I also have in mind something more. My

claim is that some forms of work are (more or less) inherently demeaning and those who perform them for sufficiently long periods of time are so deeply degraded that they simply cannot come out of it unscathed. These forms of labour have a profound impact on their subjectivities – they internally fragment them. The resulting condition of these workers is far worse than that of Hegelian slaves. They make them creatures with broken spirits who cannot be compensated for by the bestowal of dignity for their work or the recognition of its contribution to society. To restore broken selves, some types of work and work cultures are best abolished.

The group of workers that I have in mind could not be captured by the Hegelian narrative of the master–slave dialectic or any account that leans heavily on it. There are many reasons for this. First, Hegel works with a highly romantic, idealized conception of work, one which models itself on the arts or crafts. A large part of socially necessary labour can hardly be seen as a vehicle of self-realization. This is even confirmed by Hegel's and Marx's idea of alienated labour. For them, alienated labour is degrading, but only because it fails to play a role in self-realization and is reduced merely to satisfying the abstract needs of others. For them, alienated labour is a failure of self-realization. But in their view the telos of labour is still self-realization. It is true, of course, that in seeing labour as a possible medium of recognition they opened up the possibility of viewing the arena of production as the possible site of disrespect (Honneth, 1995). But they are still trapped in the idea of labour as self-expression. Second, the Hegelian slave retains many features that are commonly absent in the particular class of workers that I have in mind. To begin with, even at his worst, the Hegelian slave is never wholly devoid of subjectivity and agency. One must not forget that in some sense he has chosen to be in this position, his is a 'rational choice'. He willingly trades freedom for life and consents to being dominated by the master. The implication is that his domination is contingent and that, over time and with some effort, he can come out of it. He may have an impoverished self but he possesses the wherewithal to eventually overcome his slavish condition. His capacities, his potential, are not damaged. Furthermore, he is an integral part of society, not someone who lives on the margins.

The class of workers I have in mind are, as it were, 'beyond the pale'. They perform labour which is inherently devoid of any possibility of becoming a vehicle of self-realization. The conditions of these types of work are such that they necessarily undermine dignity or self-respect. This is not alienated labour in the sense that the relevant workers know what they are doing and whose ends they are serving. Yet this non-alienated labour is infinitely worse than alienated labour. Besides, these workers

live on the margins of society, and when they enter it their inclusion is viewed as morally pernicious. Though the work they do is socially necessary, they are included only to be stigmatized and humiliated.

Bhangis: the phenomenology of broken spirits

Bhangis are a special segment of the 'untouchables', the most untouchable among the untouchables, 'the lowest in a system of graded inequality', who by virtue of their birth are assigned a particular occupation – that of removing filth, especially human waste, from society. According to an old colonial Gazetteer, the term 'Bhangi' derives from the Sanskrit word *bhanga*, meaning 'broken'. The term can be interpreted in different ways. It can mean a community that has broken away from society. B. R. Ambedkar (the greatest leader of Dalits in modern India, and one of the principal architects of India's Constitution) referred to them as 'broken men', probably referring to their origins as people who were taken away – broken – from their own community, enslaved and kept outside, on the margins of the city. They were people who were integrated neither with the community of their origin nor with the community for whom they worked. But more appropriately the term implies a community whose character or spirit is broken or destroyed by virtue of the kind of work they are compelled to do. This is how I understand the term *bhangi*.

Bhangis are also called 'scavengers'. As is well known, this term is typically used for animals who feed on dead or decaying matter – vultures, jackals, hyenas. In India, the term 'manual scavenger' is used, particularly in official records, for Bhangis. This is possibly an import from medieval England, where persons hired to remove refuse from streets – street cleaners – or who searched through refuse for food, were called 'scavengers'. However, Bhangis are not merely *hired* to clean streets. They are *born* to sweep them. It is their lot to clean sewers, manholes and, most excruciatingly, to clean dry toilets. Colonial administrators in the early Victorian period gave a rather poetic term to this work, calling it the removal of 'night soil'. But, to put the matter straight, the job of Bhangis in urban colonial India was to manually remove human faeces not from streets but from dry toilets in the homes of white and brown *sahibs* and *memsahibs* (respectful titles used by Indians for European men and women, respectively). This practice is still in evidence in many homes in urban, small-town India. In fact, it has also entered the life of rural India. Today, despite the flush sewerage system, there still exist about 700,000 manual scavengers who remove faeces from about 10 million dry toilets in India.

There are many types of dry toilets, necessitating the use of minutely different manual 'skills'. The oldest type is comprised of a small room in which a hole opens up on a compartment below where a *dabba*, a receptacle, is kept. The Bhangis have to half-crawl to get the *dabba* out (Thekaekara, 2002, p. 3). Then, there are hand-dug pits in the centre with two bricks on either side to serve as a toilet – a type found in the backyard of the house. Here the faeces has to be taken out from the pit and then put in containers or baskets. But the most repulsive to clean are the open-gutter latrines, because here, faeces mixes with urine and water and often drips over the worker who cleans it (Thekaekara, 2002, p. 4). The bottom line is that a dry toilet requires that Bhangis periodically clean up the mess manually, with a broom and two pieces of tin, and dump it in a basket or bucket. They then have to scoop up the faeces manually, put it in baskets or other containers, and carry it away, often on their heads, to be dumped in disposal sites.

By describing it, I have tried to convey the sheer degradation of the work, and the particularly sub-human, demeaning nature of the job that Bhangis are condemned to do. Yet words can barely communicate the misery and wretchedness of the Bhangis – how can they? What Bhangis go through daily in their 'workplace' can only be fully understood if one experiences it for oneself. No words can adequately convey the sickening effect of the 'revolting stench that assails your nostrils along with the sight of nauseating piles of putrid human excrement and urine as you enter the dry latrine' (Thekaekara, 2002, p. 4).

Allow me to give voice to a Bhangi woman herself, an insider's view:

> In the rainy season it is really bad. Water mixes with faeces and when we carry it on our heads, it drips from the baskets on to our clothes, our bodies, our faces. When I return home, I have difficulty eating food sometimes. The smell never gets out of my clothes, my hair. But then in summer, there is no water to wash your hands before eating. It is difficult to say what is worse.

I have said enough about the deeply degrading and demeaning nature of this work. But Bhangis can hardly afford to do this work, finish it and live the rest of the day and life in society unscathed. The nauseating smell that enters their breath and body turns into social nausea for the rest of their lives and is inherited at birth by their children. Their sight, their smell, their speech, their touch, is all nauseating to others. They are born as and remain untouchables. So even as children they have to sit on the floor separately away from the other children. In the words of

a Dalit child, 'we could not touch the glass or the water pot. If we did, even by mistake, we would be beaten. There was a separate pot and a separate glass for untouchables.' In adult life, this practice continues. For example, in tea shops in many parts of contemporary India, a few glasses are reserved in a corner on a separate shelf for Bhangis. When a Bhangi enters a shop, he picks up his own glass. The waiter brings tea for him and pours it from a height so as not to touch him. Even his cup is considered polluted.

In parts of India, shopkeepers would not accept notes from Bhangis. They had to pay with coins and the shopkeepers would pour water over the coins before touching them. Gopal Guru, a leading Dalit intellectual, writes poignantly about the exclusion of Dalits, particularly in its severest form, in terms of loss of control over time and space (Guru, 2000, pp. 59–72).[6] Gopal Guru argues that historically, time and space have never belonged to Dalits. For example, in south and western India, Dalits were confined to prescribed areas and were not allowed outside internment camps without the permission of the upper castes who policed these boundaries with both physical force and an ideology of purity and pollution. Dalits had no freedom to walk on the main streets of the villages. When they did walk these streets, it was only in service of the upper-caste feudal lords, and always with brooms tied to their waist to erase polluting footprints, and earthen pots around their necks to protect the earth from their impure sputum. The religious core found in the Hindu text, Manusmriti, sanctions restrictions on freedom of space or mobility for Dalits.

They also did not have any control over their time and were in the service of feudal lords round the clock, except when their appearance was dangerously polluted. Under the Peshwa rule in Maharashtra, Dalits could enter public streets that went past upper-caste homes only around noon, because during this hour the shadow of the Dalits was shortest and therefore least likely to pollute the upper caste. As Guru puts it, 'the beautiful mornings and cool evenings were denied to dalits'; only the scorching afternoon was theirs. Thus even their time was policed by the upper castes.

Several other practices exist to keep them chained to low self-esteem, a sense of continuing humiliation and lack of self-respect. For example, the custom of throwing leftovers to the Bhangis in return for work done drags the community into further debasement. People throw stale *chapattis* (flat, unleavened bread), rice and waste food into their baskets – the sort of food you would expect to be thrown to stray dogs. The irony is that stray

dogs are competing with them for the same food; moreover, some people genuinely believe that dogs merit that food more than the Bhangis.

In a similar vein, in the evening Bhangi women and their children go begging from house to house for waste food. The education of the average Bhangi child begins here. The children are taught how to address non-Dalits, their benefactors, from an early age. They must have the correct pleading, entreating tone, a suitably humble stance, the posture of a supplicant. The demeanour of the recipient must be humble and grateful. They are taught never to touch an upper-caste person. Since physical touch is taboo, they must keep still lest their moving bodies touch the donor.[7]

I have tried to provide a phenomenological account of the life of Bhangis.[8] I hope to have shown, if not argued, that a deep relationship exists between the kind of work one does, how others judge the worth of that work, the overall respect people give others, and one's own sense of self-worth and self-esteem. In an ideal world, a person must be owed person-respect regardless of the work he does. In the real world, dignity and work are intertwined. In an ideal world, all socially necessary (unavoidable) work – such as cleaning toilets – must be deemed to be a deeply valuable contribution to society by the group of workers who perform it. In the real world, conditions of self-esteem and self-respect depend on people's current sense of what counts as a worthwhile contribution to society. No matter how necessary and valuable cleaning faeces from toilets is, it is not considered valuable by most people, including those who do this work, and this deeply affects their sense of self-worth and self-esteem. Indeed, I have gone further by claiming that it has such a deep impact on them that they appear to have lost their social selves altogether. These are people with broken spirits. But the question is: Can a politics of work-related dignity and identity-recognition change things around? Can a politics of recognition enable them to reach a free, equal and just world? For certain kinds of work, I doubt it. I elaborate below.

Gandhi on scavengers

More than a hundred years ago, Gandhi was already seized with the problem of untouchability. He tried valiantly but vainly to elevate the self-worth and self-esteem of the Bhangi. For example, Gandhi argued: 'our Bhangis also become untouchable when they do their work. As long as they do not bathe, one can understand not touching them. But if you do not touch them when they have bathed and tidied up, for whose sake do they bathe then?' (Gandhi, 1972, p. 4). For most, this necessary labour was not recognized as making a worthwhile contribution to society.

Gandhi countered this by claiming that the labour of the Bhangi is the precondition of individual and social life and the foundation of all services. Comparing the labour of the Bhangi with the work of mothers (like many others of his day and age, he was too steeped in patriarchy to imagine this work as the legitimate work of fathers), he argued that just as the mother washes the dirt off her baby and ensures his health, so, by maintaining sanitation, the Bhangi protects and safeguards the health of the entire community. If, despite their involvement with filth, mothers are not considered untouchables, why should the Bhangis be treated so?[9] He further argued that, just as the Brahmin looks after the sanitation of the soul, so the Bhangi looks after the sanitation of the body. The maintenance of healthy and sanitary conditions is the *summum bonum* of his existence, he said. He called the Bhangi the 'honoured servant' of society – servant not in the sense of a subordinate, but as one who serves the common good of society in the same way as others in their own capacities do. At times, he declared, the work of the Bhangis was 'sacred' and therefore deserving of veneration. There was a lot of sense in this. After all, if some work is socially necessary or unavoidable, and yet no one is prepared to do it, then anyone who does offer to do it must be praiseworthy, and the more that work is shunned by others, the more value attaches to the person who offers to do it. He must become an object of veneration, much like supererogatory acts that turn ordinary folks into moral saints. Gandhi claimed that it was his wish to be born a Bhangi in his next life. He even suggested that one ought to be a Bhangi not by birth but by action, and that 'all of us must by our actions be sweepers'.

Gandhi tried not only to attach dignity to the work of the Bhangi; he thought that it could be interpreted in such a way that it might raise their self-esteem and give them work-related identity-recognition. He tried to do this by proposing that it be seen as a profession, one based on scientific knowledge. He tried to give it an individuality that other work does not possess. He even tried to argue that it has its own distinctive governing principles. The ideal Bhangi, he said, should have a thorough knowledge of the principles of sanitation, how the right kind of latrine is constructed and the correct way of cleaning it. He should know how to overcome and destroy the odour of the faeces and the various disinfectants to render them innocuous. He should likewise know the process of converting 'night soil' and urine into manure. He should be the authority on the disposal of night soil.[10]

But no matter how hard he tried to raise the collective worth of scavenging and toilet cleaning, he failed. Enlightened Dalits such as Ambedkar treated his ideas with disdain. He made neither upper castes

nor 'untouchables' happy. I think Ambedkar was right. Some types of work are so far beyond the pale that they are best abolished. One leads a life of dignity not by doing them but instead by *not* doing them; not by giving new meaning to them, but simply by abolishing them. How can we do this? Before I attempt the answer to this question, let me address what types of work are 'beyond the pale'.

I return to the principle of necessary embodiment (but leave *Geist* out of it!). In order to exist, human subjects must be embodied. They must first exist as biological organisms. Human beings, no matter how thoughtful and spiritual, cannot run away from their materiality – their own sheer materiality. Sooner or later, they come up against the limits of their own body. There are many things which the body finds virtually impossible to undertake beyond a certain point: extremes of heat and cold, the pains of injury, sickness, hunger, thirst, exhaustion, sense-numbing environments – light that is so strong and dazzling that it threatens to blind you, food that is so putrid or smells so foul that it forces you to throw up, noises so loud that they leave you deaf, and so on. Now these bodily exertions stretch the limit of one's endurance. Yet somehow, for some time, some of us, pushing our capacities, just about manage. If they are part of some overall project with which one identifies, one may, even at the risk of death or grave bodily injury, still bear with them, but usually they are forced upon us. History is full of examples where hard, bodily labour has simply been forced upon people, regardless of its (long-term) consequences for them. To sum up: humans perform such work living in a liminal zone, suppressing their subjectivity, their desires, almost *qua* animals. That is why, when inflicted by others, we call such bodily inflictions 'torture'. It is doubtful if any of these bodily exertions are valuable in themselves. This health-impairing labour such as working in manholes full of noisome carbon monoxide, or stone-quarrying in conditions of extreme heat or cold, can in some sense or another only be forced labour. People who do such work are destined to die prematurely. Even more important, to be made to do such back-breaking, sense-numbing work and know that others will not do it is to be demeaned by others and to demean oneself in one's own eyes. Usually when this happens, people suffer truncated agency and damaged subjectivity. They live a sub-human existence, if they are allowed to live at all. Cleaning dry toilets belongs to this category of work.

Objections

This claim about the demeaning nature of certain categories of work such as cleaning dry toilets runs into several objections. First, the degrading

nature of cleaning dry toilets is due to the peculiarities of the Indian caste system and may not be generalizable. This objection can easily be rebutted. Work such as cleaning dry toilets is found to be degrading virtually everywhere. In the early sixteenth century in France, people placed their chamber pots in front of their doors and workers used to collect them at prescribed times. After a royal ordinance which led to the construction of cesspools, these workers started doing it periodically, but only at night. Hence the term 'night soil' (Reid, 1991, p. 80). This is itself indicative of the social stigma attached to it. Furthermore, in eighteenth-century France, 'through a metaphoric association with bowel movements, cesspool cleaners were figures of mirth and anger. Their raucous presence in the neighborhood was like a long delayed fart – unrestrained and unpleasant' (Reid, 1991, pp. 88–9). The fate of the *hinin* community in Japan or the *pepenelia* in Mexico (who performed similar work) was no better (Medina, 2007, p. 16). Thus, Bhangis are not the only ones to be socially ostracized. Besides, this social stigma is not peculiar to the Hindus but exists across religions. For instance, even Islam considers the handling of certain types of waste as impure.

This argument is tied up with another claim, that it is not an inherent feature of any work but the fact that it is forced upon people that makes it demeaning. There is certainly some truth in this. This is why when a mother cleans and washes her child or when we take care of the sick and the aged because of our love for them, the bodily contact with dirt which is otherwise found physically repellent is seen neither by the mother nor by the caretakers or by others as demeaning. The fact that the same work of the cleaners of dry toilets is widely considered to be demeaning and makes them, at least in some societies, untouchables is because they have no choice in such matters. I do not find this argument convincing. When a mother cares for her child and handles the child's dirt, she does it occasionally and as a small part of a much larger project of child-rearing. Moreover, she knows that this is not what she has to do daily, routinely and for all her life. Much the same is true of any one of us who must care for people we love if and when they fall sick or when they are otherwise unable to clean themselves. Touching and handling dirt is temporary, infused anyway with some moral motive. The work of the dry-toilet cleaner is different. This is the only thing that he does daily, routinely and for long hours, and he knows that there is no escape from it. There is no prospect of his ever getting away from it.

This only seems to reinforce the view of those who argue that some types of work are demeaning because they are enforced. But this misses the point. There are many kinds of work which we do daily, routinely

and for long hours and which we sometimes find oppressive and from which there is no prospect of escaping. Such jobs may be viewed by us as oppressive and boring, but not necessarily demeaning. The demeaning quality of the work arises from the fact that it is shunned by all but the one who does it, and the reason why they stay away from it is because it is physically repellent, because their bodies cannot take it. The relevant distinction to be drawn, then, is what the body can and cannot endure. Anything that is physically repellent can be tolerated by us for some time. But when it is done beyond a certain time, we are forced to do it even as our body repels against it. There is an obviously involuntary element in this and my claim is not that involuntary quality of labour does not play a role in making it degrading. My point, rather, is that it is neither a sufficient nor a necessary condition of the degrading nature of the work. It is when it is combined with a physiologically repellent ingredient that it becomes demeaning and is seen to be degrading by all concerned persons.

To be sure, there are some jobs that are physically repellent but which we may not immediately experience to be so. But over time, we would find that our bodies simply cannot cope with it repeatedly. Consider the inhabitants of the Floating Islands who live and work on these islands – touted as tourist attractions on Lake Titikaka. These people, belonging to the pre-Inca, Uros tribe of Peru, are used to living and working in the mushy, water-soaked huts made out of Totora reeds. These men and women barely practise agriculture and live their lives fishing and gathering eggs. Though Totora reeds have multiple uses and serve them well, they cannot protect them from continual exposure to water-borne diseases, particularly under current conditions of water pollution and the indiscriminate use of pesticides by commercially-oriented farmers on nearby lands. As a result, infant mortality is high and the average life-expectancy of adults is just 45 years. Much the same is true of cleaners of dry toilets who, as my phenomenological description has already shown, not only have to handle piles of faeces hour after hour, day after day and who continuously have to live with the unrelenting, sense-numbing stench of human faeces, but whose health is exceptionally poor due to multiple worm infestations.[11]

The distinction between the work of mothers, nurses and caretakers and coal miners under some conditions, and the work of those who live and work on floating islands and dry-toilet cleaners is this: In the first case, physically repugnant work is done occasionally. In the second case, it is systemic. Both may find it physically repugnant, except that in one case that repugnance is short-lived and easily mitigated by the overall

project within which it is located and which gives meaning to one's life. In the case of the other, physical repugnance is continuous, and even when it is part of some larger social or cosmic meaning, it causes enormous hardship to the body, to the point even of destroying it. It is this latter feature which makes the doing of it demeaning.

This brings me to a related third argument. Many claim that what is and what is not degrading is a function entirely of social meaning and collective understanding. What we find dirty or degrading is a function of the collective meaning we give to work. Dirt and degradation are social constructions. Change the collective understanding of work which is hitherto considered demeaning and you will elevate it to a higher level. How else do you explain that in some cultures, some types of malodorous substance are considered sacred? For instance, in many parts of India, cow dung is sacred and is believed to possess curative and purifying properties. This argument runs into a difficulty, however. The mythology around cow dung and even the persistence of the purifying qualities of cow dung must be juxtaposed with some other facts which are not always brought to light. For example, those who consider it holy do not touch it. Cow dung is handled mainly by women and Dalits (Jeffery et al., 1989, pp. 32–7). Indeed, we must ask, Why is it that only mothers have to clean their child's shit? Why has nursing generally been a profession for women till a change in technology made it a profession for men? This only reinforces our point that no matter how positively we evaluate some things and activities, and no matter what social meanings we give to them, an irreducible physically repugnant ingredient is crucial to their being socially viewed and experienced as demeaning, and this is all that is required to substantiate my claim that regardless of other sources of degradation, such as certain kinds of social meanings, collective understandings or force, there remains in certain kinds of work an ineradicably material source of degradation as well.[12] The mythology around holy cow dung will crumble and would have crumbled long ago if holy men had themselves handled it over a sufficiently long period of time.

A final argument against the view propounded here is that I need to properly draw a distinction between work and the conditions of work, and that it is not work itself which is demeaning but specific conditions under which it is performed that makes it so. Therefore, if we alter its conditions, work which has hitherto been regarded as utterly degrading will cease to be so. In support of this argument one might once again give the example of coal miners. Coal mining might have been shunned at one time, but with an improvement in work conditions, the provision of health insurance and a better compensation package, it is no longer

considered burdensome and avoidable. There is a degree of truth in this argument, but the strength of this objection draws upon conflating the much stronger claim that all physically strenuous/damaging labour is demeaning with the claim that labour that involves great mental hardship combined with other features such as coercion renders certain kinds of jobs deeply degrading. I do not make the first stronger claim. In any case, coal mining may not be the best example of what I have in mind. Even under the worst possible work conditions, coal mining was not seen as degrading. On the contrary, several people tried to build a mystique and aura of machismo around it. A change in the work conditions of coal mining has not restored dignity to it. In fact, it may have removed some of its sheen.

The argument that every job can be improved by bringing in a new set of conditions cannot be applied, perhaps, to certain forms of labour such as manual scavenging. In such situations, the nature of the work itself has to change, and no amount of improvement in physical conditions and compensation would make a difference to the way the work is viewed by others and those involved in doing the work. For instance, in Britain when the conditions of those involved in the slaughter of animals in abattoirs were improved by the installation of washrooms, workers often did not avail themselves of such facilities – they chose to move around in blood-stained clothes just to counter the social stigma attached to their work (Ackroyd, 2007, pp. 35–6).

At any rate, it is not my claim that only back-breaking or sense-numbing labour has the potential to be degrading. Rather, I suggest that these forms of labour are very likely also to be demeaning, and that this likelihood is linked to their irreducible materiality, that the source of this likelihood arises from the fact that the body and its senses cannot endure them day in and day out. Cleaning dry toilets belongs to this category, and any work which is similar to it is best abolished, because no matter how hard one tries to alter its social meaning or change the nature of its surrounding conditions, and no matter how voluntary it becomes, when it is performed persistently over a period of time it alters one's self-esteem and the attitude of others in such a way that it is bound to be degrading. People who perform this work do so not because they want to or because it is a source of recognition, but because they have little choice in the matter and because a prolonged sense of low self-esteem has left them with broken spirits. This much has probably been emphasized by others. My distinctive claim is that a physically repugnant element is involved in certain kinds of work, and when it is done systematically over a period

of time, particularly under compulsion, the meaning generated in this kind of work is such that it is seen as self-degrading as well as being seen to be degrading by others. Although a sense of degradation can come from work which is not physically repugnant, work which is physically repugnant will certainly lead to degradation if done systematically over a long period. In such situations, the nature of the work itself has to change, and no amount of improvement in physical conditions and compensation would make a difference to the way the work is viewed by others or by the workers themselves.

If no dignity attaches to these forms of labour and if they are neither sources of self-realization nor sites of mutual recognition, then surely they can be dispensed with? If the answer to this is in the affirmative, then how can we do this? There are two ways of overcoming such type of work: first, by recognizing its social necessity, giving up the idea that its social worth can be enhanced by reinterpretation, and lessening its burden on any one group; second, by replacing this degrading and dehumanizing human labour by machines – for example, by replacing dry latrines with the flush system and using vacuum suction pumps for cleaning sewers. Gandhi was not averse to this idea. When asked if the flush system could be used as a means to eradicate untouchability, he said that he was much misunderstood on the value of machines. He was not averse, he said, to the use of machinery as such, but to its capacity of displacing labour and making it idle. He said he had no objection to machinery if there was ample supply of water and the technology could be introduced without hardship to the poor. Yet he felt that modern sanitation could not by itself remove untouchability. 'Not until we all became Bhangis and realize the dignity of the labour of scavenging and latrine cleaning will untouchability really be exorcised' (Ramaswamy, 2005, p. 93). From his point of view, he was right, for he drew our attention to an important point. Forbidding people from performing degrading work is only the first step towards emancipation. This is so because negative social attitudes towards groups who have long performed this type of work will not disappear overnight.

Moreover, the deeper problem lies with the self-understanding and self-worth of members of the disadvantaged group. Self-deprecatory attitudes take even longer to eradicate. Despite all the formal rights that have been granted to many Bhangis, and despite the fact that many of them have stopped doing this degrading work in India, the existential feeling of humiliation, the feeling of degradation as the dominant flavour of their life, will not easily disappear. This is why, apart from a politics

of dignity and authenticity, we need another politics of recognition, one that focuses on self-reparation or self-restoration, which simply affirms that all of us are equals in the quite simple sense that we all are endowed with selves.

Notes

1. I would like to thank Aranyani for research assistance with this chapter.
2. The term '*jati*' is derived from the Sanskrit *jata*, 'born' or 'brought into existence', and indicates a form of existence determined by birth. It usually refers to a subcaste, a group characterized by common birth and work.
3. I am grateful to Saba Mahmood for a discussion on this point, albeit on a different issue and in another context.
4. I borrow this long phrase from Charles Taylor.
5. 'When Saul Bellow is famously quoted as saying something like, "When The Zulus produce a Tolstoy we will read him," this is taken as a quintessential statement of European arrogance, not just because Bellow is allegedly being defacto insensitive to the value of seen Zulu culture but also because it is seen to reflect a denial in the principle of human equality' (Taylor, 1994).
6. Also see Shah (2002), especially the articles by Harsh Mander, M. Thangaraj, Ramesh Kamble, Susan Chaplin and S. R. Shankaran. On a similar matter, see Michael (1999).
7. Names tell us much about people. They also used to tell us much about their social standing. One can still read a lot into the condition of Bhangis from their names. The male names suggest that they are less than human, the names of women invite sexual ridicule (Ramaswamy, 2005, p. 17).
8. I have used the term 'phenomenology' in a very broad sense, not in the way Hegel himself uses it. For Hegel, who rejected the concept of 'noumenon', the whole of metaphysical reality had to be embodied, to appear before a subject as phenomenon. If so, metaphysics simply had to be carried out as phenomenology, as the study of the structures of experience. But phenomenology for Hegel was also 'an interpretive dialectic' – it constructs a plausible interpretation of ordinary social consciousness over time and shows that when scrupulously examined, it reveals its own internal contradiction that breaks it down and propels it to realize more adequate forms of itself. This is certainly not what I propose to do here. Strictly speaking, I do not use the term 'phenomenology' in the multiple senses in which it is used by phenomenological sociologists. As mentioned earlier, I use the term in the broadest possible sense. To me, it is a description of how the world appears to, is experienced and more or less immediately understood by, a category of subjects who live in that world. By paying attention to the lived experience of everyday life of the Bhangi, I suppose I do what many phenomenologically oriented sociologists also explore. But the similarities are only in very broad contours in the agreement that the first move in any study of human subjects must be to focus on the way they themselves live their lives and experience it.
9. 'If you consider Harijans untouchables because they perform sanitary service, what mother has not performed such service for her children? Does she then

become an untouchable on that score? As she can become pure after a wash, sweepers also can come under the same rule. It is the height of injustice to consider the Harijans, who are the most useful, who are the most useful servants of society, as untouchables and outcastes' (Gandhi, 1973, pp. 332–3).

10. 'As to scavenging, they [caste Hindus] can visit the owners of the houses served by Harijans in their neighborhood and explain to them the necessity of making it easy for harijans to do the cleaning work in a hygienic manner. To this end it would be naturally necessary for them to study the scientific method of constructing closets and disposing of night soil. They can also procure from the householders special dresses to be supplied to the scavengers and make the harijans feel, by unhesitatingly doing the scavenging themselves, that there is nothing low or undignified about rendering such service. Such workers should also carry on propaganda against upper-caste men who give scavengers leftovers from their daily food and, where they are ill paid, persuading the employers to pay them a decent wage' (Gandhi, 1993, pp. 435–6).

11. Arguments that scavenging has historically been an important economic activity also do not completely ignore the health risks involved in doing manual scavenging work.

12. It might be objected that I here work with a false material/social dichotomy. This is not so, because I do not see the distinction dichotomously. In my view, the distinction between material and social must be seen as a continuum. At one end of the continuum is work that is purely material and at the other extreme is work whose materiality is irrelevant and which to that extent is purely social. Yet nothing exists at these extremes. However, certain types of work that belong to this social/material complex lie closer to the material extreme of the continuum and this materiality is itself a major ingredient in the sources of degradation.

References

Ackroyd, S. (2007) 'Dirt, Work and Dignity', in S. C. Bolton (ed.), *Dimensions of Dignity*, London, Butterworth-Heinemann.

Gandhi, M. (1972) *The Collected Works of Mahatma Gandhi, September 1–November 15*, Vol. 51, New Delhi, Publications Division, Ministry of Information and Broadcasting, Government of India.

Gandhi, M. (1973) *The Collected Works of Mahatma Gandhi*, Vol. 56, New Delhi, Publications Division, Ministry of Information and Broadcasting, Government of India.

Gandhi, M. (1993) *The Collected Works of Mahatma Gandhi, January–April 1925*, Vol. 26, New Delhi, Publications Division, Ministry of Information and Broadcasting, Government of India.

Guru, G. (2000) 'Dalits: Reflections on the Search for Inclusion', in P. R. DeSouza (ed.), *Contemporary India: Transitions*, Delhi, Sage Publications.

Hill, T. E., Jr (2000) *Respect, Pluralism and Justice*, Oxford, Oxford University Press.

Honneth, A. (1995) *Struggle for Recognition: The Moral Grammar of Social Conflicts*, Cambridge, MA, MIT Press.

Jeffery, R., Jeffery, P. and Lyon, A. (1989) 'Taking Dung-work Seriously: Women's Work and Rural Development in North India', *Economic and Political Weekly*, Vol. 24, No. 17, 29 April, WS32–7.

Medina, M. (2007) *The World's Scavengers*, California, Rowman Altamira Press.

Michael, S. M. (ed.) (1999) *Dalits in Modern India* (New Delhi: Vistaar Publications).

Pinkard, T. (1996) *Hegel's Phenomenology: The Sociality of Reason*, Cambridge, Cambridge University Press.

Ramaswamy, G. (2005) *India Stinking: Manual Scavengers in Andhra Pradesh and their Work*, Chennai, Navayana Publishing.

Reid, D. (1991) *Paris Sewers and Sewer Men: Realities and Representations*, Cambridge, MA, Harvard University Press.

Shah, G. (ed.) (2002) *Dalits and the State*, New Delhi, Concept Publishing Company.

Taylor, C. (1977) *Hegel*, Cambridge, Cambridge University Press.

Taylor, C. (1994) 'The Politics of Recognition', in A. Gutmann (ed.), *Multiculturalism*, Princeton, Princeton University Press.

Thekaekara, M. M. (2002) *Endless Filth: The Saga of the Bhangis*, Bangalore, Books for Change.

3
Multicultural Manners[1]

Jacob T. Levy

Probably the two dominant thematic and conceptual approaches to questions of multicultural accommodation are something like liberal rights, and something like recognition. These are associated, most prominently, with the work of Will Kymlicka and Charles Taylor, respectively (Kymlicka, 1995; Taylor, 1994). I think that liberal rights, capaciously understood, do much of the moral work that needs doing with respect to multiculturalism, and have argued elsewhere that the need to design political institutions that can secure basic liberal rights to cultural minorities can justify a great deal of cultural accommodation (Levy, 2000; 2003; 2004a). In the present chapter I do not mean to revise that view, or to challenge the prominence of rights and recognition as concepts. But I do mean to introduce a third concept, one which may help us to understand a range of issues that are not well-illuminated by the familiar categories.

Consider the following cases:

1. A group of Orthodox Jewish men in Montreal ask a gym near their neighbourhood to cover its windows – so that they do not risk seeing women exercising in skimpy workout clothes.[2]
2. A Muslim businessman seeks to lead his professional life without meeting alone with women other than his wife. An Orthodox Jewish businessman seeks to lead his professional life without shaking hands with women other than his wife.
3. A group of Muslim women request the regular provision of some dedicated single-sex women's hours in a public swimming pool, so that they can swim without violating religious norms about exposing themselves to male view.

4. A majority – but not universally – Jewish neighbourhood seeks to erect a symbolic *eruv* (or *erub*) – a string marking a boundary within which Jews are allowed to carry children or items outdoors on the Sabbath, when such carrying is not ordinarily permitted. These traditionally marked a set of adjoining properties, all owned by Jews, that would be construed by Rabbinic law as jointly owned one day out of seven, analogously to a common courtyard. But in a modern urban neighbourhood, it almost inevitably includes, and may even run a string across, property owned by non-Jews.

It seems to me that we will get almost nowhere with a rights-based analysis of most of these cases. Some of them, and many like them, involve claims about seeing and being seen, claims involving religious norms about gender, sexuality and modesty. Lots of cases involve those norms; every case about Muslim *hijab* dress, from headscarves to *chadors*, is such a case. But notice a central difference: standard *hijab* cases are about how a Muslim woman or girl dresses herself, in accordance with her own religious norms and her own understanding of them. The Muslim women and girls involved are seeking to have their own liberty protected, their own access to the public sphere upheld. Notwithstanding Jacques Chirac's hysterical claim that the wearing of a *hijab* in a school was an 'assault against the [French] Republic', what one person wears on her own head does not harm anyone else. But case (1) isn't about adherents of the religion with the modesty norm seeking to remove themselves from other people's view – it's about trying to remove *other* people from *their* view. And case (2) isn't just about how the religious men involved will conduct themselves – it's about how they will interact with others in the marketplace and the professional world. Neither case involves any *violation* of other people's *rights* in any straightforward way – there's no assault, no theft, no restriction of liberty. But neither are they simply self-regarding.

Thanks in large part to the groundbreaking work of Charles Taylor, we're now somewhat used to cases of multicultural accommodation or conflict in which the language of rights seems to run out. Instead of that quintessentially seventeenth-century concept, Taylor offers us the quintessentially nineteenth-century concept of recognition. For cases (1) and (2), there seems, moreover, to be a special resonance between the idea of recognition and the moral dynamic of seeing and being seen. I've expressed some doubts elsewhere whether recognition can be very helpful when we are trying to decide what ought to be done, however much it helps us to understand the moral psychology of the

actors involved in such disputes. I will not rehearse those doubts at length here, but will note that recognition seems to do the most intellectual work very up-close – one person recognizes another in all of his or her complexity – or very far away, as when the state recognizes every person as bearing equal citizenship. The cases I'm examining here fall solidly in between. Recognition may successfully name what's at stake; case (2) certainly involves the competing recognition claims of secular women to be accepted as professional equals and the conservative religious men to be acknowledged as members in good standing of acceptable professional life. But there, it seems to me, recognition theory is likely to reach an impasse. In any event, I propose to follow the path of a different concept – neither seventeenth-century rights nor nineteenth-century recognition, but rather eighteenth-century manners.

I suggest that for cases like these we will want to think not in terms of rights but of manners. 'Manners' has become a small word in our contemporary usage – at its worst, scorned as the archaic study of which fork to use in what order or what forms of address should be used on handwritten thank-you notes sent via 'snail-mail'. 'Manners' and related concepts including politeness, *politesse*, refinement, civility, always sit uneasily with a culture or an era that values authenticity. And, while we do not live in the 'let it all hang out' 1960s, thank goodness, we do continue to live in an era in which the naturalness of authenticity is highly prized as against the artifice of manners. 'Manners' has also become a term of suspicion, thanks to some social liberation movements and to feminism in particular. When the 'manners' insisted upon are those that seem to privilege the status quo or various forms of social dominance, for example the innumerable customs that seem to assume women's weakness and financial dependence upon men or their sexual availability to men, then there is good reason to diminish the word and the concept.

But manners, as well as civility, politeness, refinement and *politesse,* were not always small words, least of all in political theory. They were central concepts of social analysis and political theory in the eighteenth century. Edmund Burke maintained that

Manners are of more importance than laws. Upon them in large measure the laws depend. The law touches us but here and there, and now and then. Manners are what vex or smooth, corrupt or purify, exalt or debase, barbarize or refine us, by a constant, steady, uniform, insensible operation, like that of the air we breathe in. They give their

whole form and colour to us. According to their quality, they aid morals, they supply them or they totally destroy them. (Burke, 1999)

To Hume, manners were the expression of a crucial human moral accomplishment: the ability to overcome our selfishness and self-importance, and to treat other persons as if they mattered:

> But in order to render conversation, and the intercourse of minds more easy and agreeable, good-manners have been invented, and have carried the matter somewhat farther. Wherever nature has given the mind a propensity to any vice, or to any passion disagreeable to others, refined breeding has taught men to throw the bias on the opposite side, and to preserve, in all their behaviour, the appearance of sentiments different from those to which they naturally incline. Thus, as we are commonly proud and selfish, and apt to assume the preference above others, a polite man learns to behave with deference towards his companions, and to yield the superiority to them in all the common incidents of society. In like manner, whenever a person's situation may naturally beget any disagreeable suspicion in him, it is the part of good-manners to prevent it, by a studied display of sentiments, directly contrary to those of which he is apt to be jealous. Thus, old men know their infirmities, and dread contempt from the youth: Hence, well-educated youth redouble the instances of respect and deference to their elders. Strangers and foreigners are without protection: Hence, in all polite countries, they receive the highest civilities, and are entitled to the first place in every company. (Hume, 1985, p. 132)

It is a commonplace to those who study the eighteenth century that 'manners' was a central concept to political thought of the era, but perhaps not to other political theorists. Besides Hobbes's (characteristically idiosyncratic) treatment of manners in *Leviathan,* the English word does not feature prominently in the traditional canon of the most important works of political philosophy. Although the French *moeurs* is central for Montesquieu and Tocqueville, and to a lesser extent Rousseau, to some degree this is discounted as their analysis of cultural questions that lie outside the moral and jurisprudential core of political philosophy. Even today, for all the importance of 'the Enlightenment' as a category of thinking about the history of political ideas, it would not be surprising for an undergraduate curriculum of the great books in political theory to include only *The Social Contract* from the eighteenth century. A very good curriculum might also include *The Federalist*, *The Second Discourse*, and

'Perpetual Peace' and one or two other essays or extracts of Kant's. The good student might see *The Second Discourse* and *The Social Contract* as analogous to, in conversation with, and simply a little displaced in time from *Leviathan* and Locke's *Second Treatise*, when they belong more fully to an eighteenth-century debate over manners and refinement associated with Mandeville, Montesquieu, Voltaire, Hume, Smith, and Ferguson, among others.

But eighteenth-century social and political thought – including Rousseau, and unlike Locke or Hobbes – was deeply concerned with questions that cluster around commerce, progress, and cultural plurality; in short, manners. Two of the works that (along with Hume's essays) launched the mid-century era when enlightened political and social thought reached its zenith were Montesquieu's *De l'Esprit des Lois*, in which laws are arguably less significant and less frequently discussed than manners, customs, mores, and so on; and Voltaire's rival work *Essai sur les Moeurs et l'Esprit des Nations,* conventionally translated into English as the *Essay on Manners* (Montesquieu, 1989; Voltaire, 1969).

Like 'culture', which carries both an anthropological meaning as something that every society has and an aspirational meaning as something that some have more of or better of than others (contrast 'multiculturalism' with 'high culture'), 'manners' can be either a neutral term (one's manner of speaking is just one's own way of doing so; similarly for the examination of the manners and mores of one society or another) or a term of evaluation (you have very good manners, he has barbaric manners). The drift from the first to the second is, I think, an eighteenth-century phenomenon. The ongoing enquiries into the effects of modernity or enlightenment or commerce on manners (manners and mores) contributed to a conflation of the ideas of refinement, politeness, polish and the idea of manners (good manners). We can see each concept of 'manners' featured in a different one of Hume's essays. 'Of National Characters' seeks to explain that the purported fact that

> each nation has a peculiar set of manners, and that some particular qualities are more frequently to be met with among one people than among their neighbours. The common people in SWITZERLAND have probably more honesty than those of the same rank in IRELAND; and every prudent man will, from that circumstance alone, make a difference in the trust which he reposes in each. We have reason to expect greater wit and gaiety in a FRENCHMAN than in a SPANIARD; though CERVANTES was born in SPAIN. An ENGLISHMAN will

naturally be supposed to have more knowledge than a DANE; though TYCHO BRAHE was a native of DENMARK. (Hume, 1985, pp. 197–8)

By contrast, 'Of the Rise and Progress of the Arts and Sciences' is the study of 'good manners', of politeness and civility and the degree to which they are brought about by the progress and enlightenment of modern ages.[3]

As an aside, the shadow-concept of 'rudeness' evolved in an equivalent way: to be rude was to be primitive, and as primitiveness came to be seen as the opposite of refinement, civility and civilization, politeness and *politesse,* so did 'rudeness' come to mean 'that which is not polite'. In the eighteenth century one still often sees analyses of the difference between refined manners and rude manners, where the latter means not 'bad manners' (that might be the *conclusion* of the analysis but wasn't the meaning of the question) but rather something like 'primitiveness'. Rudeness and simplicity of manners could often be used as a term of praise, for example in critiques of the foppish manners of aristocratic courts. I take it that now 'rude manners' strikes us as either a term of criticism or as an oxymoron.

While 'politeness' can capture much of what should be brought to bear on the analysis of contemporary questions of multiculturalism, I prefer to think in terms of 'manners' precisely because in English it carries both sets of meaning, and helps us to think about the relationship between them. The manners (the customs and norms and mores) of some societies discourage conversation between an unaccompanied man and an unaccompanied woman if they are not married to each other; what should a professional woman with manners (politeness) do when coming into contact with a man from such a society? The question means, in part: what are *our* manners, for a suitably modern, complex, and diverse sense of *ours*, governing such a situation? And that lens allows us to see that what's at stake isn't any simple opposition: their religion against our reason, their customs against our progress. What's at stake is manners on all sides – including manners about the interactions among groups with different manners. 'Courtesy', with its feudal and aristocratic connotations of giving to each the deference to which their rank entitles them, would push us in a different and less productive direction, though I think that the democratization of courtesy is an important phenomenon, accompanying the democratization of status whereby 'gentleman' becomes the name for any polite male person and 'Mister' becomes a title (and the only title) to which most men are entitled.

But 'civility' and its linguistic kin ought to be kept in mind, too. 'Civility' is derived from common roots with some of the most important

words in western political thought, such as civic, civilized and civil. We build up an astonishing vocabulary out of the Latin *civitas:* civil war, civil society, civil disobedience, civil law, civilian, citizen, civilization, civic humanism, civil service, and, importantly for our purposes; *city.* Civility is a virtue appropriate to the citizen of the city, as well as to the citizen in civil society. There is a decorum, a style of manners, that is aspired to within the confines of a shared city, so that the city might remain peaceful. What we call 'cities' in contemporary English aren't always the same kinds of things; some are governing capitals, some centres of trade and exchange, some the urban build-up around a sufficiently large university, and so on. These distinctions are old ones that help us understand the proliferation of senses of *civitas*' descendant words, once they were used to describe a variety of European settlements instead of being reserved to the archetypal city, Rome. The city built on extraction from the hinterland is very different from the city built on the intersection of trade routes; the city that rules a kingdom is very different from the one that builds walls to protect itself from surrounding kingdoms. But at least two salient features seem common to all the things we call cities. First, they are prone to considerable heterogeneity. Travellers and traders and ambassadors go to cities. Refugees and ambitious youth from all sorts of regions go to and live in cities. Stereotypically, each rural area or village is relatively homogeneous, while the city they surround has a relatively mixed population. Second (and this seems trivial but isn't), they involve people living in close physical proximity. City-dwellers unavoidably coexist with each other in relatively narrow spaces. They bump into each other; they smell each other; they see and are seen by each other. Both of these features make *civility* a crucial aspiration of city life. The hermit can be a man of furious temper, explosively expressed. If the city is to be a successful form of social organization, city-dwellers had better not be.

This pushes against a certain kind of stereotype, of course: the polite, neighbourly small town, contrasted with the mean, cruel, anomie-ridden, violent city. I don't at all mean to deny that cities *can* be like that, or that many of them are. But at a minimum we should notice how much greater demands city life places on our politeness than does small-town or rural life, and thus in a sense how much politeness there is in ordinary urban interactions. It is an astonishing accomplishment that humans can, for example, cram themselves into metro cars by the millions, twice a day each day, in cities all over the world, without constantly exploding into violence. *Sometimes* there is violence. But given what the experience consists of, it's stunning how *little* violence there is. Can any number of

small-town grocery clerks smiling while saying 'Have a nice day' rival the politeness of a single overstuffed metro car moving from place to place without incident?

Civility in a city means, in part, the development of norms to govern the two facts mentioned above: coexistence in uncomfortably, unnaturally tight quarters with people sometimes very unlike oneself. And thus whereas *manners* treads the boundary between that which is customary and that which is normative and polite, *civility* treads the boundary between that which is urban and that which is normative and polite, and so carries a stronger air of a deliberately cultivated restraint, as in this passage from Hume:

> Among the arts of conversation, no one pleases more than mutual deference or civility, which leads us to resign our own inclinations to those of our companion, and to curb and conceal that presumption and arrogance, so natural to the human mind. (Hume, 1985, p. 126)[4]

Manners, in the sense of adhering to custom, can be felt as natural; civility, perhaps, cannot. If the city is in part characterized by the diversity of its inhabitants and visitors, then *civility* must in part be the polite way of navigating *among* many different sets of manners.

It seems to me the cases under consideration all sit at the point where all these concerns and ideas meet: manners-as-customs, civility as the norms governing the awkwardly up-close coexistence of too many people who have different sets of manners, and both manners and civility as (in the modern sense) politeness. Several of them arise because traditional manners about who can see and be seen by whom are difficult to sustain when up-close with too many people with differing manners. They are, in a real sense, urban problems. The Hutterites, isolated on their farms, don't face the same problems or make the same requests. Texan compounds of Branch Davidians or Fundamentalist Church of Latter-Day Saints members may generate many lively questions of politics, morality and law, but they're not these questions. Segregation makes it possible for some kinds of conflicts of manners to be avoided.

This distinguishes the manners cases from familiar examples of cultural exemptions from general laws.[5] The arguments about whether a member of the Native American Church has the right to use peyote in religious ceremonies even in the face of general prohibitions on hallucinogens are the same whether the person using it lives surrounded by fellow tribe members or in cultural isolation in the middle of a multiethnic city. A dispute about whether a turban may be worn instead of an oth-

erwise-mandatory motorcycle helmet problem is easily construed as a confrontation between individual and state (and, perhaps, an insurance system or health care system). Standard exemption cases aren't generated by proximity. But cases like those under examination here simply can't be understood as about a person (a conscientious religious believer) and some impersonal system; they're all about interaction in a shared space between people with different normative systems of manners.

Hospitality

Identifying something as a problem of manners and civility, of course, does not solve it for us.[6] We have manners for many different kinds of social settings, and assuredly some of them will be misleading analogies. For example: viewing cultural and religious minorities or immigrants and descendants of immigrants, en masse, as 'guests', or as foreigners in Hume's sense ('Strangers and foreigners are without protection: Hence, in all polite countries, they receive the highest civilities, and are entitled to the first place in every company') is a likely temptation when thinking in terms of multicultural manners. The duties of hospitality are among the oldest and most foundational kinds of manners-morals. To treat a guest appropriately, to accommodate a traveller or a visitor – these are bedrock ideas of politeness, and help to make possible every growth of human social interaction outside the boundaries of the family. There are obvious reasons to think that the model of the guest owed hospitality could be extended to multicultural cases: perhaps majorities and host societies owe duties of hospitable politeness. Moreover, there are duties of manners on the part of guests as well as on the part of hosts, and public debate about multiculturalism has been known to make reference to them: 'When in Rome …', 'If I went to their country …', and so on.

But one of the foremost duties of the guest is not to overstay one's welcome, to return home after some reasonable duration. That by itself is sufficient to guarantee that hospitality will be an unsuitable frame of mind in which to proceed when thinking about interacting with our fellow citizens who have different religious or cultural norms from ours. Host–guest analogies are pernicious here; they allow cultural majorities a sense of exclusive ownership of the social order to which they are not entitled, and treat minorities as temporary, aberrant, and excluded from the pool of possible owners. A polity is not a house, and it is certainly not a house that belongs to the currently living people whose ancestors happened to form a majority on its territory at some discrete moment in time.[7] *Perhaps* guest/host thinking could be useful for framing questions

in the ethics of immigration, though I'm wary of the metaphor even there; but it's very important to keep the ethics of immigration distinct from normative questions about multiculturalism among those already present in a society, including naturalized citizens and the citizen children and grandchildren of immigrants. In Quebec, most immigrants are Christian or secular, and a majority of Muslims and essentially all Orthodox Jews are native-born citizens. Yet the debate about accommodating Muslim and Jewish religious practices that culminated in the Bouchard-Taylor report was rife with guest/host thinking and language.

Manners and crowds

Nonetheless, thinking in terms of manners does point us in an important direction. The aspiration of rights theory, and of recognition theory in some moments, is to accord to each their due. Rights, rightly understood, are compossible, according to one important account of them (Steiner, 1994); like a map of property holdings, the correct understanding of our rights will leave us with clear boundaries among mutually-exclusive domains. Recognition, at least in its Hegelian variants, is built on the aspiration that everyone might be able to properly recognize everyone. No one ought to receive recognition as a master, and no one should suffer the exclusion from recognition that a slave suffers. There's at least a sort of compossibility of the right level of recognition due to all.

Cases of civility and manners aren't like that. To behave with manners is to give way, to some degree. It is to relax some claim to which one would be entitled. And that's in part because not everyone who has a good claim can simultaneously get that to which they have a good claim. Neither party going through a door has a worse claim than the other to going first. Either of the two people eyeing the last item on the shelves they both want, or the last unsplittably-small bite of some food, would be entitled to it, in the absence of the other; but they can't both have it, and the fact that they're both there, at the same time in the same place, means one will have to give way. All else equal, it's polite to be the one who volunteers to defer. (Even if the scene of two people both insisting 'After you!' is a little absurd, it is much preferable to the same two people rushing to prefer themselves.) In usual circumstances people are entitled to be free of unwanted touching by strangers; but the circumstances of a crowded subway or elevator require us all to waive that entitlement. (The person who insisted on a six-foot zone of personal space in all directions would be the rude one, whereas if the second person to come onto an otherwise-empty elevator crushed up against the first, the first would be right to complain.)

The cases I've just discussed all seem to involve everyone having the same norms. Things become more complicated still when (inevitably) people don't. And that brings us to the cases of multicultural manners.

Questions of bodily exposure, of seeing and being seen, don't admit of highly rational principled solutions even under the most homogeneous of conditions. Laws governing 'indecent' exposure that go beyond the demands of hygiene are a notorious embarrassment for certain kinds of liberal theory. They are purely conventional and moralistic regulations, coercing persons for no reason that pertains either to harm to others or to harm to self. We know that the standards of indecency vary from time to time and from place to place, that they don't reflect any great moral truth. And yet no one seriously advocates their abolition. We say that seeing someone else's unclothed body is unfair to the unwilling onlooker, or mutter something about children, and pretend that we've made something like a non-question-begging argument, but we haven't. Really what we're faced with is a pure case of laws enforcing manners – in both senses of that word. What counts as indecent in a particular society at a particular time is almost entirely conventional, a matter of local manners and mores; but violating whatever the local norm happens to be is everywhere an extremely impolite act.

We should not expect greater clarity when we introduce heterogeneity of norms into a crowded space. Some will wish not to see what others feel comfortable showing (the gym); some will not wish to show what others consider non-noteworthy to see (the question of sex-segregated swimming pools). And indeed we find greater complexity. At least some people who have good reason to think that their norms are reasonable and their claims are good will have to give way; maybe sometimes everyone will have to give way, even though no one's claim is a bad one. This is probably the most important lesson to draw from identifying these as questions of manners and civility. The conflicts in them are real ones that can't be philosophically or legally dissolved; at least some people will have to give up something that they weren't wrong to want in the first place, and the fact that the settlement comes out one way rather than another isn't evidence that the losing party was wrong.

To an important degree, multicultural manners are dependent on rights and/or recognition, and rightfully subordinate to them. Without the constraints set by equality of rights and status, manners can be the dressing worn by inequality and domination – this, of course, was the democratic/republican indictment of aristocratic courtesy, and the feminist critique of the manners of gender and sexuality. Everyone staying in their place can generate a mannerly order, and standing up for oneself

can seem impolite. Burke was widely thought to have overemphasized manners in his assessment of *ancien régime* France, and to have ignored rights. The manners of the plantation culture of the American South offer us nothing that is normatively attractive. I have rights governing who may touch or use my body; manners can be thought of as negotiating the space between bounded territories of rights-claims, as in problems of seeing and being seen. In a contest between one person who has a right and another who seeks to abridge it, or between one who claims an unjustified superiority and one who seeks equality, we should not expect the person who's in the right to politely give way (even part way) at a cost to their own moral standing.

It surely matters for the amicable settlement of an *eruv* case that the gentile property-owner knows that he or she really does own her land, and that granting permission for the running of the *eruv* won't actually result in their land becoming collectively-owned by the Jewish community. Without that certainty and legal clarity, he or she might be expected to refuse. And what counts as good-mannered behaviour with respect to language, within a given community of manners, is partly dependent on recognition questions. In Montreal, the history of Anglo dominance and of French Québécois being made to feel like strangers in their own home city sets constraints on what could be well-mannered behaviour by Anglophones interacting with strangers about whose native language they're uncertain.

But manners have, I think, more than an interstitial function: they can keep us away from the boundaries of our claims of rights and status, from testing their edges, and therefore from coming into conflict over them. In the *eruv* case, given good manners one could imagine an amicable resolution, whether the rule was that the gentile owner had an absolute right to refuse or no right to refuse, or even if the rule had never been settled. The request could be graciously made, even if the Jewish community had the right to do without consent altogether; it could be graciously acceded to, even if the landowner had an absolute right of refusal; and it could be both, with both parties refusing to test their rights in court, even if the rule is uncertain. If that's right, then there will be no lexical ranking of rights over manners in real cases, even if everyone agrees in principle that rights have priority. Manners and civility will be called upon to cushion our disagreement and uncertainty about our respective rights, and so will sometimes cost someone something they have a right to. Knowing when to stand on the moral priority of rights and when to accede to the social priority of manners will require judgement and context, and will probably not admit of determinate consensus.[8]

Borrowing just a little bit from a rights-theorist, Ronald Dworkin, I'll note that part of what makes at least some of these cases so awkward is that they involve 'external preferences' (Dworkin, 1977) – preferences about what *other people* do or how they look or where they are. Dworkin introduced the idea of external preferences in order to identify something that should be excluded from just utilitarian social calculations: a white racist who has a preference to get a job, and also a preference that his black neighbour *not* get a job, shouldn't be able to get two votes in the felicific calculus. Altruism involves external preferences too, of course, but there's a good reason for considering altruistic preferences structures as double-counting as well. For example: I have an intense altruistic preference that members of my family have good lives, and they have the same for me. If I am a member of a large family, and external preferences get admitted into the felicific calculus, that means that my well-being counts many times more than that of someone who has no family. If we wish to hold on to the liberal-egalitarian-utilitarian intuition that 'each counts for one and none for more than one', then those altruistic external preferences (my preferences about my family members' lives, and theirs about mine) need to be excluded just as much as the racist's attempts to double-vote both in favour of himself and against his black neighbour.

In our cases of interest here: the Hasidic men have preferences about what they wear, and also preferences about what the non-Hasidic women they might happen to see wear. I think that there's a reasonable liberal egalitarian impulse (though it is not the end of the story) to reject that latter preference as irrelevant and inadmissible.

And I think that we multiculturalists (that 'we' does include me) haven't done enough to talk or think about problems of multiculturalism and external preferences, or even to acknowledge them. There *is* a difference between toleration of internal or individual religious norms (headscarves, say) and allowing them to be exported via external preferences (the gym window). Religions may ban heresy – that is, they may forbid heretics from remaining members of the religion – but they may not legitimately seek its criminalization, or otherwise seek to alter the surrounding society such that it would be impossible for them ever to encounter heresy or to know that it exists. They may not export their internal rules of religious belief.

And yet, there are hard questions both of manners and of prudence about how hard a line to take. It's polite to go at least a bit out of one's way to accommodate the preferences of others; it's impolite to go out of one's way to offend them. (It would be impolite for me to dart my head around trying to force my eyes into the field of vision of an Orthodox

Jewish woman trying to avoid eye contact with me.) And manners are a category of morals. Prudence matters too: the hard line some secular societies have taken about making no accommodation in medical care for preferences for same-sex examinations may well have the result that, say, women in the most conservative religious groups are prevented from seeking medical care altogether.

But of course gender non-discrimination in professional settings is a deeply important value, and becomes very hard to sustain if the frequency of people expressing such preferences rises dramatically. We know the analogy about catering to the external preferences of racists – and, while many people think the analogy is obviously conclusive or obviously fallacious, I'm much more torn about it. There's something obviously right *and* something obviously wrong about it – the rights of women in the workplace are at stake, yet in medical settings in particular the preferences at stake are about oneself as much as they are about the behaviour of others, and it doesn't seem obviously bigoted to me for women to prefer female medical providers. If that's right, then it *is* bigoted to say 'It's all well and good for secular women to prefer women medical providers, but religious women may not have, or express, such a preference.' And so on. It's impossible to stay off the slope of preferences regarding interactions with others, and impossible to roll the whole way down the hill: in a diverse society, our preferences will vary and aren't compatible or compossible. Problems of manners in part *are* problems of external preferences, and we're not going to reach uniquely correct solutions to them by trying to exclude external preferences from consideration.

So who should give way? I think that the answers will be local in time and place, and contingent. The swimming pool case, for example, seems to me not to burden anyone in any very morally weighty way – though the burden depends on how many hours of pool use are restricted to women only. It's not as though secular men have any strong moral view that they ought to be swimming with women in the pool, though perhaps some prefer to do so and all prefer to have all-hours access to the pool. And the exclusion of men from the pool for a few hours per week does not impair some strong interest they have in the same way that excluding women from one-on-one business meetings impairs their professional equality. And yet my intuition pushes the other way for the case of the gym window, even though the secular people exercising also don't have any strong moral or equality interest in being able to be seen by passers-by. I think that in the crowded confines of the city, preferences about being seen can sometimes be accommodated – but that preferences about seeing are likely never to be. The Hasidic men always

ran the risk of seeing women in shorts and T-shirts on the city streets anyway; the gym window was hardly their only moment of possible visual run-ins, whereas the preference the Muslim women have for not wearing swimsuits in front of men is able to be fully accommodated with the set-aside pool hours. (They're not going to accidentally walk around the city streets in their swimsuits.)

The gender-and-professional-conduct cases seem to me to cover questions that are hard, subtle, and *very* dependent on local circumstances, including: how well-entrenched or advanced is women's professional equality in the firm, in the sector, in the society? How strong is prejudice against the relevant religious group in the firm, in the sector, in the society? How large are each of the relevant populations? (One idiosyncratically conservative religious male client might be safely and politely accommodated in his preference not to meet alone with women; as the numbers grow, the need to protect the equality of the women in the firm becomes more acute.) Compromise may not be the right answer; I can imagine local circumstances in which accommodating the religious preference is the locally-right thing to do, and circumstances in which it is the locally-wrong thing to do. And the usual appeals to an unprincipled open-mindedness, negotiation and tolerance are sometimes misguided, for some of the same reasons that external preferences should be excluded from utilitarianism; there is a real unfairness in allowing those with the most extreme views on the behaviour of others to have a disproportionate say, as happens when we engage in simple-minded difference-splitting.

It is likely, and likely to be desirable, that there will be variation in the solutions that are reached – just as there are niche enterprises dealing with clienteles who speak a particular language, there will be niche enterprises that specialize in dealing with clienteles with particular manners and customs. The institutional and associational pluralism of civil society is an important feature of its civility; though we are nearby each other, we can often take some steps to maintain separateness at the moments when contact is most likely to generate conflict. But much of a modern urban or professional economy is hard to disaggregate or pluralize in the fashion of each ethnic neighbourhood having a local grocer or butcher who accommodates local tastes and norms. So it is almost sure to be the case that some will end by giving way on some morally-important and legitimate interest – the interest in the freedom to practise one's religion even in a diverse setting, the interest in professional equality. We ought to derive some consolation from viewing this not as a moral failure, but as yet another moral success of manners: when the need

arises, we are able graciously to give way for the sake of our peaceful and tolerant coexistence.

Notes

1. I thank Samantha Brennan, Gérard Bouchard, Emily Nacol, and audiences at Concordia University and the Université de Montréal for comments, and Mylène Freeman and Sarah Wellen for research assistance.
2. This case and several of those that follow are discussed in Gérard Bouchard and Charles Taylor (2008), the report issuing from the Commission of Inquiry Bouchard and Taylor co-chaired into questions of the accommodation of minority cultural practices. See especially chs 2–3.
3. Here I refer to, and for the rest of the chapter I exploit, an ambiguity in the English word 'manners' that isn't precisely replicated in French. 'Manners' may be *politesse, façons,* or *moeurs:* politeness, ways of doing something, and mores (with 'mores' being a word that one scarcely hears in English, except in discussions of French theorists of *moeurs* such as Montesquieu or Tocqueville). *Manières* is ambiguous as between *politesse* and *façons* but does not encompass *moeurs.*
4. Hume moves freely back and forth between *civility* and *good manners*; I use the quotation to illustrate my own point about restraint, not to suggest that the point was also Hume's.
5. I discuss the category of exemptions and examine arguments about them in Levy (1997, 2004b). For a contrasting view see Barry (2001).
6. If it did, then the world would not need the comedy-of-uncertain-manners, a genre that reached one well-known height in the early and middle seasons of *Seinfeld,* the characters of which knew that there needed to be rules of civility to govern modern urban life, at the same time that they knew that they did not know what the rules were or how old rules adapted to new circumstances. They also knew that even the uncertain rules demanded that they act like better people than they actually were, and they chafed under the artificial constraints – which became the theme of the final seasons. *Sex in the City* was also, if more tangentially, a comedy of uncertain manners.
7. Neither is it a house that belongs to those whose ancestors came to its territory first; there are plenty of good justifications for massive rectification of past injustices against indigenous peoples, but one of them is not that 'we' are 'their' guests.
8. The Bouchard-Taylor Commission report both struggles with and illustrates these difficulties. The report mostly avoids rights-talk and is mostly sceptical of judicial solutions, praising instead negotiated resolutions within civil society. The report is right to be friendly to such resolutions, *and* rights-theorists have been right to be worried about this emphasis. 'Compromise, negotiation, and balance' (in the Commission's language) or civility (in my language) without a prior determination of rights can lead morally-legitimate demands to be subordinated to the need to be nice: women should not insist on equality when that would bother sexist men, minorities should not insist on their religious freedom when that would upset local majorities. But insisting on settling rights-claims first, every time, is indeed unmannerly and incivil.

References

Barry, B. (2001) *Culture and Equality. An Egalitarian Critique of Multiculturalism*, Cambridge, Polity Press.

Bouchard, G. and Taylor, C. (2008) *Building the Future: A Time for Reconciliation*, Québec City, Government of Québec.

Burke, E. (1999 [1796]) *Select Works of Edmund Burke, Vol. 3: Letters on a Regicide Peace*, Indianapolis, Liberty Fund.

Dworkin, R. (1977) *Taking Rights Seriously*, Cambridge, Harvard University Press.

Hume, D. (1985) 'The Rise of the Arts and Sciences', in E. F. Miller (ed.), *Essays: Moral, Political and Literary*, Indianapolis, Liberty Fund.

Kymlicka, W. (1995) *Multicultural Citizenship*, Oxford, Oxford University Press.

Levy, J. T. (1997) 'Classifying Cultural Rights', in W. Kymlicka and I. Shapiro (eds), *Nomos XXXIX: Ethnicity and Group Rights*, New York, New York University Press.

Levy, J. T. (2000) *The Multiculturalism of Fear*, Oxford, Oxford University Press.

Levy, J. T. (2003) 'Literacy, Language Rights, and the Modern State', in W. Kymlicka and A. Patten (eds), *Language Rights and Political Theory*, Oxford, Oxford University Press.

Levy, J. T. (2004a) 'National Minorities Without Nationalism', in A. Dieckhoff (ed.), *The Politics of Belonging: Nationalism, Liberalism, and Pluralism*, Lanham, MD, Rowman & Littlefield.

Levy, J. T. (2004b) 'Liberal Jacobinism', *Ethics*, Vol. 114, No. 2, 318–36.

Montesquieu (1989 [1748]) *The Spirit of the Laws*, ed. A. M. Cohler, B. C. Miller and H. S. Stone, Cambridge, Cambridge University Press.

Steiner, H. (1994) *An Essay on Rights*, Oxford, Blackwell.

Taylor, C. (1994) 'The Politics of Recognition', in A. Gutmann (ed.), *Multiculturalism and 'The Politics of Recognition'*, Princeton, Princeton University Press.

Voltaire, F.-M. A. (1969 [1758]) *Essai sur les Mœurs,* 2 Vols, ed. R. Pomeau, Paris, Garnier.

4
Respect as Recognition: Some Political Implications

Anna Elisabetta Galeotti

Introduction

In this chapter I am dealing with the concept of 'recognition-respect' as it has been defined by Stephen Darwall and many others after him, and distinguished from the concept of 'appraisal-' or 'esteem-respect' (Darwall, 1995, pp. 36–49). Recognition-respect means the attitude of regard for other people which is due to their being persons, and as such, worthy of being respected. Esteem-respect refers instead to the feeling of admiration and esteem which is attributed to someone by virtue of his (or her) special qualities, character and deeds. Expressions such as 'John does not respect his neighbours' and 'Teachers ought to respect their pupils' make use of the first notion, while when we say 'Philip Roth is a very respected writer' or 'Alessandro Bolla has earned international respect as a dancer', we are talking of esteem-respect.

Equal respect is the principle stating that all persons, just by virtue of their being persons, are equally entitled to respect from other people. Equal respect is not only a moral principle, but also a fundamental *political* one,[1] which has become particularly prominent in the struggles for recognition of identity of oppressed, subordinated and marginal groups. In order to understand how equal respect is pursued via recognition of identity, I shall advance some considerations, provided by conceptual analysis, on how claims and attributions of respect function; that, in turn, will help me to make sense of contemporary politics of recognition as a remedy to systematic patterns of disrespect within liberal democracy. The way in which respect-claims work has important consequences on how the politics of recognition is to be understood.

In this chapter I shall first comment on Stephen Darwall's recent idea of the second-person dimension of respect (Darwall, 2005, pp. 43–59). Respect is second-personal because we do not pay others respect because of impersonal imperatives of the moral laws, but because other people have a direct moral authority on us, a moral authority which indeed commands respect. I shall enlarge this important point made by Darwall, pointing out that the second-person nature of respect also implies some constraints on the way respect is attributed, *poena* falling back into an impersonal (third-person) nature of respect. From that vantage point, I shall argue for a distinction between rights and respect, based on the idea that the nature of respect is deeper than rights. Second, I shall argue that respect must always be attributed through something else signifying respect, that is, that there is not a precise *what* corresponding to respect. In this sense, respect is always assigned indirectly and often, but not always, by means of acknowledging and granting specific rights. From this argument we got that recognition-respect always requires an attitude of regard accompanying the specific act signifying respect in that context, and that only the attitude makes the act, whatever it is, the just response to the universal claim to be respected.[2] Finally, I shall reason on the distinction, and on the complex link, between unconditional respect, on the one hand, and the loss of respect, on the other, as a consequence of a dramatically debasing kind of conduct.[3] I shall argue that despite the relevance of the analytical distinction between unconditional (*a priori*) respect and quality (*a posteriori*) respect, there is a sense in which the two are connected. The link is possibly accounted for by a genealogical explanation which describes unconditional respect as derived from the ascriptive respect attributed to special statuses in a hierarchical, pre-modern society.

This last point enlightens the social and political issues related to the unequal distribution of respect in liberal democratic society. When specific statuses were generalized into the universal status of persons, not everyone was automatically recognized as a fully developed person entitled to equal respect and rights just in virtue of being a person. The consequent generalization of rights to previously excluded social classes and groups did not necessarily and automatically bring about equal respect, given that, as said before, rights and respect are not the same thing. Being a subject of rights is a necessary condition for being respected, but is not a sufficient condition. What is usually called the politics of recognition or identity politics precisely finds its room in the gap between equal rights and equal respect. For I contend that contemporary claims of recognition of differences and identities are

claims to equal respect, and because respect-claims have a second-person and indirect dimension, the politics of recognition comprises a truly universal claim (to equal respect) but embodied in particular requests. Claims for recognition are asked for special claimants (the members of some group) and concern specific conducts or practices, and in this way they fulfil the second-person nature of respect attribution and the indirect content of respect; yet they are aimed at universalizing unconditional respect for all persons, of all groups, as proper moral equals.

The second-person nature of respect-attribution

When we say 'We all have a right to be respected by others', this claim is not a rights-claim in the proper sense, because it has no specific content. Certainly, when some of our rights are violated, we conclude that we have not been respected by the violator. But we cannot conclude further that respect is a qualification of rights-discharge, such that whenever someone is doing his duty towards someone else, respect is displayed as an intrinsic and inextricable quality of duty.[4] We cannot conclude that because, among other things, we are not content to be respected out of duty.

What does it mean to be respected out of duty? It may mean that someone has given me my due, what I was entitled to claim, but simply because he has acknowledged he was under an obligation, and felt duty-bound to do what he did. His reason was to discharge his duty, and in doing so, he indirectly respected me (my rights).

What is wrong with this is probably what Darwall intends to capture by tracing a line between third-person and second-person duties and rights, that is, between moral obligation we have because of the impersonal authority of the moral law, and those we have because of the reciprocal moral authority of each person in front of others (Darwall, 2005, pp. 43–59). And yet I think that he has missed something important. The fact is, we don't want to be respected out of third-person duty, nor out of second-person duty. We do not want to be respected out of duty, period. In fact, I hold that the rights-duty perspective always collapses into some form of impersonal morality which misses the point of our expectations about being properly respected. Thus I subscribe to the idea of the second-person dimension of respect, but also as a specific *quality* of the act of recognition attributing respect and not only as the *source* of the moral duty of respecting others; Darwall implicitly seems to acknowledge my point when he stresses that genuine respect implies a direct relation with the other person and the recognition of his/her

entitlement to put moral demands on others (Darwall, 2005, p. 54). But despite the second-person nature of respect, he insists in describing the attribution in terms of rights and duties. I shall try to illustrate what is unsound in the rights-duty language with an example.

Suppose the following: I owe you some money, and, giving it back to you, I explain the whole meaning of my dutiful action as such: 'I give you back your money now, because it is right that borrowed money is returned. And you, as everybody else that has lent money, are in a position from which you can rightfully claim it back. If I did not return it and forsake my duty towards you, as my creditor, I would feel guilty. My conscience would not permit this, so please, take back your money, and let me feel good.'

I feel something is wrong in this little speech. What's wrong? The fact that you are not properly considered, are not regarded as a person, but only as the final and contingent point of my dutiful performance. But let's examine our illustration above a bit further. Does this lack of consideration depend on my reference to my conscience as the source of my duty – that I am referring to third-person morality? Yes and no, it seems to me. It is true that I am referring to my conscience, but I have also recognized that *you* have a right to have *your* money returned. You, just you, are the instantiation of the universal dative of the moral rule 'return your debts to your creditors'. I also recognize that the rationale of such a rule is the two categorical imperatives, hence that *each person*, and also *you*, is a moral agent, an end in itself, and has moral authority. Following third-person morality, I acknowledge that you are the specific instantiation of the moral agent who has a rights-claim on me, according to the general rule, hence I got to the second-person nature of my duty toward you and of your right toward me. This duty pushes me to respect the rule, and in so doing I respect you.

This description acknowledges that claims of respect are second-person, but also entrapped in duties. I respect you, but contingently, because there is nothing special in you but the fact that you are an empirical instantiation of the moral agent, who can never be treated only as an instrument. I respect you in the sense that I do my duty unto you: following impersonal morality, I 'respect' the second imperative and, *a fortiori*, I respect you as a specimen of an end in itself, totally independently from what and who you are. So in the above illustration of the case, what is wrong is that the second-person perspective seems to be necessarily entangled in impersonal reasons and duties. As a result, the attitude of regard, which is what recognition-respect consists in, is lost. But the alternative would be likewise unsatisfactory. Think of my saying:

'I return you your money, just because it is you. I do not acknowledge any general rule to this point. I do not feel pushed by any duty. I would never in general return any debt. But for you I make an exception: you are a man of respect.' Such mafia reasoning is definitely only second-person, but it is not what we are looking for.

In fact, we want to be respected neither out of duty, as if duty would make respect perfunctory; nor as moral agents despite the particular person we are; but, finally, not even in virtue of a special contingent relationship linking me to you, because we want to be respected by everyone in all social intercourses: we want to be respected as persons. On the one hand, the emphasis on the particularity of the relationship may capture something there is in terms of a respect-claim; on the other hand, respect is a universal claim, advanced not in virtue of our special character, but in virtue of our common humanity.

Here I think that we have touched a tension: a tension between universality – after all, we claim (a) *equal* respect and (b) as *human beings*[5] – and particularity: it is me who wants respect, it is me who is humiliated by lack of respect, not simply an abstraction. Moreover, we want the respect that others owe us to be given spontaneously, not out of duty, whether it be third- or second-person duty. Respect, like faith, cannot be forced or exacted, because its value vanishes.

'I respect John' may mean:

1. I want to be just towards John: I do not want to harm him in any way, but, on the contrary, I want to fulfil the duty I have towards him.
2. I recognize John as a person.

In the first sense, respect means that I do not intend to violate moral rules regarding John, hence I won't treat him as a mean. It is the full-blown third-person perspective.

In the second sense, there are two alternative meanings. 'I recognize John as a person' may mean:

(a)   John is a person like me.
(b)   I recognize that behind John, disregarding the particular person John is, there is a human being.

Sub (a): John is an obvious representative of our common humanity, and as such he is my equal. Sub (b): the common humanity is seen behind, abstracting from John. In virtue of the common humanity that I see behind him, I consider him my equal.

Then, is it because I see John in his eyes, and what I see is an equal of mine, that I recognize the common humanity, or is it because I see the common humanity bracketing John as he is that I recognize him as my equal?

In other words, is the equal value of persons, which is the object of respect, obtained through an *individualizing act of recognition* of you as my pal, that is, my equal (hence if John is my equal we are sharing common humanity)? Or is it obtained through a *generalizing act of recognition* of the common humanity abstracting from John? In the latter case, though, the second-person perspective is only an instantiation of the third-person; John is worth respect because he is an instantiation of a universal value, already and independently established. Not just that: in order to recognize that common value in him, I need to dispense with his particular and special self, as if his self would subtract the common value of humanity. Thus equality, in this case, comes with a price: the cancellation of his self. It seems to me that our desire to be respected cannot be reconciled with the idea that our own self subtracts from the common value of humanity. Thus I think that only the case sub (a) satisfies our quest for respect of the beings in fact we are. By contrast, the case sub (b) has a bitter aftertaste: the equal moral partnership obtains abstracting of who we are, leaving the suspicion that who we are is less than equals. Hence respect would properly and fully consist in an *individualizing act of recognition of me as an equal.*

To sum up: Darwall is right in saying that respect requires a second-person perspective. And yet this is not enough. Respect should not be thought of as a second-person claim that I raise in virtue of third-person morality, that is, either as a second-person instantiation of a general duty, or as the (second-person) application of the universal principle (hence third-person) of human dignity. By contrast, respect is a reciprocal second-person demand to an *individualizing recognition of me by you* (and vice versa) *as your equal*. From the recognition of this equality, we arrive at moral partnership, and at the universal value of human dignity.

If my reconstruction is true, then respect, implying the recognition of you as my equal, has a pre-moral dimension which is linked to our fundamental need for recognition.[6] This implicit emotional need affects the way in which respect can be attributed in order to keep its value. The reciprocal moral claim of respect, though raised as a rights-claim, can never be fully met out of duty. Accordingly, disrespect cannot be remedied by exacting respect, but only by a true understanding of what the reciprocal claim of respect implies. Only in that case can the wrongdoer make amends to his victim: not by fulfilling a moral duty,

but by acknowledging the disregard and mending the offence by a second-person act of recognition. Thus the social and political criticism of disrespect takes off from the violation of the universal claim of respect, but singles out a cure based on the understanding of the type of offence and humiliation, and consisting of an individualizing act of recognition of *that* person or *that* group as an equal party.[7]

Rights and respect

Respect-claims are usually embodied in specific rights-claims. Suppose you are complaining to your neighbour about the loud music he plays at night. You say: 'Please, stop it! You have no respect for others; I have a right to sleep at night!' Here the respect-claim is intertwined with the right-to-sleep claim. More precisely, the fulfilment of the right-to-sleep claim is the way of fulfilling the respect-claim in these circumstances. If your neighbour stops the noise, he discharges the duty to let other people sleep while respecting them. By no means can he say to you 'I do respect you, I respect you with all my heart, please believe me. But my respect does not solve our conflict about different conceptions of the good. I like loud music and you don't; you are entitled to your poor taste, and I am entitled to mine. So I tolerate you and you ought to tolerate me.' Clearly, there is no way that your neighbour can respect you while rejecting your request for silence. In your demand you have suggested that loud music is both harming and hurting you. It is harming because it represents a trespass on your personal liberty to be able to sleep without obstacle. It is hurting because it constitutes the offence of being disregarded as a person who may be disturbed by loud music. Showing regard for you as a person necessarily requires stopping the noise. It is, however, possible to stop the damage without repairing the offence. It is possible that your neighbour responds with an insult, slams the door, interrupts any civility with you from that moment on, and nevertheless turns down the volume because he does not want the police knocking at his door. In this case, the duty of not disturbing people at night has been discharged, but without any respect paid.

   The possibility of divorce between rights and respect makes clear that the two claims are distinct; and, consequently, disrespect can be shown even while specific rights are fulfilled. The fact that respect is usually paid in the fulfilment of rights towards particular persons explains why it is often mistaken for the qualification of the dutiful action. But that respect-claims are different from specific rights-claims is shown in those interactions in which there is no claim other than respect at stake. All

non-moral interactions share this characteristic that no other moral claim is at stake apart from respect. If respect is normally exchanged, as often happens and as it should, all goes on smoothly, and no one notices the presence of any claim. If disrespect is shown, the disrespected person feels hurt and resents the lack of respect, though in a variety of responses and feelings according to other contextual elements.[8] When resentment is distinctly felt, despite the fact that the disrespectful attitude has no serious consequences on rights, it is not easy for the victim to articulate her claim. If the interaction implied something like stepping on my foot and failing to apologize properly (just a little grin of scorn), it is relatively easy for me to demand an apology. Incidentally, 'relatively easy' means (a) that I have the words, and that I know what I am claiming for; (b) that my claim can be recognized as right and well-grounded by uninvolved others. In that situation, others would sympathize with me: someone has caused me pain, however minor, and has not only given no apology, but has ridiculed me as well. How uncivilized! (Yet, we might notice that, in this case, there was a breach of a specific right: the right to my personal space and bodily integrity.) But suppose that disrespect is shown in a milder and less noticeable way. Neighbours avoiding greetings, bank tellers avoiding your eyes and handing you your document without a word, administrators showing impatience at your request and responding in an icy style, nurses with rough manners and the like. Trivial interactions which often go unperceived even by the disrespected person if she is immersed in her thoughts and relatively good-humoured; but if she is worried for her document, say for her pension, and finds herself dismissed as a number, or worried about her health and is made waiting without a smile, the disrespect is deeply felt. And yet it is not easy to articulate the claim: it may also sound like an overreaction to others, and it may be rejoined by an even harsher reaction. It is relatively easy to say 'I have a right to be fully informed about my pension, and you have a duty to provide me this information.' It is much more difficult to say: 'I have a right to be treated as a person, you cannot just say "wrong office" after I have been queuing for an hour and send me away with no consideration at all.' It is more difficult because what is claimed is not a precise thing, but an attitude, an acknowledging attitude which escapes definition and precise behaviour. Perhaps, good manners. We can claim good manners, knowing that good manners are not a duty, and this very fact fits with respect which cannot be attributed out of duty. That is why disrespect is so frustrating, because it is a bruise which we cannot force anyone to heal if he or she does not want to. And it is a bruise exposing our vulnerability, our being thrown into a disadvantaged position from which we lack the

levers to regain the denied equality and reciprocity. Reflecting on these kinds of situations, we can understand why the offended person focuses on rights, if possible, even if rights are not the main point. Symmetrically, the perpetrator, pretending not to understand respect-claims, may grant the right ungracefully, confirming his misrecognition of the person.

This problem relates to the fact that respect does not correspond to a definite *what.* Respect has to be expressed indirectly, and what can best express it in the situation can vary (smile, greeting, eye contact, different words), and, in any case, no particular act *per se* signifies respect, without the right attitude. So how can one claim something which is not a *something*? A claim, moreover, exposing one's vulnerability and impotence? Though we all have a right to be respected by anyone, though we all owe respect to other people, respect cannot be exacted because it is an attitude, only the things which stand for respect can be exacted. Given that respect is usually shown in our greetings, apologies, and rights-fulfilment, there is no way in which others can be forced to pay respect, if they refuse to acknowledge what they owe to everybody, because the visible gesture is not enough. Respect-claims require that the addressee acknowledges what they are about, and the moral injury they stem from, and is willing to make amends with an act of recognition. While, with rights or material claims, the strength and conviction of the claimants can compel the counterpart to give in, with respect-claims the counterpart must cooperate and acknowledge the entitlement of the claimant to be respected as an equal.

In conclusion, respect is a claim, a universal claim of each of us towards all others, which can be fulfilled only indirectly through other specific actions and gestures, but which cannot be exacted in the pure and direct form of obtaining the relevant conduct from a recalcitrant other as it happens with other specific rights. Hence, respect lies in the recognition accompanying specific provisions signifying respect; but also, a previous meta-recognition of the respect-claim, besides and apart from rights-claims, is needed in order for the individualizing recognition of the other as an equal to be given. Dismissing or ignoring the independent claim of respect is the premise for an improper response. There seems to be no direct cure via a concrete provision for this basic and almost unspeakable form of wrong, but emotional and moral learning.

Unconditional respect and loss of respect

Most students studying respect have drawn the distinction between two types of respect: merit- or esteem-respect, which is conditional on

certain achievements, results and deeds; and recognition- or status-respect which is attributed to each person in virtue of having the moral status of a person.[9] This second kind of respect, which was first explored by Kant, is unconditional on an individual's actions, deeds and character (Kant, 1996). It is attributed only on the basis of the recognition of others as persons, *loci* of moral worth, capable of moral judgement, of autonomous choice and conduct and as co-legislator of the moral law (Darwall, 1995; Telfer, 1995; Hill, 1998). These traits belong to persons as such, independently from the particular individual beings they are, with their imperfections and failings. They constitute the common core of humanity, the source of human dignity which each of us ought to respect in all others. Hence, while esteem-respect is an *a posteriori* attribution, and can be earned and lost, recognition-respect is *a priori* and cannot be forfeited. This common distinction, however, is in fact less clear-cut than it appears at first sight. See, for example, how Thomas Hill has presented the issue (Hill, 2000, pp. 87–118). Hill sees the source of recognition-respect in the moral status of being a person; and it is this status which 'calls for respectful recognition', independently from moral merits or failures. Hill holds that the concept of 'person' or 'human being' constitutes a normative status, grounding the entitlement to unconditional respect.[10] Much as in previous centuries being a 'duke' carried a normative status and was the basis for certain entitlements which were *a priori* ascribed to the duke, in our moral world, Hill says, being a person works in a similar way.

The parallel between the two helps us to understand that, although ascription is definitely *a priori*, yet it is not absolutely unconditional. In both cases, the status refers to a normative content which consists in a special ethos for dukes, and in moral capacities for persons. *A priori* ascription of respect is thus justified by the (presumed) presence of moral capacities, independently from the actual conduct. But just because the status implies a normative content, in principle, the possibility of losing one's status is theoretically open. As much as the duke who grossly misbehaves falls beneath his dignity, similarly a person who systematically transgresses the laws of humanity may lose his entitlement to respect. Hill wonders whether unconditional respect can ever be forfeited as a consequence of serious immoral conduct which shows that the individual does not share, even potentially, the human capacity of moral legislation.[11] He is extremely reluctant to admit that in exceptional cases respect for the status of person can be lost, and gives many reasons why we should, as a rule, presume, even under the worst circumstances, that the capacity of moral legislation, grounding the moral status of persons,

is (potentially or hypothetically) present. However, from his argument it is clear (a) that respect for persons has a normative content, and (b) that the status of persons is ascribed on the basis of this content, that is, on some presumptive human capacities. Hence, if, in principle, someone dramatically shows with his behaviour that he lacks those capacities completely, he cannot be recognized as a person any more; he has lost his status and respect as a consequence. Obviously such occurrences are, and should be, extremely rare because the loss of presumptive moral capacities is not easily and finally proved. But, despite all caveats, Hill's argument concedes that if someone consistently behaved in a horribly sadistic and cruel way with children and women, failing to take responsibility, to feel guilty, and to atone for his actions, then we are justified in ceasing to respect him, because he has given up being a person. In this sense, recognition-respect, though attributed *a priori*, is not absolutely unconditional or, more precisely, is unconditional on the particular individual, but is conditional on that individual being recognized as a person. And this fact squares with our moral intuitions that respect can be lost, though not as the consequence of bad deeds or imperfect character as such. Yet even in such extreme and hypothetical cases, although we may stop regarding the irrepressible paedophile as worthy of respect, we are not free to treat him as we like, and more specifically as an 'it'. We cannot torture or humiliate or degrade him: the punishment should be just and lawful, as the requirement of equal respect imposes. Thus, while we can suspend *regarding* him as worthy of respect as a person, we cannot ignore the *moral constraints* of actions towards others, which is precisely what recognition-respect requires us to take into account in moral deliberation, according to Darwall (Darwall, 1995, p. 186).

Darwall actually explains recognition-respect as separate from appraisal- or esteem-respect, as the disposition to give appropriate consideration to the object of respect in moral deliberation and action. In other words, recognition-respect is a pro-attitude, putting moral constraints on how to act concerning others, according to Darwall. In this sense, recognition-respect is unconditional and can never be lost, because, as I said, we are never free to act disrespectfully towards anyone, even the most disgusting sadistic paedophile. But that does not mean that we have to regard him with respect, as implied in the argument made above. I think that we can make sense of this point as follows: recognition-respect is due to anyone just in virtue of his being a person, and is unconditional on the particular person, of his actions, deeds and moral failings. Recognition-respect implies both an *attitude* and a corresponding *feeling* of regarding others as moral partners, and a *disposition to act* in a certain

(respectful) way which constrains our conduct towards others. If someone grossly and consistently transgresses the moral boundaries implicit in the moral status of persons, then he is no longer recognized as a moral partner, and is no longer regarded with respect. But he still has a right to be treated with respect, has a right to pose moral constraints on our actions towards him, has a right to a just trial and punishment, and the right not to be tortured or humiliated, despite being regarded with disgust. In sum, recognition-respect comprises both an attitude plus a feeling of regard, and a pro-attitude for moral deliberation and action. Exceptionally inhuman behaviour can compromise respectful regard from others, but cannot loosen up the moral constraints for respectful treatment. Recognition-respect as a pro-attitude putting moral constraint on action is then properly unconditional, possibly because it affects our self-respect as persons.

Invisible persons

This winding argument is not simply an exercise in conceptual analysis, but has social and political implications which need to be unpacked and examined. In order for anyone to be respected as a person, he must be recognized as such. The passage from hierarchical society to liberalism is marked, among other things, by the generalization of status-respect to all human beings, in virtue of their sharing the status of persons.[12] We have seen that this status can be lost. From a social and political viewpoint, more important than the remote possibility of someone losing his status as a person, and not being regarded (but still being treated) with due respect, is the case of people who have never gained the full status of a person, and who have hence been both regarded and treated with less than proper respect.

The generalization of status-respect to persons did not admit that the status of person was immediately truly universally ascribed. Much as Kant, the champion of respect for persons, failed to see women as full persons, many others have failed to see different and oppressed groups as composed by fully developed persons. Servants, the uneducated and dependent poor, women, 'uncivilized' peoples, were not regarded as full persons, responsible for their acts and capable of moral deliberation. This failure of recognition corresponded to a failure in the way they were treated: people seen as less than a 'full' person did not pose the same kind of constraints on conduct towards them.

In the history of liberalism, this sort of regard – or better, disregard – was widely shared across the board, if even John Stuart Mill, despite his

anti-paternalistic stand and pro-women position, held that people from underdeveloped and backward cultures – who had not yet developed full autonomy and rationality – could be coercively pushed toward liberation. Hence they could better be regarded as children in need of protection and guides than as fully developed persons deserving respect (Mill, 1972, p. 73). The status of a person, as said, has a general normative content, comprising the capacity of autonomy, rational judgement, responsible conduct, and so on. This normative content, in turn, implicitly corresponded to the idealized version of the man of character, of the moral quality distinctive of a gentleman. As an abstraction, it was an abstraction from a specific type of human being: the educated, white, Christian man. Given the limits of our imagination, it is probably unavoidable that the conception of a person is actually patterned after what we see as its most familiar, typical or obvious instantiation. But once the moral model of persons is fixed and patterned after a social type, it comes as no surprise that members of all groups differing from that ideal-type are not regarded as proper persons, and are consequently considered worthy of paternalistic attention rather than respect. Moreover, it must be added that, in order to be practised, the presumptive moral capacities of persons, *pace* Kant, require certain basic economic and social conditions from which most people were actually excluded well into the twentieth century. Thus the distance from the idealized social model and the apparent lack of moral capacities contributed to make these people *invisible* as persons, and hence unworthy of equal respect, warranting only paternalistic attention. In sum, for respect to become a truly universal requisite, the model of a person needs to be generalized so as to include all groups and people falling short of the original 'norm'.

The inclusive model of persons

There are different paths to the universalization of respect. The first typical liberal way has been a progressive extension of rights to previously excluded groups, thus implicitly declared equal to others. Equal respect was thus taken to be provided automatically once rights were granted. However, as it happens, the ascription of equal rights is not always sufficient for equal respect to be granted, because, as I have argued above, rights and respect are not the same thing. Rights are definitely necessary for equal respect to be paid, but, under certain circumstances, they are not enough. This is often the case when dealing with peoples and groups previously excluded from full citizenship. Firstly, rights can be granted out of duty, while respect cannot. Secondly, rights are usually

recognized impersonally, and when the mending of disrespect is the case, an individualizing act of recognition of (misrecognized) people as equals is required. Think how long it has taken for women to move from enfranchisement to being treated and considered as equals (and the road ahead is still long). We can endow people with equal rights, and still not regard them as our equals. This is often the case when there are not only social and economic disadvantages at issue, but different identities which are an impediment to respecting people equally who do not correspond with the implicit model of a person patterned after the male member of the ruling class.

Let us reconstruct how the impersonal extension of rights may not dispel the disrespect of members of different groups. In order to be recognized as full-fledged persons they have to face an impossible demand. On the one hand, they have to hide or play down their special traits and characters so that their common humanity may be seen *behind* those characters. On the other hand, those characters cannot easily be disposed of, and, as far as they are, this is usually at the expense of self-respect. Respect needs to be achieved *beyond* and *despite* the different collective identity. Otherwise, the recognizer does not see the person who lies behind, but rather the black, the Jew, the woman, the Muslim – identities which clash with the ideal-type of person patterned under the white, Christian, educated male. But the bracketing, beside being hard to do, cannot satisfy the demand for recognition of equal respect that requires a second-person act of recognition, and cannot satisfactorily be attributed by a generalizing act. The implication of such generalizing recognition is in fact a proper disregard of one's actual self as a person. It is not unconditional respect, but rather measuring up whether people, who have not been considered as fully developed, have now achieved the normative standard based on an exclusive notion of person.

In order to counter the exclusive effect, and to make up for that special disrespect, I contend that an individualizing act of recognition is in order. The claims of identity-recognition indeed fit the requirements for attribution of respect: they are second-person, because previously ignored identity cannot be recognized impersonally, without mentioning the excluded group; and they claim a specific *thing* – whether the public toleration of a difference, an exemption, or a revision of standards – which *stands for* respect. That the politics of recognition aims at equal respect is generally acknowledged. More contested is a viable political interpretation showing how equal respect is actually pursued by it. If we are serious about equal respect being the final aim of the politics of recognition, then we must also acknowledge the implications that

equal respect attributions have on the politics of recognition. The first implication to be stressed is the instrumental and possibly temporary nature of identity politics to furthering the end of inclusion and respect of all people on an equal footing in the polity. The point of identity politics is to repair the injustice of the inclusion *despite* one's identity. The remedy seems to point to the public recognition of erased identities as the obvious way to redress unequal respect. Identity recognition may mean various things though, some of which have worrying implications for liberal democracy. Elsewhere I have argued for a weak sense of recognition which is in fact compatible with liberal principles (Galeotti, 2002, pp. 103–9; 2006, pp. 574–5). Briefly, my weak recognition argument does not imply valuing a collective identity or a social difference as good, lovable or beneficial. It more modestly means *acknowledging something* (an identity, a difference) *as legitimate*, as one of the characteristics that make people what they are. Along these lines, 'I respect Mohammed' means neither (a) 'I respect the man *behind* Mohammed, *despite* his being a Muslim (Arab, immigrant, North-African)', nor (b) 'I respect Mohammed *in virtue of his identity*.' Rather, I argue that it means 'I respect Mohammed, *given his identity*.' In other words, the identity should be neither the excluding nor the including factor, but a component, an important component, of being a person, neither to be dismissed as subtracting from, nor to be valued as conducive to, being a person.

In practice, the politics of recognition is always pursued by means of specific claims. The actual *what* can vary – rights, policies, exemptions; what is important is the *regard*, that is the attitude, sustaining the *what*. Only the *right attitude* makes the *thing*, whatever it is, standing for and signifying respect. This is good news though. If the crucial aspect is the attitude of regard, then the actual provision signifying recognition and respect can legitimately be negotiated. The non-negotiable dimension of the claim is being recognized as equals, being attributed the full status of persons; by contrast, the provision can be a matter of political bargaining.

There is a final difficulty in the politics of recognition under this interpretation. As said above, respect cannot be exacted, nor given out of duty; its value consists in making one feel equal to one's recognizer. To preserve its value, respect should be freely given. This fact implies that respect-claims should be acknowledged as such. And yet, how then can democratic institutions express respect, beyond granting the *what* which signifies respect? I contend that institutions, through their behaviour, and the conduct of public officials, express their attitudes of respect or disrespect. For example, during the Danish 'cartoon crisis' a few years ago, the imams of the Danish Muslim community asked the

government to stop the publication of the contested cartoons, which Muslims perceived as offensive to their faith and to themselves. The Danish government could not accept the claim as that would have implied a serious infringement of freedom of the press. That granted, the government could have received the imams, discussed with them and explained its reasons. Instead, it refused to meet them, asserting that their claim was absurd and based on a gross misunderstanding of the basic rules of democratic coexistence. Thus it dismissed the imams as people not up to the proper standards of democracy, not worthy of discussion. This is what I mean as a case of institutional misrecognition.

Addressing the objections to the politics of recognition

The reasoning on respect and its political implications has thus provided me with the arguments to counter the most common objections against the politics of recognition. The three main objections are: (a) its particularistic nature which would destroy universal political principles and values in favour of a mosaic society; (b) its non-negotiable character which would lead to a balkanization of society; (c) its obsessive concern with symbolic politics which would underplay the importance of real reform, material disadvantage and distribution. If we understand the politics of recognition as the way to raise claims for equal respect, for being recognized as full persons, given and not despite one's different identity, then we see that the objections above fall apart. The particularistic shape of what is actually demanded does not subtract from the universal nature of the claim. Given that respect is always attributed indirectly through a specific something, then the actual specific something is the way through which universal respect is to be attributed. Moreover, given that denied respect requires an individualizing act of recognition of someone as a moral partner, it is also implied by its nature that it is always attributed to specific claimants, be it individuals or groups. In other words, the particular content and the special recipients of recognition politics are in fact the ways in which the universal claim to equal respect which has been denied can finally be fulfilled.

If this aspect is understood, then the first charge of recognition politics as leading to a mosaic society can be rebuked. Once the fundamental demand is acknowledged to be the universal claim to equal respect, what is sought for is to be regarded as full persons *given*, not *despite* (nor *in virtue of*), one's identity. In turn, this entails that the model of a person, implicitly underlying the moral status, should be revised so as to make room for all types of persons. Understood in this light, most of the

special provisions can be seen as different steps moving toward a proper generalization of the status of person.

Someone may observe that, in any case, a few recognition-claims clash with other political principles or universal values. The response to this point is that hypothetical conflict can be met only by political negotiations. Contrary to what is widely believed, recognition politics does not differ from ordinary politics. The distinction between respect and the something signifying respect shows that the non-negotiable part of the claim concerns equal respect, while the actual something can be negotiated. This suggests that claims for the public toleration of customs and traditions which do not harm anyone should be accepted as a matter of course. When there is a conflict with legal predicaments or rights, negotiations should take place, but after the claimants have been recognized as moral partners, and their request considered seriously and fairly. There is no reason to think that recognition politics is more adversarial than the usual interest politics.

Finally, understanding the nature of respect-claims accounts for the difficulty of their being properly articulated, insofar as equal respect for persons should in principle be paid to anyone without being asked for. The awkwardness lies in the tension implicit in struggling for something which should be given spontaneously. This means that the acknowledgment of the specific wrong implied in disrespect, besides exclusion from rights, is the precondition to address the issue with the proper attitude of regard.

Concluding remarks

From some reflections on the nature of respect-claims and attributions, I have drawn some implications for making sense of the politics of recognition. I have shown that the normative content of the status of persons, constituting the basis for ascription of respect, has been burdened with an implicit social content patterned after a special human type, the gentleman, and this has carried along exclusive effects for non-fitting people.

Exclusion cannot be remedied only with equal rights, because rights are not the same as respect, and excluded people need equal respect as well as rights. Usually the extension of rights takes the impersonal form, thus failing to satisfy the claim to equal respect which is second-person. The latter requires an individualizing act of recognition so that members of previously excluded groups can feel respected for what they are, as the human beings that they comprehensively are, and not despite their

identity. This act has been implicitly demanded over and over in the many claims comprised under the heading of politics of recognition.

In order to avoid common misunderstandings concerning recognition of identities, its underlying aim to equal respect needs to be worked out along the lines provided by the analysis of respect-claims and attributions. The resulting interpretation views the politics of recognition as the fulfilment of the promises of liberal democracy, rather than an alternative to it, and more precisely as the redressing of a particular form of injustice, that is, the unequal respect paid to members of oppressed and misrecognized groups.

In conclusion, recognition-claims voiced by various groups and minorities are universal claims to equal respect. They are universal claims which can be fulfilled only indirectly through *specific provisions* or rights signifying respect, and which must be second-person in form. In this way the ambivalent nature of recognition-claims is explained: claims to equal respect are truly universal, and yet they must be asked by and for special claimants and through special provisions. If the very nature of the claim implies the contextual and particular dimension, the fundamental quest is universal and cannot be eluded, being the attempt to universalize the status of persons.

Notes

1. That equal respect is a crucial political value has been recognized by Ronald Dworkin (1977), and more recently by Charles Larmore (2008).
2. Stephen Darwall sets apart 'recognition-respect' from 'appraisal-respect', the latter being based on esteem, while the former is the disposition to give appropriate consideration to the object of respect (Darwall, 1995, pp. 36–49).
3. This distinction is common to many scholars, though by no means shared by everyone. For example, Rawls conflates respect and self-respect, with esteem and self-esteem (Rawls, 1971). By contrast, Thomas E. Hill Jr states a clear distinction (Hill, 1991), which he elaborates further in *Respect, Pluralism and Justice* (Hill, 2000). A discussion of this alternative can be found in R. S. Dillon's 'Introduction' to *Dignity, Character and Self-Respect* (1995, pp. 1–49).
4. The conflation of right/duty and respect is assumed by most moral theorists not just in the Kantian tradition but also in the Hegelian and utilitarian tradition. See, as an example of a Hegelian approach, Axel Honneth, who considers respect as the form of rights-based recognition corresponding to morality (Honneth, 2007, pp. 131–3). As an example of utilitarian interpretation of respect as a quality of rights and morality, see Shelley Kagan's 'Intending Harm' in *The Limits of Morality* (1989, pp. 128–9).
5. In my argument, respect-claims are intrinsically reciprocal, and hence require equality. If respect is owed to anyone as a person, and all human beings share the condition of being persons, all are equals concerning respect, and this fact

excludes the possibility of inequality in respect. Being unconditional, respect is not incremental. Only appraisal or esteem-respect can come in degrees. Despite his strong support for unconditional respect, Thomas Hill Jr does not seem to think that equality of respect is implied in unconditional respect to persons (Hill, 2000, pp. 59–86).

6. This point comes close to Axel Honneth's view of recognition (Honneth, 1995). In this respect, it should be clear that recognition is a wider category than respect. Respect (in the sense of recognition-respect) is the recognition of others as equals in virtue of being persons; but our emotional and social life requires other forms of recognition as well, as Honneth has analysed. But I am not committed to any foundational claim about recognition here.

7. My conception presents common elements with that of Carla Bagnoli (2006, pp. 113–28). Yet in my perspective, recognition does not concern the source of normativity but the person as a locus of moral worth which, jointly to the recognition of our common vulnerability, commands reciprocal respect.

8. In fact, the issue of respect becomes perceived in front of episodes of disrespect. Similarly, at the theoretical level, respect is approached by analysing humiliation, moral injuries and failures of recognition (Honneth, 1995; Margalit, 1996).This 'negativist' approach is not just a procedural device, but corresponds to the fact that when spontaneously attributed, respect is not seen and perceived, is taken for granted.

9. A survey of various positions on the two kinds of respect is in Robin S. Dillon's 'Introduction' to *Dignity, Character and Self-Respect* (1995, pp. 1–49).

10. On this point, see the analysis by Heikki Ikäheimo (2007, pp. 229–30).

11. Dillon maintains that Kant himself was hesitant on this point. On the one hand, autonomy is a human capacity, whether or not it is exercised, and it is in virtue of this capacity that respect is due to anyone, *a priori*. On the other hand, if dignity cannot be taken away, it can be debased by immorality and irresponsibility; hence there is a sense in which respect is an evaluative attribution for the exercise of our autonomy and morality (Dillon, 1995, pp. 5–10). However, Kant does not conclude that respect can be lost.

12. That universal human dignity represents the generalization of aristocratic honour, and that the politics of equal dignity fails to fight many social discriminations, is spelled out by Charles Taylor (1994). More recently, Mika La Vaque-Manty points out that when human dignity replaces positional honour, the same aristocratic practices, especially duels, used to prove honour, comes to be used to ground equal dignity. Duelling established a relationship of equality, and compelled reciprocal respect. Thus it was an effective way for contested dignity to be imposed, albeit in a very gendered way (La Vaque-Manty, 2006, pp. 715–40).

References

Bagnoli, C. (2006) 'Respect and Membership in the Moral Community', *Ethical Theory and Moral Practice*, Vol. 10, 113–28.

Darwall, S. (1995) 'Two Kinds of Respect', in R. S. Dillon (ed.), *Dignity, Character and Self-Respect*, New York, Routledge.

Darwall, S. (2005) 'Respect and the Second Person Standpoint', *Proceedings and Addresses of the APA*, Vol. 78, Issue 2, 43–59.

Dillon, R. S. (1995) 'Introduction', in R. S. Dillon (ed.), *Dignity, Character and Self-Respect*, New York Routledge.

Dworkin, R. (1977) *Taking Rights Seriously*, London, Duckworth.

Galeotti, A. E. (2002) *Toleration as Recognition*, Cambridge, Cambridge University Press.

Galeotti, A. E. (2006) 'Identity, Difference, Toleration', in J. Dryzek, B. Honig and A. Phillips (eds), *The Oxford Handbooks of Political Science*, Oxford, Oxford University Press, pp. 564–80.

Hill, T. E., Jr (1991) *Autonomy and Self-Respect*, Cambridge, Cambridge University Press.

Hill, T. E., Jr (1998) 'Respect for Persons', in E. Craig (ed.), *Routledge Encyclopedia of Philosophy*, London and New York, Routledge.

Hill, T. E., Jr (2000) *Respect, Pluralism and Justice*, Oxford, Oxford University Press.

Honneth, A. (1995) *Struggle for Recognition: The Moral Grammar of Social Conflicts*, Cambridge, MA, MIT Press.

Honneth, A. (2007) *Disrespect*, Cambridge, Polity Press.

Ikäheimo, H. (2007) 'Recognizing Persons', *Journal of Consciousness Studies*, Vol. 14, 224–47.

Kagan, S. (1989) *The Limits of Morality*, Oxford, Clarendon Press.

Kant, I. (1996) *Metaphysics of Morals* and *Groundwork of the Metaphysics of Morals*, in M. J. Gregor (ed.), *Practical Philosophy*, Cambridge, Cambridge University Press.

La Vaque-Manty, M. (2006) 'Duelling for Equality: Masculine Honour and the Modern Politics of Gender', *Political Theory*, Vol. 34, 715–40.

Larmore, C. (2008) *The Autonomy of Morality*, Cambridge, Cambridge University Press.

Margalit, A. (1996) *The Decent Society*, Cambridge, MA, Harvard University Press.

Mill, J. S. (1972) *On Liberty*, ed. H. B. Acton, London, Dent.

Rawls, J. (1971) *Theory of Justice*, Cambridge, MA, Harvard University Press.

Taylor, C. (1994) 'The Politics of Recognition', in A. Gutmann (ed.), *Multi-culturalism*, Princeton, Princeton University Press.

Telfer, E. (1995) 'Self-Respect', in R. S. Dillon (ed.) *Dignity, Character and Self-Respect*, New York, Routledge, pp. 107–16.

5

Esteem for Contributions to the Common Good: The Role of Personifying Attitudes and Instrumental Value

Heikki Ikäheimo and Arto Laitinen

Introduction

Social esteem based on *contributions* to the common good, or to the good of others, is an important phenomenon, and, following Axel Honneth, it can be seen as an important subspecies of interpersonal recognition, side by side with respect and love. In this chapter we will contrast two accounts of this phenomenon, hoping that this kind of cross-illumination will prove useful by clarifying a number of conceptual questions and options that one needs to be conscious of in discussions about esteem as a form of recognition.

To anticipate, both accounts agree that esteem (*Wertschätzung* in German) is an important form of recognition, but differ in whether *contributional* esteem, based on contributions to the common good or the good of others, exhausts all there is to esteem as a form of recognition. Both accounts also agree that 'recognition' in the relevant sense (as used in slogans 'struggle for recognition', 'mutual recognition', and so on) is to be distinguished from mere descriptive 'identification' or from normative 'acknowledgement'. Yet they differ in how to understand recognition in the intended sense. And most starkly, the accounts differ on what they imply concerning instrumental valuing: is it always a condemnable (or at least morally problematic) case of reification and depersonification, or sometimes a commendable (or at least morally unproblematic) form of recognition?

The first part of the chapter tries to motivate the view that esteem based on contributions is a central feature of human lifeworld, and analyses it in terms of a *personifying contributional* (PC) account, which is in fact Ikäheimo's view. This view holds that recognition in the relevant sense is to be understood in terms of *personifying* attitudes. Esteem is, side by side with respect and love, one of the three species of interpersonal recognition. It differs, especially, from instrumental valuing, which is not a personifying attitude and thus not a case of recognition at all. Esteem as a form of recognition is always based on contributions, so *contributional* esteem covers everything there is to esteem as a form of recognition.

The second part of the chapter outlines an *unrestricted normativist* (UN) view, which is in fact roughly Laitinen's view,[1] and contrasts it with the PC account. This view defines recognition in a broader way as responsiveness to the normatively relevant features of the other, or as taking the other as someone that counts. 'Personifying' or personhood-implying attitudes, while important, do not exhaust everything there is to interpersonal recognition: there may also be 'personhood-neutral' kinds of adequate regard (but of course, 'personhood-denying' ways of taking and treating the other are to be condemned, just like in the first view). To regard another person to be useful, or of instrumental value, may be a fully perceptive response and may count as adequate recognition. This means that esteem for contributions made to the common good, or the good of others, is a broader phenomenon than the first view allows – it includes instrumental valuing. Further, esteem can in principle be based on other relevant merits than precisely contributions to the good of others, so all esteem need not be contributional.

So while the two accounts agree that sensitivity to contributions to the common good, or the good of others, is of great importance, they differ greatly on the conceptualization of the phenomenon.

The structure of this chapter is somewhat unusual: it is more like a dialogue than a typical co-authored work. The first part of the chapter on the PC account is written by Ikäheimo, and the second part, on the UN account, by Laitinen. We chose this format as it enables us to put forward both views as forcefully as we can, and to illuminate how differently the concept of esteem as a form of recognition can be delimited. To emphasize the differences, the UN account will be presented in Part II through explicit comparison to the PC account, which is first presented in Part I.

Part I: The personifying contributional account (Ikäheimo)

'Recognition' is a word with many meanings, and clearly not all of them are neatly interrelated as species of a genus. Yet I argue that some of them

are. In what follows, I will firstly very briefly present a rough catalogue of three different broad meanings of 'recognition' that are interconnected, yet do not form species of a genus. Secondly, I will concentrate on one of them and say how I think it can be conceived of as a genus for three species, namely of love, respect and esteem. Thirdly, I will discuss esteem as such a species. My claim is that the resulting 'personifying contributional' concept of esteem grasps a phenomenon that, even if it is usually not clearly distinguished by philosophers, is central for the collective self-understanding and praxis of the kinds of beings that we are. I also suggest that in thinking about expectations of being esteemed for one's contributions to social ends, or the common good, as *moral* or *ethical* expectations, philosophers would be wise to concentrate on this phenomenon, and not confuse it with other phenomena such as instrumental valuing.

'Recognition'

There are three interrelated yet not identical themes that are easily confused in the English-language discussions on something called 'recognition', or three broad senses of the word 'recognition', that need to be distinguished.

Identification

Firstly there is a sense of the word 'recognition' in which anything can be recognized. In this sense, 'recognition' is identical with 'identification'. Anything can be *identified* numerically, qualitatively and generically. In other words, anything can be taken as the individual thing it is, as a thing with some particular features, and as a thing belonging to a certain genus.

Acknowledgement

Secondly, there is a sense of 'recognition' in which only something like normative or evaluative entities, properties or states of affairs can be recognized. In this sense, 'recognition' can be replaced, at least in most cases, with the word 'acknowledgement'. We *acknowledge* norms, institutions, statuses, principles, rules and claims as binding, valid or legitimate, reasons as good, values as genuine, facts as licensing or forcing conclusions with other facts, something as giving reasons, as valuable, or the case, and so forth.

Recognition

Thirdly, whereas anything can be *identified*, and whereas only normative or evaluative entities can be *acknowledged*, there is a sense of the word

'recognition' in which it is appropriate to recognize only persons – and perhaps collectives of persons. The specificity of this third sense of 'recognition' can be grasped preliminarily if one accepts that phenomena such as love, respect and esteem are its forms – as Axel Honneth has argued (Honneth, 1995).

There is no doubt that these three meanings of the word 'recognition' (or of the French *reconnaissance*) relate to each other in many intricate ways.[2] As to the meanings of the German word *Anerkennung*, as Hegel (1977, 1991) – the main reference of much of the discussions on recognition – used it, they roughly correspond to the two last mentioned meanings of 'recognition', or to those of 'acknowledgement' and 'recognition', as I propose to rename them. In what follows, the focus is on recognition in the third, specifically interpersonal sense rather than 'identification' or 'acknowledgement'.

Interpersonal recognition – the genus and its species

Supposing, then, that there is more than one form of interpersonal recognition: what unites them and what distinguishes them from each other? Is 'interpersonal recognition' merely a family resemblance term, or is it a genus for species in the classical sense? I suggest that there is a definition of interpersonal recognition which grasps a phenomenon that is central to our life-form, and on which it is a genus for (at least) three species.

On this definition, recognizing is 'taking something/someone as a person'. In other words, all forms of recognition are ways of relating to something/someone in a 'personifying' way. If one analyses recognition in terms of *attitudes*, as I believe is the best or most economical way,[3] then this is to suggest that all of the attitudes of recognition are 'personifying attitudes', or attitudes that attribute their object some kind of an interpersonal 'person-making status' or interpersonal 'status of a person'. A's recognizing B in this sense is for B to count for A as a person in a particular interpersonal sense, and this is what establishes a genuinely interpersonal relation between A and B – all the more so when recognition is mutual. What is at issue, is not 'the status of a person' in the institutional sense of holding collectively accepted and enforced rights, but having the status or significance of a person 'in the eyes of' a particular other or others in concrete contexts of interaction. What this contrasts with is being seen in light of significances that are not personifying, or with being 'reified'.

My suggestion is that each of the already mentioned three names that Axel Honneth gives to the three forms of recognition that he discusses

in *The Struggle for Recognition* (1995) – 'love', 'respect' and 'esteem' (*Liebe, Achtung, Wertschätzung*) – names a phenomenon that is a species of this genus. I have discussed love and respect as species of the genus recognitive attitude elsewhere (Ikäheimo, 2007, 2009), and here I focus on esteem as such a species.

For general characterizations, each of the recognitive attitudes is a 'creative response' in that it both responds to something in its object and is creative of something about him. Whereas *love* as a form of recognition responds to individuals as 'eudaimonistically vulnerable' beings capable of happiness and misery and therefore with a claim to intrinsic concern, *respect* responds to them as rational beings with a claim to co-authority of shared norms, and *esteem* responds to them as bearers of particular qualities with a claim that these should be valued. The three species of the attitude of recognition are more exactly *appropriate* responses to these claims, or responses that satisfy the respective claims. Love as a recognitive attitude is taking the recognizee as someone whose happiness or well-being is intrinsically important, respect as a recognitive attitude is taking the other as having authority in the norms or terms of shared social life, and esteem as a recognitive attitude is taking the other as having value – that is, valuing the other for his particular qualities or 'particularities'.

None of the three attitudes or 'takings' is a case of knowing or believing, but rather a way of being motivationally or volitionally affected or 'moved'.[4] Loving someone is not believing that the happiness of the loved one is intrinsically important, but having this intrinsic importance as part of what moves one. Similarly, respecting someone is to be moved or affected by him (or her) as having authority over oneself. Finally, esteem is not knowing or believing, but valuing. This is to say that each of the recognitive attitudes *responds* to a particular dimension of what makes the object a person in terms of psychological capacities or features, and attributes to him a respective practical or moral significance that *constitutes* a dimension of her being a person in interpersonal status, or 'in the eyes of' the recognizer.

To the extent that it is foundational of sociality that persons 'take each other as persons' in this practical way, recognitive attitudes are the foundation of sociality. They come in (at least) three flavours and each of them comes in degrees. Therefore, any relationship between humans can be more or less social in three, partly independent, dimensions.

Now, it is obvious that the words 'love', 'respect' and 'esteem' are used in other ways as well and that not all of their uses denote anything specifically interpersonal.[5] And in fact, the characterization of *esteem*

as valuing someone for his particularities is not yet precise enough to delimit a specifically interpersonal attitude of recognition, or an attitude of taking someone as a person. We need to be more precise.

Esteem as a form of recognition

To delimit esteem as a species of the attitude of recognition, or more freely as a form of recognition, we need to ask two questions. Firstly, do *any* particular qualities, or particularities, make someone an appropriate object of esteem-recognition? If not, which ones do? Secondly, are all forms of valuing someone for his or her particularities forms of esteem-recognition? If not, which ones are? The second question will be answered later on in this part of the chapter.

As to the first question, one answer is that any particularities do. After all, we may feel good when others value anything in us, or when we get positive feedback for any particular quality in ourselves. Or do we? Another answer is that only particularities that are important for the recognizee do. After all, if others value one for something that one genuinely thinks is completely insignificant, one tends to see these others as not capable or relevant recognizers. And as the good old Hegelian wisdom goes, recognition by someone whom one does not recognize as a capable or relevant recognizer is not really recognition. But then again, one's estimation as to what is important in one often changes in dialogue with the estimation of others, and this might be a reason to opt for the first option according to which any qualities do (or better, may do).

As interesting and important as such details of the complex psychological dynamics of interpersonal attitudes and self-attitudes are, in my general take on esteem as a form of recognition they are not central. According to my proposal, esteem, like the two other species of the attitude of recognition, is a way of taking the recognizee as a person in a way that attributes to him an interpersonal significance of a person. That is, my focus is not so much in what makes one feel good about oneself, or in positive self-attitudes or self-relations, but rather on what makes one a person in concrete contexts of interaction.

From this point of view, not all particular qualities, nor even all those that are important to one, make one an appropriate object of interpersonal recognition. Rather, only those qualities – and more exactly, capacities, actions or achievements – do, that make one somehow a contributor to the good of others. Let us call this the *contributional concept* of esteem. In what follows, I try to provide the rationale for this suggestion – one consistent with the concept of recognition spelled out above – by showing that it carves reality at an important joint, or in other words grasps a

phenomenon that is important for our shared lives and self-understanding. It is also what Axel Honneth (at least mostly)[6] understands by esteem (or *Wertschätzung*), and his important work is what I will next turn my attention to.

Esteem for contributions

Honneth's general interest in distinguishing his three forms of recognition – love, respect and esteem – is related to the thesis that the social order of bourgeois-capitalist modernity involves a differentiation into three institutional spheres in each of which one *species* of recognition, as well as one *principle* of recognition, is predominant. The three spheres of recognition are the family (and other intimate relations), the sphere of rights, and the sphere of work. The three species of recognition are the already mentioned love, respect and esteem; and the principles of recognition are unconditional love and care for individuals as singular needy beings, equality of rights, and what Honneth calls the principle of contribution or achievement (*Leistungsprinzip*), respectively.

In short, in the bourgeois-capitalist social order – the normative logic (or 'grammar') of which Honneth wants to analyse – the family is the sphere where individuals are unconditionally loved and cared for as vulnerable, needy beings; the sphere of rights is the sphere where individuals are respected as bearers of equal rights;[7] and work is the sphere where individuals are esteemed for their contributions to the common good. More exactly, unconditional love within the family, equal respect in the sphere of rights, and contribution-dependent esteem at work are normative principles that guide the *moral expectations* of individuals within each sphere. It is against these expectations that individuals evaluate their interactions with others within the respective spheres.

As to the third sphere, that of work, Honneth's thesis is that in the bourgeois-capitalist social order, work is the medium whereby individuals expect to be valued in ways that are independent of their social background and only dependent on their individual contributions to the common good of the society. This presupposes, according to Honneth, at least some amount of consensus about the common good(s) and thus about what counts as a positive, socially valuable contribution. This consensus is constantly challenged and its content is the topic of social struggles; yet its existence, however fragile, provides the horizon within which the working person can achieve esteem through her own work and thereby feel herself to be an accepted and worthy member of the society.

An important point to note here is that what Honneth means by work is paid work or wage-labour (*Lohnarbeit*) and that his interest is mainly in

analysing the moral principle of contribution/achievement and its fate within the sphere of wage-labour. However, whether one is primarily motivated by this interest or not, it seems clear that wage-labour is *not the only* sphere of life in which contribution, and esteem for contribution, is relevant. And clearly the principle of contribution is not an invention of modernity. One can quite plausibly claim that sharing a 'common good', cooperating for its realization, contributing individually to the cooperative aim, and getting recognition for one's contribution is an important part of social life distinctive of the kinds of beings that we are *in general*. Even if the awareness of these constitutive facts of social life is easily suppressed by the ideologies of hierarchic social orders, they are something which already the hunter-gatherers must have been clear about,[8] and most probably something which it is immensely difficult to *completely* wipe out of the collective self-understanding, unconsciousness or imagination of any human society.

Any collective formation of persons (which is not a mere aggregate) has a practical dimension in the sense of some shared end(s) or 'common good' without which it would not exist as a collective in the first place. And clearly a collective organized around some shared end(s) or common good cannot exist for long as a collective without the individual members putting sufficient effort in contributing (or at least in trying to contribute) to it.[9] If this picture is true, it provides quite weighty considerations for saying that contributing to some common good is one of the central media of social integration of beings like us in general and that it is thus generally constitutive of the form of life of beings like us – persons, that is.[10] And if esteem for contributions is something like the claimed or appropriate response to such contributions, then esteem for contributions seems similarly to be a central phenomenon for our life-form in general. But what exactly is esteem-recognition for contributions?

Esteem, contribution and personhood

The picture just briefly sketched of the cooperative nature of the form of life of persons makes good sense of the widely shared intuition that part of what it is to be a full member of a collective or society – or to borrow from Nancy Fraser (2000), a full peer in social life – or that part of what it is to have a full standing or status *as a person* among other persons, is to be recognized as a contributing member by others.[11]

Compare this with being respected as a co-authority of the norms or terms of shared social life, which clearly is an element of what it is to have the full standing or status of a person in concrete contexts of social life. My suggestion is that as it is *one* dimension of having

a full status of a person in social life that one is respected as sharing authority with others, it is *another* such dimension that one is esteemed as a contributor to cooperative ends or the common good. If this line of thought makes sense, as it intuitively seems to do, it has consequences as to how we should conceive of, more exactly, on the one hand, the attitude of esteem-recognition, as well as, on the other hand, the relevant kinds of contributions or contributional qualities deserving of esteem (see the questions posed at the beginning of the section 'Esteem as a form of recognition').

Starting with the attitude, there are clearly ways to value someone as a contributor that are not ways of taking him as a person, or not ways of attributing him, or seeing him in light of, person-making statuses. For instance, a slave-owner values his slave for the contributions that the slave makes to the slave-owner's ends or good. But in doing so, he is not necessarily valuing the slave as a person; that is, not valuing the slave *in a way that attributes him a standing or status of a person*. This is so to the extent that the slave-owner values the slave *instrumentally*. Valuing something instrumentally (positively or negatively) is also a way of attributing, or perceiving in light of, particular kinds of evaluative significance, standing or status. Heidegger talks of *Zuhandenheit* as the mode in which usable things appear within the viewpoint of a subject (or *Dasein*) with practical interests or ends. And John Searle talks of assignment of function. Abstracting from the differences, both philosophers are talking about seeing beings in light of instrumental value, significance or status as an ontologically fundamental phenomenon (Heidegger, 1962, pp. 91–148; Searle, 1995).

Now, it may be one of the most deep-rooted moral intuitions that we have, that seeing or treating persons as instruments, or in terms of instrumental value, significance or status, is in one way or another morally deeply problematic – and this relates to the thought that it is somehow the opposite of treating persons as persons, or in terms of person-making significance. At the same time, however, it is as often thought that instrumentalization of others is an inevitable part of leading the life of a person. After all, persons need other persons, and to the extent that they understand this, they have no other choice than to see each other as instrumental to their ends or good. Or so the thought goes. Thus it is thought that Immanuel Kant was wise *not* to demand – in the third formulation of the categorical imperative – that we should not treat each other *at all* as means, but rather that we should not treat each other *merely* as means. Not going into questions of Kant-scholarship, we can understand the general idea at stake here being that we should treat

each other not merely as instruments, but also as persons.[12] Or, that we should not see each other merely in terms of instrumental significance, but also in terms of 'person-making significance'; or, to use yet another formulation, that we should not have merely instrumentalizing (or otherwise 'reifying') attitudes, but also personifying attitudes towards each other.

As widely accepted as this line of thinking is, it is in an uncomfortable friction with the just mentioned, arguably also very important moral or ethical idea that part of what it is to be a person in the full-fledged sense is to be a contributor to the good of others, and to be valued or esteemed as one by the others. For doesn't contributing to the good of others, or to what others need or value, go along precisely with being seen as a means by them, or with having instrumental significance to them, and isn't this precisely the opposite of being taken as a person?

Is being esteemed for contributions to the good of others (or the common good) being seen as a means, or as a person? Is esteem for contributions a form of instrumentalization or is it a form of recognition? Since we have important moral intuitions that speak for both alternatives, do we just have to conclude that our intuitions are inconsistent? And presuming that attitudes of recognition are different ways of taking subjects as persons, do we need to conclude therefore that we are unable to decide whether esteem for contributions really is a form of recognition or not?

This oscillation is intrinsic to the *contributional concept of esteem in general*, which merely says that being esteemed is being valued for contributions to the good of others, or the common good. As such, it does not say what, if anything, distinguishes being esteemed for one's contributions to the ends or good of others from being valued as a means or instrument to them. I believe we are facing here a fundamental confusion that is a source of much misleading cynicism about the ubiquity of mutual instrumentalization as part of the human condition. To clear up the confusion in question (one which, according to some, is defining of the ideology of the liberal capitalist society),[13] we need to be clearer about the notion of esteem for contributions. We can save the intuition that being esteemed for contributions – or 'contributional' capacities or qualities – is a dimension of being taken as a person, and thus not a matter of being taken as an instrument, by specifying further that the concept of esteem behind this intuition is what we can call the *personifying contributional concept of esteem* (PC).

How are we then to delimit the personifying contributional concept of esteem? I propose to do so by reflecting on the concept of *gratitude*

through the appropriateness-conditions that being grateful seems to have.[14] Firstly, for gratitude to be an appropriate attitude, its object needs to be an intentional agent. Even if it is not unimaginable that someone might feel gratitude towards a hammer or shovel, there is a clear sense of inappropriateness involved: why feel gratitude towards something that literally speaking hasn't *done* and cannot do anything, since it is not an agent at all. (In contrast, other relevant conditions fulfilled, one may appropriately feel gratitude towards the maker of a good hammer, or, say, God who led one to this really good shovel.)

Secondly, not every kind of agent seems to be an appropriate object of gratitude. Even if it is not unknown that people feel gratitude towards animals who have served them well, to the extent that we think of the animals in question as acting instinctually, or because of conditioning, we think that gratitude is not quite the appropriate attitude towards them (even if we might, for various reasons, in real life be hesitant to voice this opinion). This is because such animals – even if they are on broad definition intentional agents in that they act out of motivating states – are not in control of their actions and are therefore not intentional agents in the strict sense of choosing and being responsible for their actions. Why feel gratitude towards a being that cannot *choose* what it does?

Thirdly, for an action to call for gratitude in others, it is not enough that it is done by an intentional agent in the strict sense; it also has to be done by him with appropriate motives. First of all, he needs to intend the beneficial results: If a person's actions are beneficial to other persons, but the person did not intend the beneficial results – they were unintended consequences of what he intended to achieve – then the actions in question do not seem to call for genuine gratitude in the beneficiaries, even if they of course provide them with reasons to be pleased. In the second place, if the agent intends the effects to be beneficial for someone, but has the beneficiaries or their good in view only as means for something else, again the actions do not seem to call for genuine gratitude in the beneficiaries. This is the case, for instance, when a doctor saves someone's life, but does it under coercion (that is, as a means to get off the hook), or does it merely for fame and fortune, or to grow in prestige in the eyes of his colleagues. In both cases the saved person certainly has reason to be pleased, but no cause for genuine gratitude.[15]

Presuming that these reflections on the appropriateness-conditions of gratitude are intuitively convincing, it seems then that for what we understand by gratitude to be an appropriate attitude towards a being, it has to be an intentional agent in the strict sense (that is, a person and therefore a 'she' or a 'he'), she or he has to intend the beneficial results,

and intend them not merely because they are instrumental to some other purpose that she or he has. This last condition, I take it, can be formulated positively by saying that the agent has to benefit others out of at least some degree of non-instrumental concern for their good – or at least to some degree 'for their own sakes'.

But what does this have to do with esteem in the personalizing contributional sense? One suggestion is that PC-esteem is nothing else than gratitude that persons have towards other persons for their free and (to an adequate degree) benevolent contributions to the good of others. There may be considerations that speak in favour of drawing a wedge between the concepts of gratitude and PC-esteem, but what I at least want to suggest is that PC-esteem is very close to gratitude in that it shares the appropriateness-conditions just discussed.[16]

Now, to the extent that PC-esteem is what people have in mind when they expect esteem for their contributions from others, this implies that they imagine themselves and the others in question as standing in broadly speaking moral or ethical, and not merely instrumental relations. We do of course also have well-founded wishes and expectations to be valued instrumentally or to be 'instrumentalized' by others. Talking of wage-labour, since wage-labour is conditional on the instrumental value of the worker or his labour force for someone, to the extent that a person's livelihood is dependent on his labouring, he has good reasons to hope that he has, and is valued as having, enough instrumental value for the ends or purposes of some employer.

Yet, wishing that one will be instrumentalized by someone – as unavoidable as this may be for most of us – should not be mixed with the wish or need for esteem-recognition for one's contributory qualities in a sense that is central for imagining oneself as having a full standing as a person among others in social life. Whether those, including Kant, who think that instrumentalization of others is an inevitable part of the life of persons are right or not, it is not true that in being a contributor to the good of others and being valued by them as such a contributor one is *thereby necessarily* instrumentalized. And if wishing full personhood is what one is wishing when one wishes to be esteemed for one's contributional capacities or achievements for the good of others, or the common good, then being instrumentalized is not what one thereby wishes. Rather, what is at stake in this wish, PC-esteem, is close to gratitude, if it is not simply it.

To return to Honneth's wage-labourer, to the extent that the wage-labourer does not merely expect to be instrumentally valued, or instrumentalized by the relevant others, but at least *also* expects to be

esteemed in the personalizing sense constitutive of part of what it is to have the full status of a person among other persons, his expectation implies (or rationally commits him into thinking) that he is not working *merely* for the money. That is, if his moral expectation is appropriate, his activity has to be motivated – to some minimal extent at least – by an intrinsic or non-instrumental wish to contribute to the good of the others, or to the common good. As romantic as this may sound on first hearing, it implies that a person worthy of recognition-esteem has to have some *love* towards those to whose life he contributes. This, I believe, suggests that the principle of contribution structuring moral expectations within the sphere of wage-labour points to an economy that is not (or perhaps rather not only) one of exchange, but rather one of *gift*.[17] In other words, *to the extent that* we wish to be valued *as persons* for our work as wage-labourers, we imagine our relationship to (at least some) others influenced by our work as an ethical one. *To this extent even* wage-labour is, for us, not merely instrumental activity.[18]

What we are faced with here, I suggest, is a moment of 'innerworldly transcendence' – or if you wish of utopian hope – within the world of work, of a kind that critical theory or critical social philosophy with emancipatory interest would be wise to take quite seriously.[19] Taking it seriously would mean a rehabilitation of the concept of *alienated work* as a tool for immanent critique. I am saying that the conviction that excessive instrumentalization of persons in work is somehow *against what we are*, and thus 'alienates' us from ourselves and each other, is deeply inbuilt in the kinds of beings dependent on sociality and cooperation that we are – persons that is. It is the philosopher's task to produce well-crafted, philosophically sound and rhetorically effective tools for consistently articulating this conviction. As long as social critique is unable to get at the moral or ethical roots of our expectations for esteem-recognition in work, it itself remains alienated from an experiential aspect of labour that in it alludes to a truly social form of cooperation.

Part II: An unrestricted normativist account (Laitinen)

As indicated in the introduction, the rest of this chapter will contrast the PC account with another account, which will be called an 'unrestricted normativist' account. The main difference is that it will lift the restriction that recognition is always 'personifying' and suggest that recognition is a matter of responsiveness to *any* normatively significant features (whether had only by persons or not). For the purposes of drawing the contrast

between the two accounts in more detail, the PC account of esteem discussed in Part I can first be summarized in four theses:

- PC1: Recognition is a matter of personifying attitudes towards other beings – if an attitude does not entail that the other is thereby regarded as a person, it is not a case of recognition.
- PC2: Esteem is one of three species of interpersonal recognition, and is a matter of gratitude (or some other personifying attitude, close to gratitude) felt for contributions to common goods, or to the good of others.
- PC3: Being held to be of instrumental value to others is not a case of being held in esteem, because it is not a case of recognition, because it is not specifically 'personifying' – all sorts of things can be of instrumental value. Holding something to be of instrumental value does not imply that it is *thereby* taken to be a person.
- PC4: Being esteemed (for one's contributions to the common good) is one dimension of having the full status of a person in social life.

These theses alone do not tell what distinguishes adequate from inadequate recognition, or more specifically adequate from inadequate esteem for contributions to common good. Distinguishing between an 'attributivist' and a 'response-view' is helpful for the purposes of introducing the normativist account (Laitinen, 2002; Honneth, 2002). So a fifth thesis of a PC account could in principle be either of the two (of course, various other alternatives are possible):

- PC5 ATTR: Recognition takes place in a normative vacuum apart from the significances and statuses 'in the eyes of the recognizers' that get attributed to the other – recognition is responsive to descriptive features of others, but these have no normative relevance over and above what the parties happen to care about or hold important.

A different version of a PC account would claim that:

- PC5 RESP: Recognition takes places in a normative space – the descriptive features in question have real normative relevance over and above the possibly exaggerated or misguided subjective experiences, expectations, and concerns of the parties. For example, that the other is suffering may make it the case that I ought to help, and make my opinion that I ought to help correct, and justifies

the expectation that I should help, and justifies the experience of misrecognition if I do not help.[20] Even in cases when one does not in fact care about the others, one has normative reason to care, or there is a normative claim that one ought to care.

Opting for the latter, we would get a normatively realist response-view of what makes recognition *adequate*, and what distinguishes it from various types of inadequate recognition. We can go further than the expectations, experiences, and significances and statuses 'in the eyes of the other'. Such subjective takes are fallible. Recognition is adequate when it responds appropriately to the normative significance of the features of the other: their 'respect-worthiness', 'esteem-worthiness', and so on. Or so the normatively realist response-model holds. So far, so good. The debate between the response-view and the attribution-view is a substantive debate within the PC conception.

We can now outline a rival unrestricted normativist (UN) conception of when something counts as 'recognition' and 'esteem', which encompasses a broader area than the PC account, and gives a rival understanding of what is at stake in the area that they both discuss. (In fact, the response-view of PC comes substantively close to being a special case of the UN view; disagreeing, however, conceptually on what makes something 'recognition'.) The underlying intuition is that 'struggles for recognition' concern any kind of normatively relevant regard or treatment by others, and that any such regard or treatment may be relevant for corresponding relations-to-self, whether the regard is 'personifying' or 'personhood-neutral' in concerning features which are normatively relevant, but are shared by persons and other beings.[21]

So it replaces PC1 with the following 'unrestrictedly normativist' definition of what recognizing is.

- UN1: Recognizing is a matter of regarding and treating the other as a possessor of normatively significant features, as someone or something that 'counts'. Formally, A regards and treats B as X, where X is a possessor of some normatively significant features.[22]

For example, regarding someone as a person, and a possessor of the normative status of a person, is a paradigm case of recognizing. So the normativist definition covers the ground of the personifying account, but is broader. It would be coextensive with PC1 only if personhood were the only feature with normative relevance. (Or alternatively, if the only features with normative relevance were ones whose attribution would

entail that the other is thereby regarded as a person.) Such personhood-entailing attitudes are indeed a central subclass of recognizing. To take a Hegelian example, punishing carries with it the message that the other is taken to be a responsible party. The same goes for all the 'reactive attitudes' that Peter Strawson (1982) talks about, from resentment to gratitude. Even though all persons may not be fit to be held responsible (by losing this fitness during, say, manic depression, one does not cease to be a person and become a 'mere animal'), every animal fit to be held morally responsible is a person.[23] So the attitudes towards humans that carry the message that one is fit to be held morally responsible carry the message that one is being regarded as a person.

But according to UN1, something can be a case of recognizing the other, whenever it is a case of holding the other as having normatively significant features, even though the normatively significant features in case are not ones that only persons can have. So the regard can be 'personhood-neutral', on its own it need not carry any message about whether the other is taken to be a person.

Say, sentience or bodily needs are normatively significant. In being properly responsive to these features, one recognizes the other as a 'possessor of sensations and bodily needs', and thereby as someone/something that counts, and as someone/something that ought to matter in one's deliberations, actions and responses. But one need not thereby, by that attitude alone, take the other as a person. So there are cases of recognizing that are not 'personifying'. But there is nothing 'degrading' either in noticing that persons have features that also non-persons have. That we have animal bodies is nothing to be embarrassed about.

The same goes for responsiveness to instrumental value. One can take it that shovels are useful for the purpose of digging a grave, and one can take it that grave-diggers (the people) are useful for the purpose of getting a grave dug. There is nothing degrading as such in having that sort of value to others, and being held to have instrumental value is not being 'reified' or 'degraded'. Being held to have instrumental value it is not 'personhood-denying', but 'personhood-neutral': without further, hidden premises, both intrinsic and instrumental valuing are simply neutral as to whether the thing in question is a person or not. That we can be valuable as means is nothing to be embarrassed about. Thus:

- UN3: Being held to be of instrumental value to others, or being regarded or treated as a valuable means, can be a genuine case of being recognized. Desiring to be worthy of that kind of recognition in one's work (and desiring that others respond by recognizing it)

> is an intelligible non-alienated motivational pattern, distinct from pursuit of external rewards such as money.

Or course, if one is being regarded as having instrumental value *and* being regarded as a non-person, it is most likely a case of very grave misrecognition. 'Reification' is a fitting label for such cases. What is wrong here is that one is being regarded as a non-person, as a *mere* means. Note that it is equally bad to be regarded as a non-person *without* instrumental value (and not even a means to anything). It is not the usefulness that is degrading, but being regarded (in whatever way) as a non-person. *Pace* the PC account, there's no reason to assume that Kant, or people in general, would disagree with this.

Getting recognition for one's usefulness may even be a deep need, as attested in experienced of being unemployed. If so, Kant's slogan advising us never to treat others *merely* as means seems to get things right. And it can even be reversed: '*Never treat people merely as ends, but give everyone the opportunity to be useful as means to others' good, and when they are, give them recognition for it.*'

To give two examples: people with disabilities may have the need to be able to be useful means to the others' good; they should be given the opportunity to do so. And manufacturers such as shoemakers may want to have the quality of their work compared with machines; they may want the kind of recognition that results from putting them on a par with machines (in a blind-test, say) and comparing their products, and coming out as winners: they would be recognized as the more useful means than machines in serving the end of having good shoes. So being held to be of instrumental value, in contributing to the good of others, or common good, seems to be a very pertinent motivational pattern *distinct* from having merely money as a reward for one's labours. And like other types of recognition, it may be very central to one's practical relations to self – self-esteem in this case.

So this analysis disagrees sharply with the analysis in part one, on whether taking someone to be instrumentally valuable is a form of recognition, and an important one. It seems that the PC account, as presented in Part I, misses a concept of attitudes which are neutral on personhood, and concludes from the fact that something is not personhood-entailing, that it is personhood-denying. That seems like too hasty a conclusion. Of course, it would be a central case of misrecognition to regard persons as non-persons, but holding someone useful clearly is not such a case, any more than holding someone an embodied,

sentient being. Both are features had by persons and non-persons alike, but nevertheless they are important for persons.

Nonetheless, gratitude, and such reactive attitudes as appreciation of one's voluntary efforts or admiration of one's achievements do entail more than instrumental valuing. They bring confirmation to the fact that one is being regarded as a person fit to be held responsible, and that one's voluntary efforts and achievements are being appreciated – one is not only regarded as bearing valuable features, but being regarded as the *responsible origin* of those features. No doubt that is very important, and doubly rewarding. (Note that also in cases where one is held responsible for doing things harmful to others, one gets confirmation that one is being recognized as a person to be held responsible. And in a different way, in cases where one's contributions are mediocre, but one's determination and way of overcoming various obstacles on the way are impressive, one may rightly be admired.)

And of course, gratitude, appreciation or admiration or some such reactive attitude is a fitting response when one's voluntary contributions are beneficial. The normativist analysis preserves the importance of such responses to the contributions as cases of recognition – while holding that there are many other cases of recognition (than 'personifying' ones such as these) and many other cases of esteem (than ones based on beneficial contributions such as these).

What, then, does the normativist view consider esteem to be? My suggestion is the following:

- UN2: Esteem as a form of recognition follows the logic of respon- siveness to particularities. Even though all persons are worthy of respect independently of their merits and such particularities, from the viewpoint of policies of particularity, such merits and other features are very central. From the viewpoint of particulari- ties, individuals are ideally replaceable, unlike from a viewpoint of 'singularity' (in love, friendship) which focuses on recognition as singled out individuals. That guarantees that the recognition is not biased by which individual is in question.

There may well be other forms of responsiveness to particularities than holding in esteem, but what all of them have in common is that they are cases of responsiveness to normatively significant features. Mere identification of descriptive features is not 'recognition' in the relevant sense. But not all responses to particular normatively relevant features are cases of 'holding in esteem'. Perhaps, say, differential distribution

of tasks in accordance with abilities or differential responsiveness to the differential special needs of others counts as 'particularistic' recognition in this sense.

My suggestion is that esteem goes with 'merits' in the broad sense of any good-making features, which one happens to have. Being good or bad in any respect, in any genre, makes one worthy of (positive or negative) esteem in a corresponding degree. One need not be responsible for having such features: say, in a beauty contest one may be a rightful winner even though one's beauty is not self-made. The public recognition that the winner gets seems to be of the 'esteem' kind, and is a meaningful motivation in competitions of various kinds whether or not extrinsic rewards such as money are involved. An important subclass concerns features which one is held responsible for (although often this is a matter of degree) – such as the quality of one's efforts (when evaluated in relation to the circumstances). Say, someone's struggles for self-realization despite various handicaps may invoke admiration. And a subclass of such responsibility-involving cases are contributions to the good of others (acting 'for your sake') or common good (acting 'for our sake'). According to the normativist conception, *any* honest feedback concerning one's merits (that is, esteemworthiness), whether in actions contributing to the good of others, or in achievements related to realizing value, or in achievements in improving oneself, or in self-realization via successful engagements in worthwhile practices, may be a case of recognition-esteem, and be relevant for one's self-esteem. Any sorts of merits will do.[24] Whether or not one calls these forms of recognition 'esteem' is not that important – the important point is to see that the dynamic of struggles concerning appropriate regard from others covers such issues as well. And of course, we typically refer to these as struggles for 'recognition', in reference to the Hegelian tradition.

Finally, it may be noted that PC4 is not denied (nor affirmed without further detail) by the normativist view: being esteemed may be an aspect of full social personhood.[25] The normativist view may include 'being held to be of instrumental value' under this rubric, alongside the kinds of holding in esteem that entail that one is held fit to be held responsible (say, appreciation or gratitude based on someone's great voluntary efforts).

Even though some attitude does not entail that one is being held as a person, it may have a constitutive role – it may be necessary for having the full social standing of a person. One may claim that one's social standing as a person is not fully adequate if one's sentience or embodied nature is ignored. This is so despite the fact that being regarded as a sentient

creature does not entail that one is thereby being regarded as a person. So, more generally, even if some types of recognition do not entail that the individual is a person, these types of recognition may be constitutive of full social standing as a person.

Conclusion

In this chapter, we have briefly put forward two views concerning *social esteem* based on *contributions* to the common good, or to the good of others. While the two views disagree on how esteem for contributions relates to instrumental value, reification and personification, they are motivated by a shared intuition about the importance of such esteem in human life. It is important for people to be able to contribute, to be adequately recognized for doing so, and thereby to experience themselves connected in a meaningful and fulfilling way to the concerns and ends of others.

Notes

1. For various qualifications and clarifications, see Laitinen (2009). Most centrally, the UN account as characterized here abstracts from *mutuality*, which is relevant for the dynamics of giving and getting recognition.
2. Some of these ways were recently studied by Paul Ricoeur (2005).
3. See also Ikäheimo and Laitinen (2007), where we discuss the relation of *attitudes* of recognition to *acts* and *expressions* of recognition.
4. This is far from saying that knowing or believing is insignificant for recognition. It is only saying that recognizing as a mode of intentionality is not a theoretical or epistemic mode, but a practical or volitional one.
5. In other senses of the terms, one can, for instance, 'love the Taiwanese art of cooking', or 'have respect for the elements of nature'.
6. It seems to me, however, that Honneth is not always consistent on his notion of esteem. At least in Anderson and Honneth (2005), esteem seems to be thought of as a response not only to contributional qualities, but to particular features more broadly.
7. My account of respect differs slightly from Honneth's in that I distinguish more sharply between respect as an *interpersonal* phenomenon and rights as an *institutional* phenomenon.
8. For one lively description of the life of hunter-gatherers, see Turnbull (1962).
9. See Tuomela (2007) for one ontological account of social groups that emphasizes the centrality of collective ends or goods.
10. Honneth himself comes at least very close to a notion of cooperation and contribution as *universally* constitutive of social integration or sociality in Honneth (1998).
11. Think of the experiences of people who have suddenly become unemployed or physically disabled, and thereby relatively incapable of contributing in

ways to which they are accustomed. These experiences are often expressed in terms of losing elements of what it is to be a full-fledged person among other persons.

12. A question much discussed is whether Kantian respect is at all an attitude towards individual persons. For the purposes of this chapter I simply assume that it is. See Velleman (1999).

13. Think of Marx, to whom an essential element of the ideology of 'political economy' is a picture of human coexistence as a system of mutual instrumentalization.

14. Much of what I say about gratitude follows Berger (1975).

15. This is far from saying that it is impossible to feel grateful in these cases, but only that it is inappropriate. This is also not to deny that inappropriate, or misled, gratitude is an important social phenomenon. For instance, misled gratitude is often used for manipulating and controlling people – as one can learn, say, from the personality cult of any modern dictator.

16. Perhaps a difference between gratitude, on the one hand, and esteem in the personalizing contributional sense, on the other hand, is that whereas we are grateful even for mere benevolent *attempts* at benefiting others, we 'esteem' (or perhaps better 'value contributionally') someone only if he also *achieves* in doing so. But things are somewhat complicated here. Are we grateful for someone who has strong appropriate motives to benefit us, but has even stronger appropriate motives to benefit others, when benefiting others makes it impossible for him to benefit us? Think of a case where someone genuinely wants to save you but chooses to save his child instead, and feels devastating grief for not being able to save you. Would you be grateful to this person for him genuinely caring about you or your life, even if he did not choose to save you? If so, then this suggests that not even an *attempt* is necessary for gratitude, but that a mere *attitude* is enough. Or is it rather that genuinely trying to think of a way to save you, but not finding one, counts as attempting, or even *doing* one's best in the circumstances? I will leave these questions open here.

17. Compare Ricoeur (2005, pp. 225–46), who conceives of gratitude as a form of recognition and as a response to *agapé*. As Ricoeur also points out, it is very important not to confuse the sense of 'gift' at stake here with the humiliating Maussian 'gift', which is a show of power over the other.

18. See Smith (forthcoming) for a complementary 'expressivist' account of why wage-labour need not be merely instrumental activity for the worker.

19. I am especially thinking of sociology of work where I believe it would be very important not to confuse between expectations for, and experiences of, esteem in the sense of personifying contributional valuing, on the one hand, and in the sense of instrumental valuing (or instrumentalization), on the other. It is the former, I suggest, that forms the *moral* or *ethical* core of expectations of esteem in work and that makes esteem for one's contributions in work a question with existential significance and – therefore – considerable motivating power. This issue needs to be kept analytically distinct from questions of justice or fairness in the evaluation of the instrumental value of labour and its remuneration.

20. The normative relevance of the descriptive elements is closely married with the evaluative relevance of the descriptive elements – reasons and value

go closely together. In Laitinen (2002), I present the response view in its 'value-based' form, following Taylor (1994). For a more extended treatment of strong evaluation, value and normativity, see Laitinen (2008).

21. Further, there are various forms of humiliation and violation which confirm that one is regarded as a person, but which are nonetheless inappropriate (from coercion and intentional insults, to punishing the innocent or incarcer-atinging someone in a mental institution or suchlike without an appropriate reason). But a personifying account can in principle cover these cases by distinguishing appropriate and inappropriate 'personifying' attitudes and treatments.

22. This view need not restrict recognizing to 'attitudes'. The core normative features are ones which give reasons and (together with other features of the situation) make it the case that one ought to respond in a certain way. There are further 'auxiliary' features which make a normative difference, even though they are not themselves reason-giving, but affect the strength of reasons, or disable or enable reason, or affect whose responsibility it is to do something (that everyone in principle has a reason to do).

23. Here I rely on the assumption that moral responsibility entails personhood. Naturally various things such as storms can be held *causally* responsible, and holding them causally responsible does not entail that they are thereby regarded as persons. The passage in the text is meant to highlight the fact that although the UN account does not define recognition with reference to the concept of a person, it has room for recognition as a person. And given the assumption that moral responsibility entails personhood, we can say that holding someone morally responsible is a case of recognition as a person.

    Now the UN account need not make that assumption. Whether one should make it or not depends on one's views on personhood and moral responsibil-ity (for example, whether degrees of responsibility and degrees of personhood are admitted, and so on). I find the assumption quite compelling, but the UN account can equally well accommodate the view that some aspects and some degrees of moral responsibility can be applied to creatures which are nonetheless not regarded as persons, and that 'holding morally responsible' in such cases is nonetheless a case of recognition (although not 'recognition as a person'). On any definition of moral responsibility, there may be borderline cases. Consider a dog that is held in some sense responsible for biting a human being. The dog is more of an agent than a storm is (so one may be inclined to think that its responsibility does not reduce to mere causal responsibility), but it is likely that it does not meet all the conditions of full moral responsibility. What one thinks of such borderline cases depends also on one's empirical views on the creatures in question. We thank an anonymous referee for posing the question.

24. For an interesting development of a contextual pluralism of kinds of bases of esteem, see Ricoeur's (2005) discussion of Boltanski and Thevenot (2006).

25. That is, the UN account can be combined with a theory of 'social standing of a person' which holds that being regarded as x, y and z *counts as* being fully regarded as a person, whether or not regarding as x, y or z are personifying attitudes on their own. This is a central substantive difference between the normativist and the PC account. The PC account holds that only *personifying* attitudes function in attributing the significances or status of a person.

References

Anderson, J. and Honneth, A. (2005) 'Autonomy, Vulnerability, Recognition, and Justice', in J. Christman and J. Anderson (eds), *Autonomy and the Challenges to Liberalism: New Essay*s, New York, Cambridge University Press, pp. 127–49.

Berger, F. R. (1975) 'Gratitude', *Ethics*, Vol. 85, Issue 4, 298–309.

Boltanski, L. and Thevenot, L. (2006) *On Justification: The Economies of Worth*, Princeton, Princeton University Press.

Fraser, N. (2000) 'Rethinking Recognition', *New Left Review*, Vol. 3, May–June, 107–20.

Hegel, G. W. F. (1977) *Phenomenology of Spirit*, Oxford, Oxford University Press.

Hegel, G. W. F. (1991) *Elements of the Philosophy of Right*, Cambridge, Cambridge University Press.

Heidegger, M. (1962 [1927]) *Being and Time*, Oxford, Blackwell.

Honneth, A. (1995) *The Struggle for Recognition. The Moral Grammar of Social Conflicts*, Cambridge, Polity Press.

Honneth, A. (1998) 'Democracy as Reflexive Cooperation – John Dewey and the Theory of Democracy Today', *Political Theory*, Vol. 26, No. 6, 763–83.

Honneth, A. (2002) 'Grounding Recognition: A Rejoinder to Critical Questions', *Inquiry*, Vol. 45, 499–519.

Ikäheimo, H. (2007) 'Recognizing Persons', *Journal of Consciousness Studies*, Vols 5–6, 224–47.

Ikäheimo, H. and Laitinen, A (2007) 'Analyzing Recognition: Identification, Acknowledgement and Recognitive Attitudes towards Persons', in B. van den Brink and D. Owen (eds), *Recognition and Power*, Cambridge, Cambridge University Press, pp. 33–56.

Ikäheimo, H. (2009) 'Die Realisierung unserer Bestimmung: Anerkennung als ontologischer wie auch ethischer Begriff', in H.-C. Schmidt am Busch and C. Zurn (eds), *Anerkennung*, Berlin, Akademie Verlag, pp. 325–48. Forthcoming in English as 'Making the Best of What We Are – Recognition as an Ontological and Ethical Concept', in H.-C. Schmidt am Busch and C. Zurn (eds), *The Philosophy of Recognition*, Lanham, MD, Lexington Books.

Laitinen, A. (2002) 'Interpersonal Recognition: A Response to Value or a Precondition of Personhood?' *Inquiry*, Vol. 45, No. 4, 463–78.

Laitinen, A. (2008) *Strong Evaluation without Moral Sources. A Study on Charles Taylor's Philosophical Anthropology and Ethics*, Berlin and New York, De Gruyter.

Laitinen, A. (2009) 'Zum Deutungsspektrum des begriffs "Anerkennung": die Rolle von adäquater Würdigung und Gegenseitigkeit', in H.-C. Schmidt am Busch and C. Zurn (eds), *Anerkennung*, Berlin, Akademie Verlag, pp. 301–24. Forthcoming in English as 'On the Scope of "Recognition": The Role of Adequate Regard and Mutuality', in H.-C. Schmidt am Busch and C. Zurn (eds), *The Philosophy of Recognition*, Lanham, MD, Lexington Books.

Ricoeur, P. (2005) *The Course of Recognition*, Cambridge, MA, Harvard University Press.

Searle, J. (1995) *The Construction of Social Reality*, London, Penguin Books.

Smith, N. H. (forthcoming) 'Language, Work and Hermeneutics', in A. Wiercinski (ed.), *Hermeneutics and the Art of Conversation*, Toronto, The Hermeneutic Press.

Strawson, P. (1982) 'Freedom and Resentment', in G. Watson (ed.), *Free Will*, Oxford, Oxford University Press.

Taylor, C. (1994) 'Politics of Recognition', in A. Gutmann (ed.), *Multiculturalism and 'The Politics of Recognition'*, Princeton, Princeton University Press.

Tuomela, R. (2007) *The Philosophy of Sociality – The Shared Point of View*, Oxford, Oxford University Press.

Turnbull, C. (1962) *The Forest People*, New York, Touchstone Books.

Velleman, David (1999) 'Love as a Moral Emotion', *Ethics*, Vol. 109, No. 2, 338–74.

6
Models of Democracy and the Politics of Recognition

Simon Thompson

Introduction

My aim in this chapter is to conduct a critical analysis of the relationship between democracy and recognition. To date, many discussions of this relationship have focused on a relatively narrow range of issues. Above all, they have been concerned to establish whether – and, if so, how – a democratic polity should guarantee the representation of certain social groups and/or categories of person. Cases often discussed include quotas for women, special representation rights for national minorities, and representation for marginalized and oppressed groups (Kymlicka, 1995; Phillips, 1995; Williams, 1998; Young, 1990, 2000). I would argue that, in at least some cases, these discussions are based on prior but unarticulated assumptions about the relationship between democracy and recognition. One such assumption is to do with the objects of recognition. Does the idea of recognition only concern the status of collective groups, or does it also concern the standing of individual citizens? Another assumption relates to the scope of recognition when evaluating democracy. Should a standard of recognition only be used to evaluate the fairness of democratic procedures, or can it also be used to judge the fairness of outcomes? A third assumption concerns the relationship between recognition and democracy. Are these two political goods always perfectly compatible, or can they come into conflict? And, if they can pull in different directions, then how are such conflicts to be resolved? I would argue that it is only when satisfactory answers to these and other questions have been provided that we can move on to address more substantive issues about the institutional arrangements necessary to achieve democracy and

recognition in practice. It is for this reason that I intend to focus in this chapter on a number of fundamental assumptions about the relationship between democracy and recognition.

The chapter falls into three parts. Since I want to claim that any viable account of the relationship between democracy and recognition must strike an appropriate balance between procedure and substance, I begin in the first part of the chapter by considering a number of accounts which try to avoid striking such a balance. A first account prioritizes democracy over recognition, a second prioritizes recognition over democracy, and a third suggests that each good is located in a separate sphere. By considering and then dismissing these three positions, I establish that any defensible account of the relationship between democracy and recognition must be located on a spectrum from procedure to substance. In the second part of the chapter, I examine three accounts of this relationship which are located at different points on this spectrum. At the former end is an account which focuses exclusively on the fairness of democratic procedures, and does not concern itself with the fairness of outcomes. At the latter end is an account which seeks to ensure that such procedures produce outcomes which meet an independently defined standard of justice. In the middle is an account which attempts to find an appropriate balance between a concern for fair procedures and a concern for just outcomes. In the final part of the chapter, I defend my own account of the relationship between democracy and recognition. Here I begin from a position toward the middle of the spectrum from procedure to substance. I refine this position by arguing that there should be a circular relationship between democracy and recognition, so that, while rules of recognition are to be determined by fair deliberation, to be fair such deliberation must itself be shaped by such rules. In a brief conclusion, I consider what political mechanisms might be implied by my account of the relationship between democracy and recognition. It is only at this point that I return to consider the idea that adequate recognition necessitates guaranteeing representation for certain social groups and categories of person in the procedures of democracy.

Three models rejected

The aim of this part of the chapter is to demonstrate the inadequacy of three accounts of the relationship between democracy and recognition which – either implicitly or explicitly – reject the idea that it is necessary to find an appropriate balance between procedure and substance. Referring

to these positions as 'the priority of democracy', 'the priority of justice', and 'separate spheres', I shall now briefly examine each in turn.

The priority of democracy

One way in which to avoid the idea that it is necessary to strike an appropriate balance between democracy and recognition is to give democracy absolute priority over recognition. In this case, if and when their demands conflict, the former always takes precedence over the latter. I would suggest that one person who takes up a position of this kind is James Tully. His thesis, in a sentence, is that it is more important to preserve democracy and to practise freedom than it is to try to achieve a final and definitive state of recognition. Tully begins by arguing that every particular set of rules of recognition will inevitably contain misrecognition: 'Any purported resolution' of a democratic struggle for recognition, he asserts, 'will harbor elements of non-consensus and injustice' (Tully, 2000, p. 474). It follows that in practice any attempt to achieve a final state of recognition would freeze a particular pattern of misrecognition into place. For this reason, Tully believes that, rather than attempt to eliminate all traces of misrecognition, it is better to ensure that citizens are able constantly to challenge the existing rules so that misrecognition can be brought to light. As he says: 'One should not look for the just and definitive theory of recognition on which all citizens could agree once and for all.' Instead, the aim should be to articulate an account of democracy in which prevailing norms of recognition can be continually challenged and defended (Tully, 2000, p. 472). It is in this specific sense that Tully believes democracy should take priority over recognition.

This might appear to be an appealing way of thinking about the relationship between democracy and recognition. If we acknowledge the inevitability of continuing disagreement about recognition, it may seem right to place democracy (and freedom) at centre-stage. It is important to understand, however, that Tully does not endorse the priority of democracy simply as a pragmatist who thinks that, since political struggles will never cease, we must accept democracy as the least worse alternative to a Hobbesian war of all against all. On the contrary, he thinks that agonistic democracy provides us with the fairest way in which we can continue to disagree about the rules of recognition, and thus strive to achieve justice. Pursuing this line of thought a little further, it should be possible to see that, if Tully's argument is to work, he has to incorporate a notion of fairness into his conception of democracy. His vision of agonistic democracy is only defensible if it gives all citizens equal opportunities to shape the outcomes of struggles for recognition.

Hence I would suggest that, rather than giving democracy priority over recognition, Tully in fact defends a model of democracy which is already shaped by a substantive conception of recognition. Given more space, the general conclusion that I would seek to draw from this specific suggestion is that, if democratic deliberation is to be fair, appropriate rules of recognition must already be in place.

The priority of recognition

A second way in which one might deny that it is necessary to strike an appropriate balance between procedure and substance in the relationship between democracy and recognition would be to assert the absolute priority of recognition over democracy. On this account, it is accepted that these two goods are distinct and can come into conflict, but it is then claimed that, since democracy has no independent value, it should be regarded merely as a means to achieve recognition, so that, if other non-democratic means are more effective and efficient, they should be employed instead. Philippe van Parijs takes a view of this kind. Arguing that there is no 'pre-established harmony between justice and democracy', he suggests that in fact 'there are deep-seated reasons for expecting acute conflicts between them' (van Parijs, 1996, p. 109). He then argues that, when conflicts between these goods occur, we should 'adhere to justice and sacrifice democracy' since the latter 'is not an independently important ideal', but 'only constitutes an institutional instrument, from which it is legitimate to deviate *if* the ideal [of justice] demands it' (van Parijs, 1996, p. 110). In other words, if democracy proves a useful means of realizing justice, then it should be protected. If it does not prove useful, then other non-democratic means may be justified in the pursuit of justice. In short, 'we should be guided by an ideal of justice, in relation to which any democratic "ideal" which one might formulate constitutes at best a sheer instrument' (van Parijs, 1996, p. 111).[1] On this account, then, democracy is not an end in itself, but solely a means to the end of justice.[2]

This position clearly provides a solution to the problem of the potentially conflicting demands of democracy and recognition. I would argue, however, that a solution which gives no independent value whatsoever to democracy cannot be satisfactory. Van Parijs's assertion that 'we should be guided by an ideal of justice' prompts a number of questions. First, by *which* ideal of justice should we be guided? Libertarian? Egalitarian? Communitarian? Some combination of these? Or some other conception? Second, *who* chooses the appropriate ideal? It cannot be everyone, since this would be to acknowledge the value of democracy.

In this case, then presumably it is the task of a subset of especially wise citizens to identify the best conception of justice. Third, *how* should we be guided by this ideal? It cannot involve simply proposing such an ideal in democratic debate, since this would again be to acknowledge the value of democracy. The alternative would be to impose such an ideal without necessarily having popular consent. It is clear from these considerations, I think, that van Parijs would license authoritarian means of achieving justice.[3] This means that he would reject the fundamental principle of democracy, according to which, in order to be bound by a law, its addressees must be able to regard themselves as its authors.[4] In different models of democracy, such authorship may take different forms; according to the model I wish to defend here, rules of recognition must be the outcome of democratic deliberation. In this case, my general conclusion is that the absolute priority of recognition cannot be justified since legitimate rules of recognition must emerge from fair processes of democratic deliberation.

Separate spheres

If the attribution of absolute priority to either democracy or recognition is indefensible, then I would suggest that the only other way to avoid the conclusion that it is necessary to strike a balance between these two closely interrelated goods is to place each of them in a separate sphere. Talking about the relationship between democracy and justice, Keith Dowding et al. express this possibility in the following way: 'the two concepts inhabit, and rule over, "separate spheres" that are hermeneutically isolated from one another' (Dowding, 2004, p. 13).[5] In this case, once the proper scope of each good is clearly specified, then any issue can be placed within one sphere or the other, and so dealt with according to the logic prevailing in that sphere. According to this account, then, the only sense in which democracy and recognition are related is by virtue of the fact that they share a border which clearly separates the two. It may be useful to imagine what such a relationship between democracy and recognition would look like in practice. Perhaps the most plausible model would be a form of constitutional democracy in which the two sides of the polity are kept strictly separate. On one side, a constitution shapes the fundamental terms of the political association – including a specification of the rules of recognition. On the other side, there is a public space in which citizens can collectively deliberate about a range of issues of common concern. Strict separation means that those charged with defending the constitution cannot interfere with the democratic

process, and citizens cannot collectively decide to alter the fundamental terms of their association in any way.

I would argue this way of thinking about the relationship between democracy and recognition is incoherent since the strict separation makes it impossible to realize either of these two goods. Let me explain. With regard to democracy, it may be possible to imagine an original founding moment in which all citizens determined together the status and content of their constitution, so binding themselves democratically to particular rules of recognition.[6] However, even if the reason for insulating the constitution from democracy was to protect that democracy from itself, complete insulation would mean that it could not be considered a democracy at all. This is because a polity in which citizens have no opportunity to renegotiate the terms of their constitutional settlement is not properly democratic. Dowding provides valuable support for this argument by showing that, when a constitution works systematically to the disadvantage of some citizens, they must have the power to renegotiate its fundamental terms (Dowding, 2004, pp. 32–9). So far as recognition is concerned, this good would not be realized either (or at least it would not be realized for the right reasons). Since, as I have already argued, legitimate rules of recognition must be determined through a process of democratic deliberation, insulation from such deliberation would render them illegitimate. I conclude that the proposal to locate democracy and justice in separate spheres must be rejected.

Three models considered

The arguments that I made in the previous section led me to three important conclusions. First, processes of democratic deliberation are only fair if they are shaped by appropriate rules of recognition. Second, such rules of recognition must be chosen in fair processes of deliberation. Third, as should already be apparent from the two previous points, democracy and recognition stand in an intimate and complex relationship to one another. Given these conclusions, I now want to take my argument a stage further by suggesting that the proper relationship between recognition and democracy is one that strikes the right balance between procedure and substance. In this section, I shall examine three ways in which such a balance could be struck. Beginning with positions close to each end of the spectrum, which I shall call 'strong proceduralism' and 'strong substantivism',[7] I end with a position roughly in the middle of the spectrum which, following Charles Beitz, I shall call 'complex proceduralism' (Beitz, 1989).

Strong proceduralism

Toward the former end of the procedure-substance spectrum, models of democracy are shaped by a concern to ensure that, while the fundamental fairness of democratic procedures is guaranteed, citizens have as much freedom as possible collectively to determine the rules of recognition of their polity. By 'strong proceduralism', I mean to refer to a version of this position which holds that due recognition can be defined as that which emerges from fair procedures of democratic deliberation. I would argue that Iris Marion Young's account of what she calls 'communicative democracy' can be regarded as an instance of strong proceduralism. Contending that there is 'a tight theoretical connection between democracy and justice' (Young, 2000, p. 17), Young declares that '[w]hat counts as a just result is what participants would arrive at under ideal conditions of inclusion, equality, reasonableness, and publicity' (Young, 2000, p. 31).[8] In light of their importance, it is worth examining these conditions a little further. The condition of inclusion stipulates that 'a democratic decision is legitimate only if all those affected by it are included in the process of discussion and decision-making'. The second condition of (political) equality is explained as follows: 'Not only should all those affected be nominally included in decision-making, but they should be included on equal terms' (Young, 2000, p. 23). The condition of reasonableness refers to 'a set of dispositions that discussion participants have', including a willingness 'to listen to others', to 'enter discussion to solve collective problems with the aim of reaching agreement', and to change 'opinions or preferences' (Young, 2000, pp. 24–5). The final condition of publicity is designed to ensure that 'the interaction among participants in a democratic decision-making process forms a public in which people hold one another accountable' (Young, 2000, p. 25).

It is important to understand that Young's ideal conditions of participation concern what I shall call the input side rather than the output side of processes of democratic deliberation. Thus her well-known argument for group representation is meant to ensure that all citizens have equal voice in deliberative processes, rather than to guarantee that the decisions made in such processes show them all due recognition. As she says,

> Arguments for the special representation of structural social groups that would otherwise be under-represented … appeal to the contribution such practices can and should make to inclusive political discussion and engagement with those who are different and with whom there may be conflicts. (Young, 2000, p. 144)

In other words, the argument for group representation concerns the fairness of citizens' deliberations rather than the justice of the decisions that they may collectively make. These conditions are designed to ensure that all citizens are included equally, act reasonably and are publicly accountable for their decisions in deliberative processes. They are not intended to guarantee that such processes issue in rules, policies and institutions under which each citizen is treated fairly. Taking this point a little further, we can say that, by defining the justice of outcomes in terms of the fairness of procedures, Young rules out the possibility that an independent metric could be used to assess whether the outcomes of fair democratic procedures are 'really' just.[9]

The problem with this position, or so I want to argue, is that an account of the relationship between democracy and recognition which focuses exclusively on the input side of the equation fails to consider the possibility that following completely fair procedures can lead to highly unjust outcomes. In other words, if the idea of recognition is only used to define the fairness of democratic procedures, then such procedures may result in collective decisions which involve extensive misrecognition. But how can this be? If all citizens enjoy equal political voice, how can the outcomes of their deliberations treat them unequally? One plausible explanation is provided by Ian Shapiro, who suggests that

> In countries where the basic democratic institutions of popularly elected governments based on universal franchise prevail, wealth may or may not be redistributed in justice-promoting ways, minorities may or may not be respected, opportunities may or may not be open to all, and religious dissent may or may not be tolerated. Far from promoting justice, then, democracy can actually undermine it. (Shapiro, 1999, p. 18)

Shapiro's argument is that, although formally equal democratic processes may be in place, equality may still not be achieved in practice since the socially and economically powerful can use their power to perpetuate their advantaged condition. In such circumstances, then, formally equally democratic processes may actually hinder rather than help the pursuit of justice.[10]

I should note that Young is aware of the problem that there may be a vicious circle between 'formal political democracy' and 'social inequality', and she believes that her proposals for group representation could be a means of breaking that circle (Young, 2000, p. 141). However, even if her modifications to a standard model of representative democracy were

in place, I still see no reason why Shapiro's analysis would not apply. An account of democratic procedures which does not evaluate them at least in part by assessing the justice of their outcomes cannot rule out the possibility that such outcomes will be significantly unjust. The conclusion I draw from these reflections is that any plausible account of the relationship between democracy and recognition needs to attend to both inputs and outputs: it must be concerned both with the fairness of democratic procedures, and with the justice of the policies which may result if these procedures are correctly followed.

Strong substantivism

Toward the opposite end of the procedure-substance spectrum are located models of democracy which pay close attention to output justice. To be specific, the deliberative procedures specified in these models are intended to ensure that the outcomes of those procedures are just. Thus, by 'strong substantivism', I refer to a model of democracy in which the fairness of democratic procedures is judged by determining whether they produce outcomes which meet independently justifiable standards of justice. According to such a model, a fair system of deliberation is one which issues in laws, policies and institutions under which all citizens receive due recognition. I want to suggest that Nancy Fraser's theory of democratic justice is an example of strong substantivism. To see why this is so, it is worth examining the key role that the conception of justice as 'parity of participation' plays in her theory. Fraser argues that justice as participatory parity has three distinct and mutually irreducible dimensions. The cultural dimension corresponds to the status order, the economic dimension to the economic structure, and the political dimension to the political constitution of society. This three-dimensional conception of justice enables Fraser to identify three types of obstacles which may prevent participatory parity from being achieved. People may be denied the social standing, economic resources or political voice that they need in order to be able to participate on a par with others. It follows that a just society is one in which the status order, economic structure and political constitution of society are so ordered that these three types of obstacles are overcome. If they are, then all individuals in that society will be able to participate on a par with their fellows (Fraser, 2005a, pp. 73–6).

To see why Fraser's theory counts as a form of strong substantivism, it is necessary to appreciate that participatory parity operates as both a 'substantial norm' and a 'procedural principle' (Fraser, 2007, p. 48). In its latter guise, participatory parity demands that all those affected by

norms of justice must enjoy equal voice in the procedures by means of which such norms are determined. To be specific, such norms are only legitimate 'if they can command the assent of all concerned in fair and open processes of deliberation, in which all can participate as peers' (Fraser, 2005a, pp. 86–7). Taken by itself, this aspect of participatory parity (which corresponds very closely to Young's first two deliberative conditions of inclusion and political equality) would suggest that Fraser's theory is a form of proceduralism. In its former guise as a substantial norm, however, participatory parity also serves as a standard that social arrangements must meet if they are to be regarded as just. To be specific, this standard is used to assess the justice of the outcomes of deliberative procedures by asking whether those outcomes give citizens the economic resources, cultural status and political voice that they need in order to participate on a par with their fellows. It should be clear, I think, that this aspect of Fraser's theory goes beyond proceduralism since it attends not just to the fairness of procedures but also to the justice of outcomes.

From what I have said so far, it might appear that Fraser's theory is located somewhere toward the middle of the spectrum from strong proceduralism to strong substantivism. However, I want to argue that when it comes down to it her theory should be considered strongly substantive. To see why, consider how Fraser describes the relationship of her theory to its rivals: referring to her 'status model of recognition', she says that it

> does not so much exclude other meanings of recognition as set constraints on how they may be legitimately construed and pursued. Prioritizing the pursuit of justice, it rules out interpretations of recognition that require or promote institutionalized disparities of participation. (Fraser, 2007, p. 36; and see pp. 28–41)

In order to understand what this might entail in practice, consider one well-known alternative to Fraser's interpretation of recognition. Axel Honneth contends that, since recognition has three distinct modes of love, respect and esteem, its realization requires the protection of strong affective ties between significant others, the implementation of a system of subjective rights, and the shaping and protection of a value-horizon in which each person's contribution to societal goals is appropriately valued (Honneth, 1995, 2003). Focusing on this final aspect of Honneth's account, let us suppose for the sake of the current argument that it is incompatible with Fraser's since it would license a differential distribution of resources in line with societal contribution, where such an unequal

distribution would mean that parity of participation in the economic system was not achieved. In this case, it would seem that, since it is contrary to participatory parity, Fraser would simply declare Honneth's interpretation of recognition illegitimate.[11] Hence justice as participatory parity takes precedence over any other conception which emerges from democratic deliberation. In this sense, participatory parity as a substantial norm trumps participatory parity as a procedural principle.

To my mind, these considerations reveal strong substantivism's fatal flaw. Of course, no one questions the right of one political theorist to offer arguments against a rival theorist's position. Thus Fraser, in her exchanges with Honneth, has developed a sophisticated critique of his account of recognition. However, Fraser does not have the right to rule Honneth's views illegitimate simply because they are incompatible with her preferred conception of recognition.[12] By doing so, I would argue, her use of participatory parity as a substantial norm threatens to render it irrelevant as a procedural principle. If any conception of justice incompatible with participatory parity would be dismissed just for reason of this incompatibility, then there would be no point in allowing citizens to debate matters of justice in the first place. From these reflections, I reach two conclusions. First, no acceptable account of the relationship between democracy and recognition can simply declare that the outcomes of democratic procedures are only acceptable if they are compatible with a particular conception of recognition. Rather, such an account must allow that, by following fair democratic procedures, citizens may come up with a range of legitimate interpretations of the requirements of recognition.[13] Second, procedures cannot be treated merely as instrumental means to particular ends, so that the preferred procedures are those most likely to deliver the right results. Rather, at least some independent weight must be given to the fairness of democratic procedures themselves.

Complex proceduralism

If strong proceduralism is ruled out because some regard must be taken of the outputs as well as the inputs of democratic procedures, and if strong substantivism is ruled out because the appropriateness of particular procedures should not be judged solely by determining whether their outputs are compatible with a specific conception of recognition, then it would seem to follow that any acceptable account of this relationship must attend both to the inputs and outputs of these procedures, and not allow either one of these aspects to have absolute priority over the other. In this subsection, I shall suggest that what Beitz calls 'complex proceduralism' is located roughly halfway between strong proceduralism

and strong substantivism. Combining elements of both the preceding accounts, his theory seeks to defend a model of democracy which is shaped by a concern with the quality of both the inputs and the outputs of democratic processes. As Beitz puts it: 'Citizens must be treated equally as participants in politics; but they must also be treated equitably as the subjects of public policy' (Beitz, 1989, p. 155). I contend that this dual focus on equal participation and equitable treatment enables complex proceduralism to overcome the deficiencies of both strong proceduralism and strong substantivism.

In order to understand those aspects of complex proceduralism of most importance in the current context, it will be useful to see why Beitz rejects a number of alternative accounts of political equality. On the one hand, he rejects procedural theories which 'identify fair participation with procedural equality' (Beitz, 1989, p. 99). For such theories, citizens are treated as equals so long as they enjoy 'equal opportunities to influence outcomes' (Beitz, 1989, p. 75). Beitz argues that purely procedural theories fail since no justification of a particular set of fair procedures 'is likely to be persuasive if it excludes considerations about results entirely' (Beitz, 1989, p. 95). That is to say, it will be impossible to demonstrate that political equality demands a particular set of procedures if no account is taken of the outcomes which are likely to ensue if such procedures are followed. On the other hand, Beitz rejects 'best result' theories which contend that 'the equal treatment of citizens' can be identified with 'equal treatment of their welfare or their preferences'. Such theories are to be rejected, since, amongst other things, they attribute no intrinsic value to the fairness of procedures, regarding them merely as instrumental means to achieve desirable ends. Beitz's own theory thus emerges as 'a substantive variant of the procedural theory that incorporates, albeit indirectly, certain result-oriented elements' (Beitz, 1989, p. 23). As Anne Phillips puts it, considering political equality as both 'an equal power over outcomes' and as 'an equal weighting of political preference', complex proceduralism holds that 'fair terms of participation are determined by what can be made justifiable to each citizen in the light of both aspects of equal treatment' (Phillips, 1995, p. 38).

So how does complex proceduralism take the need for both equal participation and equitable treatment into account? With regard to the former, Beitz argues that democratic procedures should protect citizens' 'regulative interests' in 'recognition, equitable treatment and deliberative responsibility' (Beitz, 1989, p. 107). This means that they should express a 'communal acknowledgement of equal individual worth', promote 'a distribution that accords with the requirements of justice', and 'embody a

common (and commonly acknowledged) commitment to the resolution of political issues on the basis of public deliberation' (Beitz, 1989, pp. 110, 112, 114). So far as equitable treatment is concerned, Beitz contends that there are certain limits to the range of acceptable outcomes of democratic procedures. In particular, complex proceduralism 'will justify a refusal to accept an institutional scheme mainly when it seems likely that the scheme will give rise to (or perpetuate) serious and recurring injustices and when there is an alternative available that would be less likely to do so without introducing countervailing harms of other kinds' (Beitz, 1989, p. 113). In these two aspects of Beitz's account, then, we see a serious attempt to balance concerns with fair procedures and just outcomes, and to argue that unjust outcomes may give us good reason to revise procedures. As Melissa Williams puts it, given 'the failing of pure proceduralism … we should recur to outcome-oriented standards of fairness to judge our procedures and, if necessary, revise them' (Williams, 1998, p. 21).

A circular model defended

In this third and final part of my chapter, I want to defend, at least in outline, my own account of the relationship between democracy and recognition. Although I do not endorse every element of Beitz's account of complex proceduralism, I begin my exegesis by showing what I do take from it. I then use Fraser's account of the circularity of what she calls 'democratic justice' in order to refine my position by arguing that there needs to be a feedback loop between procedures and outcomes.

Lessons from complex proceduralism

One thing that Beitz's theory of complex proceduralism provides me with is support for my rejection of both strong proceduralism and strong substantivism. I reject the former since, no matter how detailed and comprehensive an account of democratic procedures is provided, if it makes no reference to the outcomes which emerge from such procedures, then it cannot rule out the possibility that such outcomes will be unacceptably unjust. I also reject strong substantivism since, by prioritizing one conception of just outcomes above all others, this theory threatens to make democracy irrelevant by treating its procedures merely as means to independently defined ends. By rejecting these two alternative theories, I am committed to the claim that the standard of justice must apply to both democratic procedures and to policy outcomes. Since I advocate a conception of justice as recognition, then on my account

justice is achieved when citizens are shown appropriate recognition both as participants in democratic decision-marking procedures, and as citizens affected by the policies which are chosen when those procedures are followed.

The second thing that I take from Beitz is an account of the complex interaction between the two aspects of what he calls political equality. In particular, I follow Williams' suggestion, in her gloss on Beitz, that if a certain set of procedures leads to unjust outcomes, then this may give us reason to examine and possibly to revise those procedures in order to affect the outcomes.[14] However, I must emphasize that this does not mean that procedures should be treated merely as means to particular ends. This is so for two reasons. First, independent normative significance must be given to the procedures themselves. That is to say, it is not acceptable to alter processes in whatever way might be necessary to get the right outcomes, since citizens as participants in democratic deliberation must be shown the recognition that they need in order to play a full part in such deliberation. Second, a conception of justice as recognition cannot identify one particular set of policy outcomes as uniquely just. Rather, there will be a range of sets of acceptable outcomes, each of which meets minimal standards of justice. This being so makes it more difficult to argue that a particular set of outcomes gives us reason to revise procedures, since it is only when such outcomes fall below a minimal level that we might have a reason for considering such revision.

The third thing I take from Beitz's account of political equality is not one I have mentioned hitherto since it has not been necessary for the development of my principal line of argument. This is the claim that it is not possible to deduce a specific set of democratic procedures or an acceptable range of policy outcomes directly from an abstract principle of justice. This is because the specific character of local conditions will have a significant effect on our account of best procedures and outcomes. As Phillips says, 'we cannot deduce what is politically fair from abstract principles of political equality: we have to draw on empirical judgements of what is likely to happen as well as what seems in principle to be fair' (Phillips, 1995, p. 38). To give a specific example, Beitz argues that 'the interest in protecting against the political effects of racial bigotry and prejudice will be more weighty where its legacy is more pronounced' (Beitz, 1989, p. 118). In other words, in a society that is significantly affected by a history of racism, specific attention will have to be paid to the need for measures needed to eradicate that racism and to compensate for its legacy. There may, for example, may be a good case for race-conscious redistricting in order to ensure adequate representation of

groups defined in racial terms. This consideration will come into play in the final part of my argument below.

Circularity of democratic justice

I now want to finesse the account offered so far of the interaction between outcomes and procedures by suggesting that there must be a feedback loop between the two. Here Fraser's account of the circularity of what she calls 'democratic justice' provides a useful way forward. She has recently argued that 'if justice implies democracy, the converse is equally true'. On the one hand, 'justice binds only insofar as its addressees can also regard themselves as its authors'; on the other hand, democracy is only legitimate if there is an absence of 'structural injustice' (Fraser, 2007, p. 24). In other words, just outcomes emerge from democratic deliberations, but only if such deliberations are conducted according to relevant standards of justice. Let us examine each side of the circle in a little more detail. On one side is the familiar claim that the legitimacy of laws, policies and institutions depends on their having been approved by citizens through fair democratic procedures. On the other side is the claim that such procedures are only fair they treat all citizens justly. To bring these two sides together, here is Fraser's almost paradoxical formulation of this idea of circularity: 'On the one hand, what exactly is needed to achieve parity of participation in a given case can only be determined dialogically, through fair democratic deliberation. On the other hand, fair democratic deliberation presupposes that participatory parity already exists' (Fraser, 2007, p. 46).

It is important, however, to resist a strong version of this argument, according to which outcomes and procedures are linked in a completely circular relationship, so that changes in democratic procedures can have unlimited effects on policy outcomes, and changes in such outcomes can have unlimited consequences for procedures. If this were so, then there could be a vicious circle in which unfair procedures lead to unjust outcomes, and such outcomes further undermine the fairness of procedures. The best way to avoid this danger is to make it more difficult to change the conditions necessary for fair and inclusive democratic deliberation than to change other conditions which are not necessary in this regard. Fraser can provide further help at this point with her idea of 'good enough deliberation'. As she argues,

> Although such deliberation would fall considerably short of participatory parity, it would be good enough to legitimate some social reforms, however modest, which, when institutionalized, ensure that

the next round of deliberation would come closer to participatory parity, thereby improving its quality. (Fraser, 2005b, p. 33)

The trick, then, is to identify conditions of fair and inclusive deliberation which are substantive enough to ensure that vicious circles can be avoided, and which at the same time are thin enough to give appropriate scope to democratic deliberation.

Let us consider what these conditions might be in the case of Fraser's own theory of justice. If we follow her claim that justice as participatory parity requires that citizens have the economic resources, cultural status and political voice that they need in order to be able to participate on a par with their fellows, we need to specify what sort and quantity of resources are necessary, what type and degree of cultural standing is appropriate, and what sort of democratic procedures give all citizens equal voice. While I do not have the space here to give a full account of these conditions, I can at least suggest what they might be like. Good enough deliberation could be ensured if a minimal wage was in place, if there was an absence of disesteem that has a seriously adverse effect on the life-chances of a particular set of individuals, and if what Shapiro describes as 'the basic democratic institutions of popularly elected governments based on universal franchise' were secured. This would fall well below Fraser's standard of participatory parity which might require something like a basic income set at a suitably high level, a pattern of cultural values which guarantees suitable acknowledgement for all members of a political association, and a set of political procedures which includes, for instance, gender quotas and multicultural rights in order to ensure that all members of a political association have equal voice.[15]

Conclusion

To conclude, I return very briefly to the vexed question of the conditions of fair political representation, and ask in particular whether justice requires the special representation of specific social groups. As I suggested at the start of this chapter, for many commentators this is *the* question about the relationship between democracy and recognition. So what light does the approach I have sketched out here cast on this question? To begin with, so far as the procedural side of the issue is concerned, it must be emphasized that the argument is not that some groups deserve recognition in virtue of certain essential properties which they share. Rather, the argument it is that, if such groups deserve recognition, it is because they share common experiences or perspectives, often of

oppression and exclusion. And it is in light of such shared experiences that their voices need to be heard and their views deserve to be taken into account. With regard to the outcome side of the issue, the argument is that, by giving special representation rights to certain groups, we hope for policy outcomes which will treat members of those groups more fairly than they would otherwise have been treated (although of course this must not be at an unacceptable cost to other individuals and groups).

Linking outcome back to procedure, two distinct possibilities present themselves. First, if certain groups not currently represented are subject to systematically unfair treatment, then there is a strong case for inclusion. Second, if already represented groups are still treated unfairly, then this is reason to revisit the procedures to see if they can be modified in order to work better. Two final caveats are worth repeating. First, it is not acceptable to alter procedures in whatever way necessary to try to achieve certain outcomes, since procedures must meet the necessary standards of fair inclusion. Second, no universally valid set of procedures or outcomes are derivable from a particular conception of justice since there is always a need to take local circumstances into account. In this case, if a particular group has suffered a history of injustice, one which strongly affects its current experiences, then there will be a strong case for special representation in order to guarantee equal voice. This final point, perhaps more than any other, demonstrates the intricate nature of the relationship between input and output, procedure and outcome, democracy and recognition.

Notes

1. Richard Arneson takes a very similar view: 'The choice between autocracy and democracy should be decided according to the standard of the best results' (Arneson, 2004, p. 41).
2. I should note here that van Parijs is describing the relationship between democracy and *justice*, rather than that between democracy and *recognition*. However, as long as recognition is understood as a conception of justice (one which contends that justice is achieved when everyone is shown due recognition), then any analysis of the latter relationship will also apply to the former.
3. In this context, see Charles Beitz's comments on the idea of 'a perfectly impartial dictatorship' (Beitz, 1989, p. 98).
4. This way of putting it paraphrases Nancy Fraser (2003, p. 44; 2007, p. 24).
5. It should be noted that this is a position Dowding et al. identify, but do not endorse.
6. See Ian Shapiro (1999, p. 34) for scepticism about the relevance of such founding moments.

7. 'Substantivism' is not an attractive neologism. However, I think it is worth coining, since the alternative would be frequently to use wordy formulations such as 'models of democracy toward the latter end of the procedure-substance spectrum'.

8. Arneson is strongly opposed to such a view: 'I take it to be obvious that we have a lot of knowledge about the substance of justice – that slavery is unjust, for example … Moreover, our grounds for holding these beliefs are independent of any convoluted account one might give to the effect that these positions would win a majority vote under procedurally ideal conditions' (Arneson, 2004, pp. 42–3).

9. In this sense, Young's theory could be said to be a case of what Rawls calls 'pure procedural justice' (Rawls, 1971, p. 86).

10. Compare James Bohman's remark: 'Only under ideal conditions would democracy realize justice and rights; in nonideal conditions, democracy might even arguably promote the continued existence of unjust circumstances' (Bohman, 2005, p. 103; and see pp. 114–15).

11. Compare my remarks on the relationship between participatory parity and Rawls's difference principle in my (Thompson, 2009).

12. I cannot see that it is any defence of Fraser's position to say that other 'meanings of recognition' are not excluded, given that, as she admits, their pursuit is constrained or ruled out if they are contrary to participatory parity.

13. To speak more strictly, while it may be possible to declare certain conceptions of recognition unjust, it is not possible to declare one particular conception the out-and-out winner.

14. I say 'may' and 'possibly' rather than 'will' and 'certainly', since other countervailing factors may apply. For example, the changes to procedures which would be necessary to guarantee just outcomes could be ruled out since they would render those procedures unfair.

15. This subsection shares a general argument, as well as several specific phrases, with Thompson (2009).

References

Arneson, R. (2004) 'Democracy is Not Intrinsically Just', in K. Dowding, R. Goodin and C. Pateman (eds), *Justice and Democracy*, Cambridge, Cambridge University Press.

Beitz, C. (1989) *Political Equality*, Princeton, Princeton University Press.

Bohman, J. (2005) 'The Democratic Minimum: Is Democracy a Means to Global Justice?', *Ethics and International Affairs*, Vol. 19, Issue 1, 101–16.

Dowding, K. (2004) 'Are Democratic and Just Institutions the Same?' in K. Dowding, R. Goodin and C. Pateman (eds), *Justice and Democracy*, Cambridge, Cambridge University Press.

Fraser, N. (2003) Contributions to Nancy Fraser and Axel Honneth, *Redistribution or Recognition? A Political-Philosophical Exchange*, London, Verso.

Fraser, N. (2005a) 'Reframing Justice in a Globalizing World', *New Left Review*, Vol. 36, 69–88.

Fraser, N. (2005b) *Reframing Justice: The Spinoza Lectures*, Amsterdam, Van Gorcum.

Fraser, N. (2007) 'Identity, Exclusion, and Critique: A Response to Four Critics', *European Journal of Political Theory*, Vol. 6, Issue 4, 305–38.

Honneth, A. (1995) *The Struggle for Recognition: The Moral Grammar of Social Struggles*, Cambridge, Polity Press.

Honneth, A. (2003) Contributions to Nancy Fraser and Axel Honneth, *Redistribution or Recognition? A Political-Philosophical Exchange*, London, Verso.

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

Phillips, A. (1995) *The Politics of Presence*, Oxford, Clarendon Press.

Rawls, J. (1971) *Theory of Justice*, Oxford, Oxford University Press.

Shapiro, I. (1999) *Democratic Justice*, New Haven, Yale University Press.

Thompson, S. (2009) 'On the Circularity of Democratic Justice', *Philosophy and Social Criticism*, Vol. 35, Issue 9, 1079–98.

Tully, J. (2000) 'Struggles over Recognition and Distribution', *Constellations*, Vol. 7, Issue 4, 469–82.

van Parijs, P. (1996) 'Justice and Democracy: Are They Incompatible?', *Journal of Political Philosophy*, Vol. 4, Issue 2, 101–17.

Williams, M. (1998) *Voice, Trust and Memory*, Princeton, Princeton University Press.

Young, I. M. (1990) *Justice and the Politics of Difference*, Princeton, Princeton University Press.

Young, I. M. (2000) *Inclusion and Democracy*, Oxford, Oxford University Press.

7
Respect for Reasonable Cultural Diversity as a Principle of Political Morality[1]

Jocelyn Maclure

Samuel Scheffler's paper 'Immigration and the Significance of Culture' (Scheffler, 2007) is in my view one of the most cogent and helpful contributions to the debate on multiculturalism and justice in recent years. Although not at all unsympathetic to the claims of justice made by immigrants, it offers what I take to be one of the soundest arguments against the case for 'multicultural' theories of justice. As I am myself inclined to think that we should recognize that multiculturalism or, perhaps better, a principle of respect of reasonable cultural diversity, should and does play a role within our political morality, I want to question and amend his conclusion that we ought to 'forswear any appeal to cultural rights or to the language of multiculturalism' in thinking about the relationship between immigrants and host societies (Scheffler, 2007, p. 117).

My position, which I will only be able to justify partially here, is that a principle of respect of reasonable cultural diversity ought to (and actually often does) act as an interpretive principle within our political conception of justice – an interpretive principle that modifies our understanding of the normative implications of the basic principles of justice. Although I agree with Scheffler that the descriptive and normative language used by many multiculturalists need to be revised and often deflated, as talk of 'cultural rights', 'group/collective rights' and 'cultural protection/preservation' often mischaracterizes what is really at stake, I also believe that Scheffler's position fails to grasp the role and impact of the principle of respect for reasonable cultural diversity. I will argue, perhaps in con-

tradistinction to other multiculturalists, that Scheffler's position's main shortcoming is explicative and conceptual rather than normative.

As I alluded, Scheffler is not unsympathetic to the claims of immigrants. Here is how he sums up:

> I believe that the Heraclitean position is correct to forswear any appeal to cultural rights or to the language of multiculturalism in thinking about these questions. The constituents of political morality that are most relevant in thinking about the mutual responsibilities of immigrants and host societies are the principles of justice, which define a fair framework of social cooperation among equals (and which are understood to exclude special cultural rights); the basic liberties, including especially the liberties of speech, association, and conscience; and the important idea of informal mutual accommodation within the bounds of justice. Talk of cultural rights and of multiculturalism adds little that is useful to this, and it provides an invitation to mischief both by encouraging us to think in unsustainable, strong-preservationist terms and by promoting a distorted and potentially oppressive conception of the relations between individuals and cultures. (Scheffler, 2007, pp. 117–18; see also p. 110)

Many of the points made by Scheffler in the course of his argumentation are valid and, with the exception of the aforementioned conclusion, should, I think, be accepted by multiculturalists. I think it's fair to say that Scheffler mainly opposes two ideas that he sees as wedded to multiculturalism. First, he picks apart the belief that either immigrants or host societies are entitled to a right to insulate their 'culture' from alteration (Scheffler, 2007, p. 105). Second, he challenges the idea defended by multiculturalists that the establishment of fair terms of social cooperation under conditions of cultural diversity requires that standard liberal egalitarian conceptions of justice incorporate 'group-specific' or 'minority' rights (Scheffler, 2007, p. 110). I will first briefly review his first point and then expose what is perhaps a blind spot in the argumentation that leads to his second point. Finally, I will challenge Scheffler's conclusion that we should forswear the language of multiculturalism altogether when we think about the fair terms of social cooperation under conditions of cultural diversity.

Multiculturalism and the preservationist ethic

Scheffler begins by debunking the claim that either host societies or immigrants have a right to 'preserve' their respective cultures. Although

this critique is in no way new or particularly controversial, at least in the philosophical literature (Appiah, 2005), Scheffler's version of it is compelling. He inter alia makes the now-commonplace argument that the very ideal of cultural preservation can hardly be squared with the evolving nature of cultures, and with the plurality and mutability of the identifications and affiliations of most agents. A preservationist ethic, as Anthony Appiah calls it, logically presupposes that we can delineate a fixed and stable culture, defined by a set of immutable and cognizable properties, which can be protected and preserved with the help of cultural rights and policies. Yet for reasons that need not be rehearsed here, cultures are to varying degrees always changing and, as Scheffler rightly points out, 'survive only by changing' (Scheffler, 2007, p. 104). Cultural 'survival', as he puts it, 'is successful change' (Scheffler, 2007, p. 107). Moreover, as agents normally belong to a plurality of communities, draw on several sources of meaning and orientation and take up a plurality of roles or practical identities, it is misleading to assign each of them to a single culture standing in need of protection (Scheffler, 2007, p. 99).[2] As Scheffler eloquently observes, '[a]ll of these identifications and passions and affiliations, and countless others, are aspects of human culture, and to live a human life is to trace a particular path through the space of possibilities they define' (Scheffler, 2007, p. 101).

These points against the reification of culture and identity are, as I said, widely accepted. I know of no serious theorist of multiculturalism or of the politics of recognition – think of Will Kymlicka, Charles Taylor or James Tully, for instance – who does not accept them (Kymlicka, 1995; Taylor, 1994; Tully, 1995). We might disagree with one or another of their arguments, but, although I won't try to fully justify this claim here, it is simply not true that they are working with an essentialized conception of culture or with a monistic notion of individual identity. One could perhaps try to show that some of the normative positions defended by some multiculturalists seem to logically presuppose identity essentialism, but this argument needs to be carried out in specific rather than general terms. It is true, however, that both (1) a clear *conceptual* reflection on the meaning of cultural preservation in the light of the inevitability of cultural change, and (2) a cogent *normative* reflection on the role and status of the ideal of cultural preservation within the justification of multiculturalism, are scarce. I, in line with Scheffler, believe that the language of cultural preservation, protection or survival is of no use in the normative justification of multiculturalism. I have argued elsewhere that multiculturalists should forgo the preservation-

ist ethic altogether and replace it with arguments based on the right to self-determination (for national minorities) and on the illegitimacy of policies aiming (overtly or covertly) at full cultural assimilation of immigrants to the majority culture, that is arguments drawn from, or compatible with, the constituents of liberal-democratic political morality. I think, like Scheffler, that immigrants can pursue reasonable cultural reproduction projects, but that the ideal of cultural preservation does not *in itself* justify specific rights or resources for members of cultural minorities.[3] But contrary to what has widely been assumed by critics of multiculturalism – including moderate ones like Scheffler – I don't think that the ideal of cultural preservation is either the foundation or the telos of multiculturalism (Habermas, 1994; Waldron, 1992; Barry, 2001).

Multiculturalism and justice

The second more general point made by Scheffler is that liberal egalitarian conceptions of justice need not be amended in order to do justice to immigrants:

> Some people interpret the legitimate grievances of immigrant communities in existing liberal democracies as evidence that the familiar conceptions of justice are inadequate and should be modified to incorporate a regime of cultural rights. The alternative conclusion that seems to me more plausible in many of these cases is that the societies in question have failed to meet the requirement of liberal justice, and that the remedy for the grievances of immigrants is not to modify those requirements but rather to ensure that they are satisfied. (Scheffler, 2007, p. 112)

Here, Scheffler does not deny that actually existing liberal democracies often fail to treat immigrants fairly. His point is rather that this failure is due to a shortcoming of liberal democratic institutions rather than to a limit of liberal egalitarian political morality. The fulfilment of the demands of liberal egalitarianism gives, according to him, 'ample scope for immigrants (and others) to pursue reasonable preservationist projects' (Scheffler, 2007, pp. 110–11).

Although I agree that meeting the moral requirements of liberal egalitarianism would take us much closer to fair terms of social cooperation in multicultural societies, I want to take issue with the claim that liberal egalitarian theories of justice such as John Rawls's 'justice as

fairness' already possess all the ethical resources necessary to address the contemporary challenges of a multicultural society. The assertion, quoted above, that '[t]he constituents of political morality that are most relevant in thinking about the mutual responsibilities of immigrants and host societies are the principles of [standard liberal egalitarian] justice' (Scheffler, 2007, p. 117) is plausible but omits a crucial part of the story.

My dissatisfaction with Scheffler's position perhaps lies in what I take to be his incomplete account of liberal political morality. Although there is a kernel of truth in the idea that the satisfaction of the demands of standard liberal egalitarianism – if seen, as Scheffler rightly argues, as including the reasonable legal accommodation of minority practices (I will come back to this below) – is all that is needed with regards to the immigrant-host society relationship, I believe that his justification, as presently stated, fails to grasp the mutation in the political morality of most liberal democracies that took place in the past few decades.

The phenomenon that I have in mind and that stands in need of explanation is the fact that most liberal democracies now recognize, in many different ways, the normative authority of a principle of 'respect' or maybe 'hospitality' for cultural diversity. For instance, integration models seeking the full assimilation (or acculturation) of newcomers, which were pretty much the norm in most liberal democracies up at least until the 1960s, now appear to many as morally suspect. I take it that most liberal democracies are trying to design and implement incorporation models that seek to bring about integration in some spheres (language acquisition, economic integration, education, civic participation, and so on) while simultaneously letting immigrants engage in the reasonable cultural preservation and reproduction projects of their choice. The aim of such incorporation models is 'integration' rather than 'assimilation'.[4]

Take, for instance, the norm of legal accommodation discussed by Scheffler. Both American and Canadian jurisprudences now stipulate that public and private institutions have a legal duty to accommodate reasonable minority practices when it is proven that legitimate and *prima facie* neutral laws, norms or rules indirectly discriminate, in their application, against the members of a vulnerable group (Woehrling, 1998). As Scheffler rightly puts it,

> … the principles of justice may themselves require, by virtue of their guarantees of liberty of conscience and association, that certain limited exemptions from otherwise just laws should be provided to people for whom compliance would conflict with deeply held conscientious convictions, whether religious or nonreligious in character. Justice may

> also require other forms of legal accommodation for conscientious convictions in some circumstances. (Scheffler, 2007, pp. 114–15)

As a mechanism contributing to the better realization of the equal liberty of all, the norm of reasonable legal accommodation is now seen as a moral and legal obligation. It is only recently in the history of liberal democracy that the accommodation of cultural and religious minorities is construed as such. As far as religious accommodation is concerned, it was seen as sufficient, from John Locke's *Letter Concerning Toleration* to late in the twentieth century, to recognize and protect the agent's sovereignty over her own conscience and to tolerate minority religious beliefs and practices in the *private* sphere. Although many oppose the idea that reasonable accommodation is a moral and legal obligation (Barry, 2001), it is nonetheless recognized as such by most human rights tribunals and constitutional courts in the West. How did that happen?

In another direction, think of how the idea of fair treatment of national minorities and aboriginal peoples has changed in the past half-century.[5] It is now widely recognized, including in international law, that minority peoples or nations are entitled to some form of political and cultural autonomy. To illustrate this point, consider, for instance, the case of the former liberal Canadian Prime Minister, Pierre Elliot Trudeau. Trudeau thought in 1969 that the best liberal egalitarian solution to the deplorable life conditions of aboriginal people in Canada was to encourage their assimilation to mainstream society by making sure that they could exercise the *exact same rights* as non-aboriginal Canadians. This involved both refusing the special status and collective rights claimed by aboriginal leaders and fighting vigorously against the discrimination that aboriginal people still had to put up with (Indian and Northern Affairs Canada, 1969). The intent – securing the equal protection of the laws for aboriginal people – was clearly liberal. The Liberal Party's policy with regards to aboriginal people was a part of the 'Just Society' envisioned and championed by Trudeau.

Interestingly, Trudeau and the Liberal Party were back in power in 1982 when the Canadian constitution was patriated from Great Britain and a Canadian charter of rights and freedoms was enshrined in the constitution. At that time, the Canadian constitution was amended to include a clause 'recognizing' and 'affirming' 'the existing aboriginal [that is, ancestral] and treaty rights of the aboriginal peoples of Canada' (Department of Justice Canada, 1982). The egalitarian but overtly assimilative policy of 1969 was dead and no serious political party has tried to unearth it since then. The Canadian Crown has since resumed

with treaty negotiations (or is, more often, paying lip service to nation to nation negotiations) (Indian and Northern Affairs Canada, 1996). Although there are many reasons – some of them no doubt purely instrumental – why a political leader might change his or her views in such a drastic way, this example nicely illustrates I think the ethical mutation I alluded to above. As Scheffler convincingly argued elsewhere, instrumental and ethical reasons sometimes converge (Scheffler, 1994).

Now, underneath the significant differences between immigrants and national minorities, the requirement or expectation of full cultural assimilation is in both cases seen as excessively demanding from a moral point of view. The illegitimacy of active and even passive policies seeking the assimilation of immigrants has arguably become a well-considered moral judgement. Individual members of minority groups can of course decide to assimilate, but a new norm of respect for cultural diversity now sets limits to the types of policies that can be implemented in the name of integration. It is this new sensitivity to cultural difference – call it 'multiculturalism' or 'the politics of recognition' – that multicultural-ists have tried to track and to incorporate into a wider conception of justice. As both examples reveal, standard liberal principles of justice are not, left to themselves, incompatible with at least passive or indirect assimilation policies.

The shift just described within the structure of our considered moral judgements is invisible in Scheffler's analysis. But perhaps someone defending a position akin to Scheffler's could argue that the 'respect for reasonable cultural diversity' principle I alluded to is better understood in terms of an interpretive clause or axiological filter that modifies our understanding of the principles of justice constitutive of standard liberal conceptions of justice. Basic liberal rights would henceforth need to be interpreted and applied in a culturally sensitive rather than blind manner. Insofar as we are concerned with the immigrant-host society relationship, a 'multicultural' theory of justice, contrary to what Kymlicka opines, would not be needed, at least if such a theory entails incorporating 'cultural' or 'group specific' rights into our system of rights.

This position has some plausibility. As we saw, the legal obligation of reasonable accommodation is derived from more general rights and freedoms (such as the right to equality and the associated anti-discrimination clauses, and the freedom of conscience and religion). Along the same line, affirmative action programmes, often construed as multicultural policies, can be derived from a more general principle of equal opportunity. In both cases, one can plausibly argue that standard liberal conceptions of justice need not be revised or augmented. Our

institutions, as Scheffler writes, need to live up to, and better realize, basic liberal principles.[6]

A standard liberal conception of justice read through the lens of the norm of respect for cultural diversity would thus be capable of setting out fair terms of cooperation among the citizens of a multicultural society. But then, does Scheffler's position, according to which the only relevant constituents of political morality are the standard liberal principles of justice, survive even the minimal interpretation of the norm of respect for reasonable cultural diversity as an interpretive principle? What is the respect for reasonable cultural diversity if not a principle of political morality? It does seem to have a nature and function similar to a principle of political morality, as it impacts upon constitutional interpretation, institutional design and policy-making, although we perhaps need a more textured notion of political morality, that is one that allows us to distinguish between interpretive principles and principles of justice, as interpretive clauses and fundamental rights are distinguished in law.

Does political morality evolve?

Scheffler's position is, as I said, persuasive. I do think, however, that it occludes the ethical transformation that I have sketched out here. Although this would require a separate chapter, the very way Scheffler frames his position raises some questions about the possible metaethic implicit in his argumentation. As far as I can tell, Scheffler nowhere makes it explicit that he believes that what it means to treat cultural and religious minorities fairly has changed in the past few decades. In this particular paper, Scheffler comes across either as a moral realist for whom principles of justice are atemporal properties that societies can grasp and actualize (or fail to do so), or as a Kantian constructivist for whom practical reason yields unvarying moral truths. One gets that perhaps false impression not only from the fact that he does not acknowledge the ethical transformation I referred to, but also from his rendition of his grandfather's experience as a 'Galician Jew' immigrating to New York in 1914. Telling the story and predicament of his grandfather allows him to demonstrate that it makes little sense to think that immigrants come with a 'single fixed and determinate "culture" to which they could be assigned and that they would want to preserve from change' (Scheffler, 2007, pp. 95–9). However, the perhaps undesired consequence of this tale is that it also seems to entail that what it means for a host society to treat immigrants fairly is the same today as it was in the 1910s. To be sure, this is not the lesson that Scheffler wishes to draw from the narrative.

He rather takes it to mean that 'even for people whose lives may seem, superficially, to be assimilable within some fixed cultural framework, the appearance of cultural fixity and determinacy is often illusory or at least misleading' (Scheffler, 2007, p. 100). This point is well taken. Yet passages such as the following make us think that political morality is pretty much fixed and stable:

> If someone had asked him whether it was important to him to have his culture recognized by his new country, or whether he thought the national identity of the United States should be replaced by a new, multicultural identity in order to accommodate him and other immigrants, I doubt he would have known what to say. (Scheffler, 2007, p. 96)

I do not want to make too much of this narrative, but the fact that he does not specify that we do not live in the exact same moral context that his grandfather did, combined with the fact that he does not at all ponder the normative implications of the new ethical sensitivity with regard to cultural difference, could be taken to mean that he believes that normative expectations and political morality do not change through time, an assumption that pragmatists and other political constructivists, such as Rawls, would rightly want to challenge. This silence or blind spot in Scheffler's argument might help in explaining why he finds no use for the idea that liberal theories of justice need to be reworked in the light of a normative concept of multiculturalism.

Conclusion

Leaving this metaethical issue aside, Scheffler could perhaps reply that the ethical mutation within our well-considered judgements that I described did indeed take place and that there was an explicative blind spot in his argument, but that it doesn't alter the basic position he defends in the paper: standard liberal egalitarian conceptions of justice have the normative resources to set out fair terms of social cooperation in multicultural societies, and talk of multiculturalism and recognition only creates unnecessary conceptual and normative problems.[7] Although I am prepared to grant him that multiculturalists do not always have a clear view of the meaning and normative status of the goal of cultural preservation, it seems more accurate to me to think that a principle of respect of reasonable cultural diversity has gradually weaved its way

into the fabric of our political morality and modified what we see as the requirements of social justice in culturally diverse societies. As I argued earlier, basic liberal principles need to interact with a principle of respect for cultural diversity in order to steer clear of cultural assimilationism.

It is also true, however, that my position calls for some conceptual clarification. It might be that we need to have a more textured conception of political morality; a conception that would allow us to distinguish between interpretive principles and more straightforwardly normative ones. It could well be, although I am not prepared to take a definitive stand on this yet, that multiculturalism does most of its normative work at the level of the interpretation of more basic liberal and democratic principles (equality, freedom of conscience and religion, freedom of expression, popular sovereignty and the right to self-determination). If so, this would constitute another reason why 'multicultural' theories of justice like Kymlicka's, that generally zero in on 'group specific' or 'cultural' rights, are ripe for a new round of conceptual revision and clarification.

Notes

1. I wish to thank Patrick Turmel, Chad Horne, François Boucher and Jim Tully for enlightening comments on an earlier draft of this chapter.
2. Amartya Sen tries to spell out the implications of the plural and mutable nature of identity in Sen (2006).
3. Compare to Scheffler: 'What they cannot do is demand additional rights or resources, beyond those they are owed as a matter of justice, in the name of cultural preservation specifically' (Scheffler, 2007, p. 111).
4. Rogers Brubaker, for instance, says that some forms of assimilation are necessary (learning the dominant language, respecting the prevailing structure of rights and freedoms and participating in public life, economic integration, and so on), but not that full cultural assimilation regained its moral credentials (Brubaker, 2001). See also Glazer (1997).
5. I am aware that Scheffler explicitly excludes national minorities from his analysis and focuses only on immigrants. I do, however, need to reintroduce them in the picture in order to make my point about the evolution of political morality. It would be interesting to see what Scheffler thinks is a fair treatment of national minorities and aboriginal peoples, and whether the integration of this other form of cultural diversity would lead him to amend his position.
6. Can all measures associated with multiculturalism be straightforwardly derived from basic individual rights? What about language rights? Are immigrants entitled to some public services in their native language or is this just a matter of public policy not regulated by the political conception of justice? The derivation seems looser here, although I am not prepared to address this question here. See Patten and Kymlicka (2003).
7. Perhaps Scheffler could say that standard liberal egalitarianism is not incompatible with our ensemble of well-considered judgements pertaining to

the respect of cultural diversity. The reflective equilibrium method, as is well known, tells us to revise abstract theoretical principles if they fail to match with the moral practical judgements that we have no good reason to abandon or revise. There would thus be no need to amend standard liberal egalitarianism along the lines suggested here. Yet, as I argued earlier, basic liberal principles need to interact with a principle of respect for cultural diversity in order to steer clear of cultural assimilationism. Reflective equilibrium also tells us that changes in our structure of well-considered judgements normally have an impact on our normative conception of justice.

References

Appiah, K. A. (2005) *The Ethics of Identity*, Princeton, NJ, Princeton University Press.

Barry, B. (2001) *Culture and Equality: An Egalitarian Critique of Multiculturalism*, Cambridge, MA, Harvard University Press.

Brubaker, R. (2001) 'The Return of Assimilation? Changing Perspectives on Immigration and its Sequels in France, Germany, and the United States', *Ethnic and Racial Studies*, Vol. 24, 531–48.

Department of Justice Canada (1982) *The Constitution Act*, section 35, <http://laws.justice.gc.ca/en/const/annex_e.html>.

Glazer, N. (1997) *We Are All Multiculturalists Now*, Cambridge, MA, Harvard University Press.

Habermas, J. (1994) 'Struggles for Recognition in Constitutional States', in A. Gutmann (ed.), *Multiculturalism: Examining the Politics of Recognition*, Princeton, Princeton University Press, pp. 107–48.

Indian and Northern Affairs Canada (1969) *Statement of the Government of Canada on Indian Policy*, <http://www.ainc-inac.gc.ca/pr/lib/phi/histlws/cp1969_e.html>.

Indian and Northern Affairs Canada (1996) *Report of the Royal Commission on Aboriginal Peoples. Volume 2: Restructuring the Relationship*, <http://www.ainc-inac.gc.ca/ch/rcap/sg/sgmm_e.html>.

Kymlicka, W. (1995) *Multicultural Citizenship: A Liberal Theory of Minority Rights*, New York, Oxford University Press.

Patten, A. and Kymlicka, W. (eds) (2003) *Language Rights and Political Theory*, New York, Oxford University Press.

Scheffler, S. (1994) *Human Morality*, New York, Oxford University Press.

Scheffler, S. (2007) 'Immigration and the Significance of Culture', *Philosophy & Public Affairs*, Vol. 35, 93–125.

Sen, A. (2006) *Identity and Violence: The Illusion of Destiny*, New York, W. W. Norton & Company.

Taylor, C. (1994) 'The Politics of Recognition', in A. Gutmann (ed.), *Multiculturalism: Examining the Politics of Recognition*, Princeton, Princeton University Press, pp. 25–73.

Tully, J. (1995) *Strange Multiplicity. Constitutionalism in an Age of Diversity*, Cambridge, Cambridge University Press.

Waldron, J. (1992) 'Minority Cultures and the Cosmopolitan Alternative', *University of Michigan Journal of Law Reform*, Vol. 25, 751–93.

Woehrling, J. (1998) 'L'obligation d'accommodement raisonnable et l'adaptation de la société à la diversité religieuse', *Revue de droit de McGill/McGill Law Journal*, Vol. 43, 325–401.

8
Difference, 'Multi' and Equality[1]

Tariq Modood

The accommodation of 'difference'

A politics of recognition of difference has to begin, sociologically, with the fact of negative 'difference': with alienness, inferiorization, stigmatization, stereotyping, exclusion, discrimination, racism, and so on; but also the senses of identity that groups so perceived have of themselves. The two together are the key datum for multiculturalism. The differences at issue are those perceived both by outsiders or group members – from the outside in and from the inside out – to constitute not just some form of distinctness but a form of alienness or inferiority that diminishes or makes difficult equal membership in the wider society or polity. There is a sense of groupness in play, a mode of being, but also subordination or marginality, a mode of oppression, and the two interact in creating an unequal 'us–them' relationship.[2]

The differences in question are in the field of race, ethnicity, cultural heritage or religious community; typically, differences that overlap between these categories, not least because these categories do not have singular, fixed meanings. 'Race', for example, can mean different things in different places or different times. For example, in some contexts it's about 'colour', but for many Europeans anti-Semitism has been Europe's primary racism. Again, whilst historically 'race' has been a biological or quasi-biological concept, in the late twentieth century many people, especially social scientists, have come to see it as a social construction, and group behaviour that previously used to be characterized as innate is now seen as socio-cultural. Similarly, 'ethnicity' in the United States began life as a description of non-WASP (white, Anglo-Saxon Protestant) settlers from Europe, though it has come to be extended to groups such as East Asians; while in Britain – following a European anthropological

tradition in which 'ethnic' meant pre-modern – it primarily denotes varieties of non-whiteness, though in some contexts it can include Jews or the Irish or Italians or others, when they are a minority. So, while in the United States, 'ethnic' has typically meant white people and not other 'racial' groups; in Western Europe it typically means non-white. In most cases 'difference' does not simply relate to free-floating attitudes and idiosyncratic stereotypes but to ways of thinking, acting and organizing across many if not all social and institutional contexts, but not usually to territory (except in the sense of origins). Such a notion of difference fits the situations that are the focus of my attention, namely, relatively new urban co-presences in western cities; but co-presences which often have historical roots, usually a relationship of domination/subordination, such as the colonial empires, but while historically the co-presence may have taken place 'over there' in the colonies, it is now within western cities.

These co-presences have a political character and give rise to the processes and outcomes of political struggles and negotiations around the fact of difference. To those struggles and outcomes in which certain kinds of 'differences' are asserted and certain kinds of claims-making takes place, recognition or accommodation is sought and not considered illegitimate. Multiculturalism refers to the struggle, the political mobilization but also the policy and institutional outcomes, to the forms of accommodation in which 'differences' are not eliminated, are not washed away, but to some extent recognized. Through both these ways, group assertiveness and mobilization, and through institutional and policy reforms to address the claims of the newly settled, marginalized groups, the character of 'difference' is addressed; ideally, a negative difference is turned into a positive difference, though in most contemporary situations something of each is likely to be simultaneously present.

To speak of 'difference' rather than 'culture' as the sociological starting point is to recognize that the difference in question is not just constituted from the 'inside', from the side of a minority culture, but also from the outside, from the representations and treatment of the minorities in question. Moreover, as I have said, it is also to recognize that the nature of the minorities, and their relationship to the rest of society, is not such that 'culture' is a stand-alone alternative to race, ethnicity, religion, and so on.

Multiculturalism is not, therefore, about cultural rights instead of political equality or economic opportunities; it is a politics which recognizes that post-immigration groups exist in western societies in ways that both they and others, formally and informally, negatively and positively are aware that these group-differentiating dimensions are central to their social constitution.

So, rather than derive a concept of multicultural politics from a concept of culture, it is better to build it up from the specific claims, implicit and explicit, of the post-war extra-European/non-white immigration and settlement and their struggles and the policy responses around them to achieve some form of acceptance and equal membership. Such migrants have not been simply perceived as individuals or new neighbours, fellow-workers or citizens. They have been seen as 'different'; seen in terms of race, ethnicity, and so on. So, one of the central features of this politics is the understanding that a collectivity is being targeted and so a collective response may be required; that people were being labelled from the outside, for example, as 'immigrants', 'coloureds' or 'foreigners'; that these labels had to be contested and rejected through collective protest; the summoning and building up of group pride and the projection of positive labels and images to overcome the stigmatization of involuntary identities. The most famous example of this group pride mobilization has been not by an immigrant group but by African-Americans, who, by self-identifying as 'black', turned a derogatory term into a social movement, and through slogans such as 'Black and Proud' reclaimed a heritage and history and created a political ethnicity (Omi and Winant, 1986). This example was influential in different ways across the world, including in Britain where it gave rise to allied black politics and black pride movements and beyond that to other forms of ethnic assertiveness such as that of south Asians in Britain (Modood, 2005b), and Latinos and others in the United States (Fox, 1996).[3] Indeed, we really only begin to talk about multiculturalism when the groups in question cannot be characterized in 'racial' terms only, when they do not, for example, portray themselves as 'black' or 'brown' but where issues of (perceived) bonds based on community structure, family norms, cultural heritage, religious tradition seem to be as equally important as phenotype or descent. In these ways, the assertion, re-imagining and negotiation of difference is central to group formation and evolution and thus to multiculturalism. Nevertheless, anti-colour racism, which in that earlier period meant anti-racism, has been a key critical element in the evolution of multiculturalism. The fact of racism and of power inequalities tended to be ignored by early, especially educationalist conceptions of multi-culturalism and came to be rightly rectified in later formulations (May, 1999; CMEB, 2000).

I have said that the appropriate sociological starting point is that of negative difference and that the politics consists in seeking to turn the negative into a positive, not the erasure of difference but its transformation into something for which civic respect can be won. When we begin

to talk of positive difference, it is common to talk of identities. Identities are relational and, so just like difference, are constituted partly from the outside but the concept of identity (like ethnicity and culture, as opposed to race) allows the 'inside' more space, more agency, not just in relation to individual self-definition but in relation to the outsider perceptions, treatment and social expectations – indeed, the whole social constitution of what is taken to be an Asian, Latino, black, and so on, including the inferiorized, imposed status of that group. That is to say, the subordinate group in question does not just begin to take charge of its positive self-definition, of revaluing the group, but also to define the ways it has been inferiorized, its mode of oppression. The group begins to speak for itself, not just in terms of its positivity but also about its pain. Examples of what I have in mind are when British-Asians begin to redefine the racism that they experience, from a colour racism, the experience of not being white in a white society, to a racism which targets Asians in the form of distinctive stereotypes and vilifies aspects of their culture. Or, when black women begin to recharacterize sexism to take account of their distinctive concerns (Carby, 1982; Amos and Parmar, 1984); or when Muslim women challenge leading forms of feminism which portray the wearing of a headscarf as a form of oppression but regard the sexualization of public space (in terms of dress, visual images, shopping malls) as emancipatory (Bullock, 2002). All these are examples of an assertive identity statement because an oppressed group challenges not just its oppression but the prevailing wisdom about its mode of oppression. It claims to know something, to name an experience because the 'difference' is addressed from the 'inside', by the victims. This is a knowledge that can of course be communicated to outsiders, it can be shared with non-victims, including the victimizers, and to allow, enable and welcome such identity communications and learning is to have begun to create a multiculturalist space even before any of the pain itself is treated and further inflictions prohibited. While societal effort, including from dominant groups, will be required to formulate appropriate policies and adjust social relations, this movement from the 'inside', these identity discourses are critical in the formation of a multiculturalist society.

Another advantage of the term 'identity' is that it suggests less assumed behavioural or normative baggage than suggested by 'culture' or even by 'ethnicity'. It means that to speak of the recognition or accommodation of minority identities is not necessarily to advocate the reproduction of the past or customs from far off places. It is possible for someone to have (and for the public space to recognize) a Pakistani identity without, for example, the Urdu language, observance of the rules of Islam or wanting

an arranged marriage. This was a conclusion from a major survey of the 1990s which found that ethnic identification by minority individuals in Britain was almost universal but that adherence to traditional practices was mixed (Modood et al., 1997). Identities persist even when participation in distinctive cultural practices is in decline or these practices are undergoing considerable adaptation. Not only is there nothing in the idea of multi-culturalism that rules out developments of these sorts but they underline a key point. Namely, the primary interest of multiculturalism is not in culture *per se* but in the political uses of non-European origin ethnic and related identities, especially in turning their negative and stigmatic status into a positive feature of the societies that they are now part of. This means that multiculturalism is characterized by the challenging, the dismantling and the remaking of public identities.

Multiplicity

The above, then, is my take on the 'culturalism' of 'multiculturalism'; we now need to spell out what is meant by the 'multi'. It is obviously an appreciation of the fact that the societies in question cannot be conceived in mono-identarian terms (if they ever could have been). More to the point, duality is equally inappropriate as characterization of the societies in question. For countries like most of those of Western Europe to continue to think of themselves as 'white' is both inaccurate and a perpetuation of an ideology of exclusion. However, for them to think of themselves in dualistic terms, as consisting of two populations, black and white, as became common in Britain in the 1980s, is also to fall short of multiculturalism (Modood, 1988, 1994). For it overlooks that the people who seek or for whom multicultural inclusion is sought are diverse and have different identities, combining elements based on origins, colour, culture, ethnicity, religion, and so on. To group them together as excluded on the basis of 'difference' is to rightly identify that they have something in common, but as a matter of fact such groups can be as different from each other as from white people.

The idea of a 'rainbow coalition' might be a good one to politically harness this diversity but it cannot be reduced to a single identity such as 'black'. The latter will have some positive identity resonance for some – primarily people of sub-Saharan African descent[4] – but not for others, perhaps for whom national origin identities (like Turkish) or a regional heritage (like Berber) or a religious identity (like Sikh) may be much more meaningful, expressing forms of community and ethnic pride that are struggling for recognition and inclusion. Moreover, the 'multi' does not

just refer to cultural or self-definitional diversity. The groups in question may have different socio-economic positions, (dis)advantages, trajectories in, say, American, Canadian or British society (Loury et al., 2005; Heath and Cheung, 2007). Nor is it true that they are all worse off than their white co-citizens. The point is not that some, say, individual western Indians are better off than individual whites – that is trivially true. Rather, that groups such as the Indians, Chinese, Koreans and some other East Asians, for example, are developing a more middle class profile than whites. This complication of an ethnic stratification model has got to be part of the parameters of multiculturalism.

The multi has to also apply to our analysis of racism: there is not a singular racism but multiple racisms. There are of course colour or phenotype racisms but there are also cultural racisms which build on 'colour' a set of antagonistic or demeaning stereotypes based on alleged or real cultural traits. The ways in which racism works with Latinos, for example, both in terms of representations but also in terms of treatment – perhaps they are more likely to be hired than a black jobseeker but are more vulnerable in terms of immigration policing and the possibility of being deported – will be different to how it is for African-Americans. Similarly, American-Asians may be admired in distinctive ways (for example, for their academic and occupational achievements) but may also be racialized as 'nerds' and 'geeks', not to mention as foreign and un-American (Song, 2001). The most important cultural racism today, at least in Western Europe, is anti-Muslim racism, sometimes called Islamophobia. A multicultural approach, recognizing the plurality of racisms and the distinctive needs and vulnerabilities of different groups, is therefore what is needed to tackle these different forms of racisms, including its religious dimensions (Modood, 2005a).

For all these reasons – differential cultures, identities, economic and skill profiles, racisms, political targeting, and so on – we should not expect a single sociological model for a multiethnic or multicultural society. The minority groups that need to be comprehended in such a model are likely to vary not just by dimension, such as the above – though of course the nature and degree will vary by society – but also to the extent that they are even groups. It is not just that some groups will see themselves more in terms of regional origins and others in terms of religion; or that some will have the community structures and networks to form economic enclaves and others may not. Rather, some groups will be more mixed in terms of relationships and joint activities with non-group members and may exercise relatively little effort to reproduce the group culturally or politically. For other groups, however, who may

not be at all 'separatist' or eschew civic participation, the transmission of a community or a diasporic or faith identity at least into the next generation may be very important. It follows, therefore, that a policy matrix that may suit one type of group may not suit another group. While we can all learn from the experiences and achievements of any one group, and may seek to transfer that for the benefit of other groups, no minority can be a model for all others. We may welcome the interactions that produce cultural hybridity in, for example, the music, dance, videos, television and entertainment enclaves that characterize certain parts of Los Angeles, New York or London and think they are attractive forms of multiculture, but we have no right to insist that they be *the* form of multiculturalism that other groups should emulate. Similarly, if other groups are centred more on family, kin, religious education and social welfare, that should be welcomed too, though neither can that be *the* form of multiculturalism. So, the ultimate meaning of 'multi' is that specific policies, complexes of policies and multicultural institutional arrangements have to be customized to meet diverse (as well as common) vulnerabilities, needs and priorities.

Integration

It is widely said by its critics that 'multiculturalism' is a vague, confused concept whose different meanings to different people render sensible debate and policy orientation difficult. There is some truth in this, but the same is true of its rival ideas or models, 'assimilation' and 'integration'. Thus, a useful debate and reasoned action requires some conceptual ground-clearing in relation to these concepts as well.

The meanings I offer below are not, I believe, arbitrary; rather, they arise out of the public discourses in which the terms assimilation and integration are used, and all these terms are pitted against each other. One way to proceed would be to leave the issues of immigration and ethnic difference aside and begin with a higher level of sociological abstraction – after all, there is a body of sociological theory devoted to the issue of societal integration and the division of labour, most notably in Durkheimian sociology (Durkheim, 1964; O'Donnell, 2007). I believe, however, that it is better to stay nearer the phenomenon one is analysing and the issues that need enlightening. The way I define them and establish their interrelationship are, howeve, my own, and I am aware that others may prefer to work with other meanings (for example, Parekh, 2005). Examples of alternative use of these words include 'assimilation' in American sociology (as in the 'segmented assimilation' proposed by

Portes and Zhou, 1993), which is similar to what is meant by integration in Britain. In general, European ethnic groups in the United States are seen as an exemplar for sociological theories and models of assimilation (Kivisto, 2005). Thus, Jews are taken to be a successfully assimilated group but the use of this term includes awareness that they have also changed the American society and culture they have become part of. When politicians in Britain and especially continental Europe speak of integration, the meaning they usually have in mind is what I define below as assimilation.

Assimilation – This is where the processes affecting the relationship between newly-settled social groups are seen as one-way, and where the desired outcome for society as a whole is seen as involving least change in the ways of doing things for the majority of the country and its institutional policies. This may not necessarily be a *laissez-faire* approach – for the state can play an active role in bringing about the desired outcome, as in early twentieth-century 'Americanization' policies towards European migrants in the United States – but the preferred result is one where the newcomers do little to disturb the society they are settling in and become as much like their new compatriots as possible.

Integration – This is where processes of social interaction are seen as two-way, and where members of the majority community as well as immigrants and ethnic minorities are required to do something; so the latter cannot alone be blamed for failing (or not trying) to integrate. The established society is the site of institutions – including employers, civil society and the government – in which integration has to take place, and they accordingly must take the lead.

Multiculturalism – This is clearly not opposed to integration. It assumes a two-way process of integration, but additionally, it is taken to work differently for different groups. This is because, as I have argued, each group is distinctive, and thus integration cannot consist of a single template (hence the 'multi'). The 'culturalism' – as we have seen, not an ideal term – refers to the understanding that the groups in question are likely to not just be marked by newness or phenotype or socio-economic location but by certain forms of group identities. Multicultural accommodation of minorities is different from integration because it recognizes the social reality of groups (not just of individuals and organizations). This reality can be of different kinds; for example, a sense of solidarity with people of similar origins or faith or mother tongue, including those in a country of origin or a diaspora. Such feelings might be an act of imagination but may also be rooted in lived experience and embodied in formal organizations dedicated to fostering group identity and keeping it alive. This form of

accommodation would also allow group-based cultural and religious practices to be fitted into existing, majoritarian ways of doing things. These identities and practices would not be regarded as immutable, but neither would there be pressure either to change them (unless a major issue of principle, legality or security was at stake) or to confine them to a limited community or private space.

Multicultural accommodation works simultaneously on two levels: creating new forms of belonging to citizenship and country, and helping sustain origins and diaspora. The result – without which multiculturalism would not be a form of integration – is the formation of hyphenated identities such as Jewish-American or British-Muslim (even if the hyphenated nature of the latter is still evolving and contested). These hyphenated identities, on this understanding, are a legitimate basis for political mobilization and lobbying, not attacked as divisive or disloyal. Such minority identities do not necessarily compete with a sense of nationality, for example, Britishness (Modood, 2007, pp. 146–52). Ethnic minority self-concepts can certainly have an oppositional or political character but it is not usually at the price of integration *per se*, illustrating that integration can take different forms. Indeed, political mobilization and participation, especially protest and contestation, has been one of the principal means of integration in contemporary Britain. As activists, spokespersons and a plethora of community organizations come to interact with and modify existing perceptions, practices and institutions, there is a two-way process of mutual education and incorporation: public discourse and political arrangements are challenged but adjust to accommodate and integrate the challengers. The imperial legacy has, paradoxically, both been a source of racism and constituted a set of opportunity structures for an easy acquisition and exercise of citizenship (for ex-imperial subjects), for political opposition to racism and for an ethnic minority assertiveness, partly influenced by developments elsewhere, especially in the United States. Ethnic and ethno-religious identity, like gender and sexuality, has assumed a new political importance and for some migrants and their descendants has become a primary focus of their politics. While 'ethnicity' is disdained on much of the European mainland and minorities are more likely to be excluded and cowed, Britain is marked by an ethnic assertiveness. Arising out of the feelings of not being respected or of lacking access to public space, it consists of counterposing 'positive' images against traditional or dominant stereotypes.[5] Indeed, resistance to racism has come to be seen as an almost necessary path to citizenship and integration with dignity into British society.

To summarize, multiculturalism or the accommodation of minorities is different from integration because it recognizes groups, not just individuals, at the level of: identities, associations, belonging, including diasporic connexions; behaviour, culture, religious practice, and so on; and political mobilization. It appreciates that groups vary in all kinds of ways and so will become part of the social landscape in different ways. This means that they cannot necessarily be accommodated according to a single plan and will in different ways change the society into which they are integrated. We now need to ask how can there be equality across difference. This leads us – theoretically and politically – to an expanded or double concept of equality.

Equality

It should be clear from the above that the concept of equality has to be applied to groups and not just individuals (for example, Parekh, 2000). Different theorists have offered different formulations on this question. Charles Taylor, for example, argues that when we talk about equality in the context of race and ethnicity, we are appealing to two different, albeit related, concepts, which, slightly altering Taylor's nomenclature, I will call *equal dignity* and *equal respect* (Taylor, 1994). Equal dignity appeals to people's humanity or to some specific membership like citizenship and applies to all members in a relatively uniform way. A good example is Martin Luther King's demand for civil rights. He said black Americans wanted to make a claim upon the American dream; they wanted American citizenship in the way that the constitution theoretically is supposed to give to everybody but in practice fails to do so. We appeal to this universalist idea in relation to anti-discrimination policies where we appeal to the principle that everybody should be treated the same. But Taylor, and other theorists in differing ways, also posits the idea of *equal respect*. If equal dignity focuses on what people have in common and so is gender-blind, colour-blind, and so on, equal respect is based on an understanding that difference is also important in conceptualizing and institutionalizing equal relations between individuals.

This is because individuals have group identities and these may be the ground of existing and long-standing inequalities such as racism, for example, and the ways in which some people have conceived and treated others as inferior, less rational and culturally backward. While those conceptions persist they will affect the dignity of non-white people, above all where they share imaginative and social life with white people. The negative conceptions will lead to direct and indirect acts of discrimi-

nation – they will eat away at the possibilities of equal dignity. They will affect the self-understanding of those who breathe in and seek to be equal participants in a culture in which ideas of their inferiority, or even just of their absence, their invisibility, are pervasive. They will stand in need of self-respect and the respect of others, of the dominant group; the latter will be crucial for it is the source of their damaged self-respect and it is where the power for change lies (Du Bois, 1903).

So, a denigration of a group identity, or its distortion, or its denial – the pretence (often unconscious because it is part of a culture rather than a personal thought) that a group does not exist – the withholding of recognition or misrecognition, is a form of oppression (Taylor, 1994). It is a form of inequality in its own right but also threatens the other form of equality, equal dignity, the fulfilment of which can be made impossible by stereotypes or a failure to recognize the self-definitional strivings of marginal groups.

The interaction and mutuality between the two kinds of equality runs the other way too. Equal respect presupposes the framework of commonality and rights embodied in equal dignity. It means that it cannot be right to think of the latter in terms of universalism and the former as a denial of universality. For not only does the concept of equal respect grow out of a concern with equal dignity but it only makes sense because it rests on universalist foundations. It is only because there is a fundamental equality between human beings or between citizens that the claim for respect can be formulated. As Taylor says, there is a demand for an acknowledgement of specificity but it is powered by the universal that an advantage that some currently enjoy should not be a privilege but available to all (Taylor, 1994, pp. 38–9). Hence we must not lose sight of the fact that *both* equal dignity and equal respect are essential to multiculturalism; while the latter marks out multiculturalism from classical liberalism it does not make multiculturalism normatively particularistic or relativist.

Another way of making the same or similar point, following Iris Young, is to distinguish between:

1. the equality that comes from the impartial and consistent application of a single set of rules or norms or conventions;
2. the equality that comes from a set of rules, norms or conventions that do not (dis)advantage the different parties to whom they are applied for the needs and sensitivities of all the parties have been taken into account and so each of these parties can identify with these rules;

that there is a sense that the rules speak to and for all the parties. (Young, 1990)

The first equality might be realized, but egalitarians will still want to ask, 'Whose rules? Who made the rules? Were they jointly made? Do they suit all to whom they apply?' Rawls thought that consideration of (2) above would lead truly rational persons to choose to live in a state that was culturally neutral, as that way while no one was advantaged, no one was disadvantaged (Rawls, 1971). Young has rightly pointed out such neutrality is impossible; that any public space, policy or society is structured around certain kinds of understandings and practices which prioritize some cultural values and behaviours over others (Young, 1990). They are not fixed, but nevertheless always have a specific character. You are inducted into them, though they also change as you participate. It means, for example, that people can argue for extending them. They may appeal for the transferring of one practice, such as elections for political office, to another, in the workplace, say, or in the local community. While some change is always possible and often desirable, no public space is culturally neutral.

If the public space and a particular polity or society that we are members of already has a cultural structure built into it and so is not neutral, where does this come from? Historically, it will have come from a dominant group or groups. Dominant groups can be quite tolerant. They may, for example, allow minorities to live by their own religion, speak their own language, wear distinctive dress, and so on, but insist that it should be done in 'private' – not in the shared public space of politics, policies, schools and workplaces but only at home or community functions and at weekends. This way of structuring space and of deciding what is public and what is private can be an enormous source of power and inequality. Insofar as subordinate, oppressed or marginal groups claim equality, what they are claiming is that they should not be marginal, subordinate or excluded; that they, too, their values, norms, and voice, should be part of the structuring of the public space. Why, they ask, should we have our identities privatized, while the dominant group has its identity universalized in the public space? So the argument is about the public/private distinction and what is 'normal' in that society, and why some groups are thought to be abnormal or different (Young, 1990).

For example, many gay people, especially from the 1960s onwards, argue that they do not want to be tolerated by being told homosexuality is no longer illegal and acts between consenting adults done in private are fine. They want people to know that they are gay and to accept them

as gay; and for public discussion about gayness to have the same place as discussions about heterosexuality. So when public policy is made, for instance, on widows' benefits or pensions, we should not assume an exclusively heterosexual model of society. The same point applies in relation to ethnic and religious minorities. They may have cultural needs and customs which are disregarded by current arrangements and which can be discriminatory; when they try to get that rectified they may be met by racist devaluing of their needs and norms or told that they do not belong in this country – which takes us straight back to respect and recognition. These needs may be to do with bilingual teaching and other aspects of a school curriculum; or, the provision of single-sex schools, which in Britain have been closing across the country in the same period that the south Asian population has been growing and wanting them. They may be to do with dress, whether it is the convention of wearing headdress indoors, as in the case of young African-American men who seem to have created new American norms about the wearing of items such as baseball caps, or the Sikh male turban, the Jewish male yarmulke or the Muslim female headscarf, the *hijab*. It may be to do with whose holy days are to be recognized as public holidays, when employers cannot demand your presence, when university exams may not be set and which are celebrated in shopping malls, on television and on which public funds are disbursed. As in the gay example above, the area of family structure and size is likely to be central. The construction of new social housing across the western world is based on the premise that households are getting smaller and smaller, but where does that leave Bangladeshis in East London, whose need is indisputable but who in many cases are too large as a family to be housed in new stock and so are disproportionately allocated old housing? If a social housing provider in Paris has one definition of family (nuclear and two-generational) and French citizens of Berber origins have another definition (extended and multi-generational), does that mean that they have voluntarily put themselves beyond the obligations of the French state? Who is to decide what is marriage and what is divorce? Most western countries forbid more than one wife at a time but put no limit on the number of girlfriends or live-in partners; some Muslims believe there is a place for up to four simultaneous female partners, but not outside marriage. Should only one of these views be recognized by the law courts? In all these cases, whatever specific view we may have on any of them, it is clear that a consistent, impartial application of a single set of rules, norms and conventions by itself is not enough to achieve equality. It can, depending on the content of the laws and of the public generally, create two tiers of citizenship: those

who are at home in the rules, and those who are all at sea, drowning in a culture of misfit and misrecognition.

This is why the ideas of equal respect and recognition are essential to multicultural equality and multicultural integration. As the variety of the above issues show some will involve the law and others will not; some will be public policy issues at a national level whilst others will remain local; and sometimes initiatives can be taken by a particular institution – a particular school, hospital, housing association or charity, or by a private sector employer. Yet, while issues of equal respect and recognition do not simply arise at the level of a national state but across society, a legislative framework and governmental leadership may be crucial (CMEB, 2000). Nevertheless, it is best to see recognition of positive difference as a civic principle that in general should inform the relations between fellow citizens and ought to be manifest across the varied sites and institutions of civil society (Seglow, 2003, pp. 87–8). Hate speech is a good example of where some legislation is necessary but what one needs to achieve goes beyond the practical scope of law, which can be a blunt instrument endangering freedom of speech. Most countries recognize that legal intervention is necessary when there is a serious risk of incitement to hatred; or when the 'fighting talk' is likely to inflame passions and risk public order; or when it is likely to reinforce prejudice and lead to acts of discrimination or victimization. But this falls short of the goal of respect. For that one relies on the sensitivity and responsibility of individuals and institutions to refrain from what is legal but unacceptable. Where these qualities are missing one relies on public debate and censure to provide standards and restraints. Hence where matters are not or cannot easily be regulated by law one relies on protest and empathy, though it will take time for dominant groups to learn what hurts others. This is how most racist speech and images and other free expressions (for example, the use of golliwogs as commercial brands or *The Black and White Minstrel Show*) have been censured (rather than censored) away and it is how the British media responded to the Danish cartoons affair (which caused outrage among many Muslims as the cartoons were deemed offensive), recognizing that they had the right to republish the cartoons but that it would be offensive to do so (Modood, 2006). (For an engaging debate, see Modood et al., 2006.) It is sometimes suggested that a concern with issues of respect is in some sense a diversion from the pursuit of integration or equality, that it is a preoccupation with labels, images and discourse; in short, 'political correctness'. Any serious concern can lead to overzealous, mechanistic application but there is nothing trivial about equal respect. It is certainly not a matter of choosing between difference, integration

and equality, for positive difference is necessary to integration that is informed by equal respect as well as equal dignity.

Other forms of inequality

The inequalities of 'difference' are of course connected with other forms of inequality, especially those to do with social status and economic opportunities. For example, the groups in question are often disproportionately disadvantaged; the socio-economic disadvantage is one of the sources of, as well as a consequence of their stereotypical representation as inferior, unintelligent, backward, alien, and so forth. Moreover, socio-economic disadvantage can be a basis for an ethnic group solidarity, for enhancing groupness (though it can have the opposite effect too). So neither sociologically nor politically can these groups be seen as classless or as distinct classes in their own right.

Throughout the industrialized world, parental class and education are major factors in life-chances, occupational achievements and incomes (Goldthorpe, 2000). Their effects today are usually much greater than the effects of race or ethnicity (or for that matter, gender or sexual orientation), and at least some of these effects are independent of race. Yet that is not the whole story. For class and education have differential effects on different minority groups as these groups have different compositions of pre-migration class origins and educational profiles. For example, the predominantly peasant backgrounds of Bangladeshi migrants to Britain compared to the commercial and professional backgrounds of African-Asian migrants and refugees goes a long way in explaining why today they are differently located by class in Britain, and at the same time have different educational profiles. Their present position can be largely but not wholly understood in terms of class and education; sometimes the unexplained aspects – for example, the higher levels of unemployment – can be partly accounted for by various forms of racial discrimination and disadvantage. At other times, the unexplained aspects are barely explained by reference to race, to a non-white status (Gayle et al., 2002; Platt, 2005), though perhaps they do begin to be explained by different attitudes to, for example, self-employment (Modood et al., 1998), education and family, including gender roles and the intergenerational nurturing and support of ambition (Modood, 2004). So, ethnicity and class interact. Just as attitudes to schooling, higher education and taking out a loan to pay for higher education are influenced by class location so are they also influenced by ethnicity (Connor et al., 2004). This can mean that some minority groups can achieve more social

mobility than their class peers and others less; that 'there is evidence of differential processes operating for different ethnic groups that go beyond their class background, but which cannot be attributed to discrimination operating equally against all minority groups' (Platt, 2005, p. 697). So, ethnicity can sometimes be a resource as well as a liability, and while the disadvantages of class and ethnicity can sometimes reinforce each other, ethnicity can sometimes mitigate aspects of class disadvantage (in relation to educational attainment, see Bradley and Taylor, 2004).

The sociology of ethnicity or the politics of multiculturalism, then, is only possible because ethnicity and related forms of collectivity are not reducible to or are not just pimples on class (or gender, and so on), but they are not meant to analytically or politically displace these other dimensions of social experience as such. Rather, they highlight the social, cultural, economic and political dynamics that are missed when ethnic and related difference is ignored or seen only as a by-product of other sociological determinants.

Multiculturalism, then, is an elaboration of political concerns in relation to certain forms of difference regardless of which other sociological or political analyses it will need to be integrated with.[6] There is no suggestion of monocausal explanations or a one-dimensional politics; on the contrary, an emphasis on ethnicity bespeaks caution about socio-economic generalizations that do not attend to difference and complexity. Sociological multi-dimensionality or intersectionality (Bradley, 1996) means taking ethnicity as seriously as class or gender. This requires an elaboration of ethnicity that has some categorical autonomy; that way we can enquire into the varied ways in which it might intersect with class and gender. Otherwise we are likely to see ethnicity subordinated to other social categories.

Similar points can be made in relation to ethnicity/difference and gender. All groups are gendered; they have distinct as well as related conceptions of gender and gender roles; indeed, gender is mediated by ethnicity and related cultural norms, no less than by class and generational change. Different ethnic groups are therefore likely to have both similar and distinct forms of gender relations and gender inequalities. For example, Pakistani mothers of young adults may exercise more power over the choice of the marriage partners of their sons and daughters than their white peers, but may be more constrained by familial norms about certain types of participation in public activities and paid work outside the home or family business. Even in relation to their treatment by the wider society, it would be too simplistic to assume 'double disadvantage' of non-white women as the universal pattern.

It may be a common pattern, but one needs to take care to not over-generalize and homogenize a varied phenomenon. For example, if one compares the condition of black women in Britain and the United States to that of black men, men (if in work) are likely to be earning higher on average; but relative to whites, the position of black women is much better than that of black men (Loury et al., 2005). Moreover, there is considerable data showing that it is black men rather than black women that are perceived as threatening – and so likely to suffer unfavourable treatment – by teachers, employers, shop workers, police officers and even by ordinary people in the street fearful of black muggers. Similarly, while *hijab*-wearing Muslim women are more likely to get hostile stares in the street, it is bearded young Muslim men that are likely to be stopped and searched by the police and experience arbitrary arrest.

This, then, is my outline of political multiculturalism: it begins with a concept of negative difference and seeks the goal of positive difference and the means to achieve it, which crucially involve the appreciation of the fact of multiplicity and groupness, the building of group pride amongst those marked by negative difference, and political engagement with the sources of negativity and racism. This suggests neither separatism nor assimilation but an accommodative form of integration which would allow group-based racialized, ethnic, cultural and religious identities and practices to be recognized and supported in the public space, rather than require them to be privatized. This is justified by an extended concept of equality, not just equal dignity but also equal respect. While the focus is not on anything so narrow as normally understood by 'culture', and multicultural equality cannot be achieved without other forms of equality, such as those relating to socio-economic opportunities, its distinctive feature is about the inclusion into and the making of a shared public space in terms of equality of respect as well as equal dignity.

Notes

1. This chapter is based on Chapter 3 of Modood (2007). I am grateful to Polity Press for the reuse of some of the chapter.
2. I do not mean terms such as 'groupness', 'mode of being', 'subordination', 'identity', and so on, to denote univocal, internally undifferentiated concepts. See my discussion of Wittgenstein's concept of 'family resemblance' (Modood, 2007, pp. 91–8).
3. One consequence of this is the iconic status enjoyed by Malcolm X (El-Hajj Malik El-Shabazz) amongst young, non-white, marginalized peoples in many cities – including, for instance, Bradford, Antwerp, Paris and Berlin. It is a status that has been boosted by the emergence of Muslim assertiveness in the

West; certainly he is one of the two best-known and most respected western Muslims, second only to Muhammad Ali.

4. It is interesting that while a black political identity is about half a century old in Britain, the first federation of 'Blacks of France' was created only in 2005, despite the French black population being twice that of the British (Lamont and Laurent, 2006). This suggests that whatever might be said about the retreat of multiculturalism, colour-blind republicanism may be losing some of its former hold in France.

5. This helps to explain the paradox that most continental European Muslims think that things are better for Muslims in Britain than most other parts of Europe, but British Muslims are more critical of their political situation than any other Muslims in Europe (Klausen, 2005). Reviewing the year 2004, a prominent international Muslim news website wrote: 'If a Muslim community in Europe was to be awarded first prize in integration and remarkable achievements, the British would be definitely singled out, and deservedly so' (Mohammad, 2004).

6. For the integration of the politics of redistribution and the politics of recognition, see Phillips (1999), Fraser and Honneth (2003) and Parekh (2004).

References

Amos, V. and Parmar, P. (1984) 'Challenging Imperial Feminism', *Feminist Review*, Vol. 17, 3–19.

Bradley, H. (1996) *Fractured Identities: Changing Patterns of Inequality*, Cambridge, Polity Press.

Bradley, S. and Taylor, J. (2004) 'Ethnicity, Educational Attainment and the Transition from School', *The Manchester School*, Vol. 72, No. 3, 313–46.

Bullock, K. (2002) *Rethinking Muslim Women and the Veil,* London, International Institute for Islamic Thought.

Carby, H. (1982) 'White Woman Listen! Black Feminism and the Boundaries of Sisterhood', in Centre for Contemporary Cultural Studies, *The Empire Strikes Back: Race and Racism in Seventies Britain*, London, Hutchinson, pp. 212–35.

Commission on the Future of Multi-Ethnic Britain (CMEB) (2000) *The Future of Multiethnic Britain*, London, Profile Books.

Connor, H., Tyers, C., Modood, T. and Hilage, J. (2004) 'Why the Difference? A Closer Look at Minority Ethnic Students and Graduates', *Research Report*, No. 552, Department for Education and Skills, July.

Du Bois, W. E. B. (1903) *The Souls of Black Folk*, Chicago, A. C. McClurg & Co.

Durkheim, E. (1964) *The Division of Labour in Society*, trans. G. Simpson, New York, The Free Press.

Fox, G. (1996) *The Hispanic Nation: Culture, Politics and the Constructing of Identity*, New Jersey, Secacusus.

Fraser, N. and Honneth, A. (2003) *Redistribution or Recognition*, London, Verso.

Gayle, V., Berridge, D. and Davies, R. (2002) 'Young People's Entry into Higher Education: Quantifying Influential Factors', *Oxford Review of Education*, Vol. 28, No. 1, 1–20.

Goldthorpe, J. H. (2000) *On Sociology: Numbers, Narratives, and the Integration of Research and Theory*, Oxford, Oxford University Press.

Heath, A. and Cheung, S. Y. (2007) *Unequal Chances: Ethnic Minorities in Western Labour Markets*, Oxford, Oxford University Press for the British Academy.

Kivisto, P. (2005) *Incorporating Diversity: Rethinking Assimilation in a Multicultural Age*, Boulder, CO, Paradigm Publishers.

Klausen, J. (2005) *The Islamic Challenge: Politics and Religion in Western Europe*, Oxford, Oxford University Press.

Lamont, M. and Laurent, E. (2006) 'France Shows Its True Colours', *Boston Globe*, 3 June, <http://www.boston.com/news/globe/editorial_opinion/oped/articles/2006/06/03/franceshows_its_true_colors/>.

Loury, G., Modood, T. and Teles, S. (eds) (2005) *Ethnicity, Social Mobility and Public Policy in the US and UK*, Cambridge, Cambridge University Press.

May, S. (ed.) (1999) *Critical Multiculturalism*, London, Falmer Press.

Modood, T. (1988) '"Black", Racial Equality and Asian Identity', *New Community*, Vol. 14, No. 3, 397–404.

Modood, T. (1994) 'Political Blackness and British Asians', *Sociology*, Vol. 28, No. 4, 859–76.

Modood, T. (2004) 'Capitals, Ethnic Identity and Educational Qualifications', *Cultural Trends*, Special Issue on Cultural Capital and Social Exclusion, guest ed. T. Bennett and M. Savage, Vol. 13(2), No. 50.

Modood, T. (2005a) *Multicultural Politics: Racism, Ethnicity and Muslims in Britain,* University of Minnesota Press and University of Edinburgh Press.

Modood, T. (2005b) 'Ethnicity and Political Mobilisation in Britain', in G. Loury, T. Modood and S. Teles (eds), *Ethnicity, Social Mobility and Public Policy in the US and UK*, Cambridge, Cambridge University Press, pp. 457–74.

Modood, T. (2006) 'The Liberal Dilemma: Integration or Vilification?' *OpenDemocracy* website, 8 February, <http://www.opendemocracy.net/conflictterrorism/liberal_dilemma_3249.jsp>.

Modood, T. (2007) *Multiculturalism: A Civic Idea*, Cambridge, Polity Press.

Modood, T., Berthoud, R., Lakey, J., Nazroo, J., Smith, P., Virdee, S. and Beishon, S. (1997) *Ethnic Minorities in Britain: Diversity and Disadvantage – Fourth National Survey of Ethnic Minorities*, London, Policy Studies Institute.

Modood, T., Hansen, R., Bleich, E., O'Leary, B. and Carens, J. (2006) 'The Danish Cartoon Affair: Free Speech, Racism, Islamism and Integration', *International Migration*, Vol. 44, No. 5, 3–57.

Modood, T., Metcalf, H. and Virdee, S. (1998) 'British Asian Entrepreneurs: Culture and Opportunity Structures', in P. Taylor-Gooby (ed.), *Choice and Public Policy*, Basingstoke, Palgrave Macmillan.

Mohammad, H. (2004) 'British Muslims a Success Story in 2004', IslamOnline.net, 28 December, http://www.islamonline.net/English/News/2004-12/28article06.shtml>.

O'Donnell, M. (2007) '"We" Need Human Rights Not Nationalism "Lite": Globalisation and British Solidarity', *Ethnicities*, Vol. 7, No. 22, 248–69.

Omi, M. and H. Winant (1986) *Racial Formation in the United States from the 1960s to the 1980s,* London, Routledge.

Parekh, B. (2000) *Rethinking Multiculturalism: Cultural Diversity and Political Theory*, Basingstoke, Palgrave Macmillan.

Parekh, B. (2004) 'Redistribution or Recognition: A Misguided Debate', in S. May, T. Modood and J. Squires (eds), *Ethnicity, Nationalism and Minority Rights*, Cambridge, Cambridge University Press, pp. 199–213.

Parekh, B. (2005) 'British Commitments', *Prospect*, September, <http://prospectmagazine.co.uk/article_details.php?search_term=parekh&id=7003&issue=509&AuthKey=51e3e0b168fd1b98c34d1cb9f08e4fe9>.

Phillips, A. (1999) *Which Equalities Matter*? Cambridge, Polity Press.

Platt, L. (2005) 'New Destinations? Assessing the Post-migration Social Mobility of Minority Ethnic Groups in England and Wales', *Social Policy and Administration*, Vol. 39, No. 6, 697–721.

Portes, A. and Zhou, M. (1993) 'The New Second Generation: Segmented Assimilation and its Variants among Post-1965 Immigrant Youth', *Annals of the American Academy of Political and Social Science*, Vol. 530, 74–98.

Rawls, J. (1971) *Theory of Justice*, Cambridge, MA, Harvard University Press.

Seglow, J. (2003) 'Theorising "Recognition"', in B. Haddock and B. Sutch (eds), *Multiculturalism, Identity and Rights*, London, Routledge.

Song, M. (2001) 'Comparing Minorities' Ethnic Options', *Ethnicities*, Vol. 1, No. 1, 57-82.

Taylor, C. (1994) 'The Politics of Recognition', in A. Gutmann (ed.), *Multiculturalism and 'The Politics of Recognition'*, Princeton, Princeton University Press.

Young, I. M. (1990) *Justice and the Politics of Difference*, Princeton, Princeton University Press.

9
Political Liberalism and the Recognition of Peoples[1]

Michel Seymour

Introduction

Several authors criticize the idea that peoples can be objects of recognition. And yet, the concept of recognition plays a central role in international law. For example, recognition from the international community is fundamental for a people to become a sovereign state. We also have to ponder the fact that most if not all peoples without a sovereign state are involved in a battle for recognition. This, at least, is the case for the Catalan, Basque, Galician, Corsican, Scottish, Welsh, Walloon, Flemish, Quebec, Acadian, Palestinian and Tibetan peoples, and so on, and it is also true for all Aboriginal peoples. So why do so many recognition theorists have a critical view concerning the claims of peoples? In addition to reservations motivated by political reasons, there are also worries that have their basis in a number of philosophical objections. It is the latter that I wish to examine in this chapter. I want to answer certain questions about the recognition of peoples – and more precisely, about a particular version of the politics of recognition. I will explore a form of recognition that is manifested in the granting of collective rights to peoples.

Many philosophers, like Michael Hartney (1995), believe that the incorporation of collective rights into a constitution stems from an approach that is counter to moral individualism – which, they would say, is the basis of liberal philosophy. There are also those who, like Anthony Appiah (2005, 2006a, 2006b), fear that a formal recognition would lead to essentialism. Others take up the Habermasian distinction between formal and informal spheres, and recommend that the recognition of groups

be relegated to the informal sphere (Habermas, 1995, 2005). Some, like Jean-Marc Ferry (1996), allow only for a formal symbolic recognition and they think that there is no need for institutional arrangements that give substance to this symbolic recognition. Others, like Seyla Benhabib (2002), have a narrative conception of collective identity and believe that it is far too changeable to be the object of a lasting recognition in a constitutional text. There are also those who, influenced by the ideas of Patchen Markell (2003), believe that what is important is not formal recognition. They think it would be sufficient for a people to unveil its identity and for the encompassing entity to take note of this unveiling via a politics of acknowledgement, even if this falls short of a politics of recognition. Although I cannot look at all these philosophical objections, I intend to examine a large number of them in a succinct manner. I want to give a brief overview of a set of arguments that can be developed in answer to those who are opposed to including collective rights for peoples in a constitutional text. I shall try to show that some of these objections can be answered if one adopts a certain version of liberalism based on the political principle of toleration.

Defining 'peoples'

Let me first describe the normative framework that I favour. I try to cast my account of peoples in accordance with political liberalism. This account is a variant of liberalism that no longer entails moral individualism. The classical liberalism of Kant and Mill assumes that persons are 'prior to their ends', that persons are the ultimate sources of moral worth and that autonomy is the most important liberal value. As we shall see, the political liberalism of John Rawls implies three features that can be contrasted from this version (Rawls, 1999). Firstly, Rawls endorses a political conception of persons and peoples and he is thus neutral concerning the debate between communitarians and individualists. He does not assume that persons are prior to their ends, nor does he claim that persons are defined by their beliefs, goals, values, traditions and views about the common good or about the good life. Secondly, he also treats persons and peoples as two autonomous sources of legitimate moral claims and this entails the presence of two different original positions. Persons and peoples are both moral agents in the political sphere and their moral claims should not be subordinated to one another. Rawls seeks an appropriate balance between the individual rights of persons and the collective rights of peoples. These two sorts of rights should not be put in lexical order. Finally, he sees toleration and

not autonomy as the most important liberal value. But toleration is not an independent moral principle. As distinct from the version espoused by Charles Larmore (1999), Rawls's version of political liberalism is based on a political principle of toleration-as-respect that stems from the political sphere, and not on the moral attitude of tolerance-respect for others.

So political liberalism has three main features that must be contrasted with the classic version of liberalism. The political conception of persons and peoples, the claim that both agents are autonomous sources of valid moral claims and the political idea of toleration-as-respect provide a version of liberalism that has disenfranchised itself from the moral individualism contained in the classic versions of Kant and Mill. This explains why political liberalism is much more hospitable to politics of recognition, even when it is cast in terms of a system of collective rights for peoples. For when it is understood as respect for others, the principle of toleration is a form of recognition. So political liberalism is itself a form of politics of recognition. And since it is committed to respect all agents in the political sphere, toleration entails respect for other peoples as well as respect for other persons. Agents acting in the political sphere become moral agents if they apply this principle of toleration. And finally, as a constructive contractualist theory of justice, the recognition of persons and peoples takes the form of a system involving two sets of rights for persons and peoples.

With this general normative account in the background, I wish to define the notion of people that I intend to use. I will need to spend some time on this point, because very often the hostile reactions to a politics of recognition for peoples depends upon the concept of peoples that is used. Since I endorse political liberalism, I adopt a political conception of peoples.

(a) Peoples, in the political and not the metaphysical sense, are groups that come equipped with a certain institutional identity in the political space. Just as persons, in the political sense, are considered as having an institutional identity of citizens, peoples understood in the political sense also have an institutional identity. That is, we maintain a neutral ontological position on whether peoples should be considered as mere aggregates of individuals or as complex social organisms. These metaphysical issues are set aside when we adopt a political conception.

(b) The institutions that shape the identity of peoples are not necessarily political institutions. The Acadian people, for example, is identified by a set of institutions that characterize it in the political space

although they are not political institutions. Among the relevant features of the Acadian people, we could mention: a language with a distinctive accent, a shared history, and certain institutional features such as schools, colleges and universities, a flag, spokespersons and annual celebrations. But Acadians do not have an autonomous government. Nevertheless, national groups that do not have a more-or-less official political organization can be honoured with respect and recognition.

(c)   Together, the institutions of a people form a 'societal culture' (to borrow a phrase from Will Kymlicka) – that is, a 'structure of culture' existing in a crossroads of external (moral, cultural, social, economic and political) influences and offering an internal context of choice (a set of moral, cultural, social, economic and political options). Societal cultures also exemplify a certain 'character of culture.' But the structure of culture must not be confused with the character of culture (Kymlicka, 1989, pp. 166–8). The cultural character is constituted by the beliefs, aims, values, projects, ways of life, customs and traditions shared by a critical mass within a population at a given moment. These are to be contrasted with the three essential elements that compose in its simplest form the structure of culture: a common public language, common public institutions (those in which the common public language is spoken primarily) and a common public history (that relates to the common public institutions).

Language is at the core of the structure of culture and it plays a crucial role in shaping a distinctive identity among a people. But it need not be a distinct language. Two peoples can share the same language and yet be very distinct from one another. This is because they may have different institutions, different histories, different crossroads of influences and different contexts of choice.

(d)   The character can change, even if the population maintains essentially the same structure through time. The structure of culture also changes through time, but at a different pace and it can remain the same even though cultural characters have changed completely. Of course, it is important to emphasize the structure of a culture can inform the character of a culture, and vice versa. For example, common institutions such as schools can inform values, projects, customs and traditions. Equally, beliefs, aims, values can and usually are held by those who operate public institutions. Nevertheless, it remains important to analytically distinguish these two components of culture. To illustrate how the structure of culture must be contrasted with the character, it is important to consider each of

its three main features. The linguistic component of the structure does not necessarily convey only one conception of the common good or of the good life. It can be used to express a wide range of beliefs, aims, values, projects, ways of life, customs and traditions. Therefore a reasonable and irreducible pluralism of points of view may take place by way of a people's language. Secondly, this is also true of the common public institutions. They are not necessarily the reflection of a set of particular customs and traditions. They too should in principle be able to represent an irreducible pluralism of values and points of view. Finally, the common public history is essentially defined by a common heritage of public institutions and not necessarily by adopting a specific narrative. It is at least in principle compatible with an irreducible diversity of stories and interpretations. The common public history is thus not necessarily the reflection of a commonly shared narrative identity.

This is not to say that there is no domination of majority cultures over minority cultures in public institutions and historical narratives. But this domination is first and foremost a domination of the structure of culture of the national majority over the structures of cultures of national minorities. If certain beliefs, values, goals and practices of the majority tend to dominate the public culture, it is because of such structural inequalities. The very normative principles that govern the institutions of the majority and minorities may change while the institutions remain in place. The majority imposes its own language, institutions and historical heritage as a common public structure of culture to the minorities. And so the source of the problem between a majority and minorities is to be located in the structures of cultures. If minorities must accept to integrate within the common public structure of culture, the welcoming majority group must recognize the structures of cultures of national minorities.

(e) Peoples are often composed of a single societal culture, but they can also be composed of many societal cultures. Spain, Canada and Belgium may be understood as multisocietal peoples, each composed of many particular societal cultures. So a people can be multilingual. That being said, it is impossible to divorce the idea of a people from the idea of a societal culture. For peoples are either single societal cultures or aggregates of societal cultures.

(f) Once peoples are understood as structures of culture that exist in a crossroads of influences and offer contexts of choice, we owe them respect, as long as they respect the civic rights of the person and

respect other peoples. Whether of not the respect due to peoples can be reduced to their collective rights, these collective rights constitute a necessary condition for a politics of respect that is owed to peoples. The respect due to peoples must not take precedence over the respect due to persons, but the same remark applies to persons: they do not take precedence over peoples.

(g) Peoples do not have intrinsic value, because they have value only if they encourage cultural diversity. They can do so in two different ways. When they provide a large context of choice, they favour internal cultural diversity. When they are distinct from all the other peoples, they contribute to external cultural diversity. At times, peoples may harass minority groups or attack other peoples, but in so doing, they lose their right to be respected and this is because by doing so they go against the preservation and promotion of cultural diversity. I will not, however, dwell on this argument – I will take it as a given that peoples only have an instrumental value, and that, insofar as they serve the cause of cultural diversity, we must treat them as valuable. It is therefore also important to acknowledge the value of cultural diversity, and acknowledge that it is not itself something that has an intrinsic value.

Some argue that members of some peoples value their existence as a people, see themselves as such and this enables them to trust one another and make the sacrifices for one another that common political life entails. Isn't this not another instrumental reason why peoples may be valuable? My answer is that it may be so for some individuals, but not for others. But quite independently from the rational preferences and particular attachments of individuals toward their own culture, there is an important instrumental role of peoples for cultural diversity in general.

How can we argue for the value of cultural diversity if we are not assuming this principle as an autonomous moral truth? For the purposes of this chapter, I will simply mention the fact that an important consensus concerning the value of cultural diversity took place when the Convention on Cultural Diversity was signed by 148 out of 150 countries on 20 October 2005. But what could support this consensus? It is perhaps the following. On the basis of the respect that we owe to peoples as tolerant institutional bodies present in the global or domestic political space, we notice that there are socio-economic and cultural structural inequalities between them in the global or domestic basic structure. In order to minimize these inequalities as much as possible, we decide to adopt policies based

on a socio-economic difference principle or on cultural politics of difference. These policies respectively express our attachment to the diversity of natural resources and to cultural diversity. Just as the value of the diversity of natural resources is not asserted as a premise but must rather be seen as the conclusion of the argument for the difference principle, so the value of cultural diversity is not asserted as a premise in the argument for politics of difference. It is rather the conclusion of the argument. This is why we are not committed to treat cultural diversity as having an intrinsic value. The value of cultural diversity is not established as an independent normative objective truth. It is constructed from the basic political tolerance-as-respect that we owe to peoples and from the observation of inequalities among peoples.

(h) Still in accordance with political liberalism, peoples do not exist without a collective will to survive and without a national consciousness. The population must be perceived by the majority as forming a community centred around one or more common public languages, a set of common public institutions, and a common public history. Peoples are not objective entities that remain the same through time, with essential characteristics, and to which we belong involuntarily. They must also have a collective will to survive as a people, as emphasized in Renan's metaphor of the 'daily plebiscite'.

(i) Nor is there just one kind of people. There are ethnic, civic, cultural, socio-political, diasporic, multiterritorial and multisocietal peoples. This variety is explained by the fact that peoples shape their national consciousness very differently.

1. Ethnic peoples see themselves as sharing the same ancestors. Some Aboriginal peoples see themselves in this way.
2. Civic peoples see themselves as constituting a unique country not containing any national minorities. The population of France and Japan see themselves in this way.
3. Cultural peoples do not have a sovereign state and do not have political institutions, but see themselves as sharing the same societal culture within the confines of a sovereign state. As I argued above, the Acadian people provides a good example of this.
4. Socio-political peoples are societal cultures that have political institutions such as a canton, a province, a federated or quasi-federated state, or a self-government created by a certain

devolution of powers, but not a sovereign state. Of course, it is not sufficient to have political institutions in order to become a socio-political people. One must also form a distinct societal culture. Scotland, Catalonia and Quebec are good illustrations.

5. Diasporic peoples are societal cultures that are spread on discontinuous territories and that form minorities on each of these territories. The old Jewish diaspora has always been a perfect illustration of such kind of people.

6. Multiterritorial peoples are societal cultures spread on many continuous sovereign territories. This is so for the Kurds and the Mohawks.

7. Finally, multisocietal peoples are multinational states in which the population shares the awareness of belonging to a country including many different peoples. Britain is a perfect illustration of this, even though it is not multilingual.

In addition to this wide variety of peoples, we should also acknowledge different fragments of peoples. Populations may entertain a certain sense of belonging to a societal culture without entertaining the idea that they form a people all by themselves.

1. Immigrant groups provide the clearest illustration. Very often, immigrants share a sense of belonging to a same community on the territory of the welcoming country but they do not pretend to form a people on their own on this territory. Immigrant groups are discontinuous diasporas recently established in a country that do not constitute a people as such but that still identify with a foreign people.

2. Another example of discontinuous diasporas is provided by historical communities that no longer can be described as immigrant communities, although they continue to identify with the culture of a foreign country. Chinatown in New York City, Little Italy in Montreal or the Turkish community in Germany are examples of this.

3. The same kind of remarks applies to what could be called 'continuous diasporas', that is, extensions of a neighbouring people on a different territory. They too are fragments of peoples that do not form peoples all by themselves. Examples abound to illustrate this situation. The Russian minorities in Baltic countries, the Palestinian minority in Israel, the Hungarian minority in Slovakia are all clear illustrations of this.

4. Finally, a societal culture forming a majority within a country may identify itself with the country as a whole. Under this account, the people is composed of all the citizens of the country. So the majority societal culture does not represent itself as forming a people all on its own, although it is clearly a distinct societal culture. The English majority in Canada seems to offer a very clear illustration of this.

(j)   Let me mention one final feature of the present account of peoples. Any account of peoples must be compatible with the acknowledgement of diversity, of multiple identities and of the dynamic character of national identity. Even if the nature of the people is determined by the prevailing national consciousness entertained by a majority within the population, it is not always legitimate. It could be legitimate only if it is accompanied by a genuine recognition of diversity, of multiple identities and of the changeable character of identity.

It is fairly easy under my account to acknowledge diversity since I adopt a diversified account of national identity. I am thus in a position to accept within a single sovereign state the presence of ethnic, cultural and socio-political peoples, as well as fragments of peoples such as continuous and discontinuous diasporas. I also can acknowledge multiple identities in a variety of ways. Immigrants may simultaneously identify with a foreign people and with their new welcoming national community. Individuals may also have multiple citizenships. And even more importantly, it is possible to identify with an ethnic, cultural or socio-political people while reaffirming our loyalty to the encompassing state in which these national identities are embedded. One can all at once belong to an Aboriginal people and to the Canadian or to the Quebec people. One can be an Acadian or a Quebecer and also be part of the Canadian people. One can be an English Montrealer and be part of the Quebec people. Finally, the diversity of peoples that I introduce also enables me to account for the dynamic character of national identity. An ethnic people may after a while turn into a multiethnic cultural people if it becomes clear in the mind of everyone that individuals with different ethnic origins may share the same societal culture. Also, an ethnic or cultural people may become a socio-political people if the people achieves some kind of self-government. And an ethnic, cultural or socio-political people may turn into a civic people or a multisocietal people if it becomes a sovereign state.

Fragments of people may in addition come to form peoples all by themselves after a while, if their members no longer identify with a foreign country or with a neighbouring people but keep their sense of belonging to a single societal culture. All of these facts clearly illustrate the dynamic character of national identity.

Responses to some objections

With the normative apparatus of political liberalism and the particular account of peoples just outlined, we are now in a position to examine different objections formulated against the recognition of peoples understood as a system of collective rights. I would like to answer these criticisms with the help of political liberalism and by using the political conception of peoples. As I mentioned before, I shall be synoptic in my presentation because I want to show the general fruitfulness of the present account.

Criticism 1

Many theorists see peoples as nothing more than associations of individuals. Thus, in their eyes, it is problematic to treat them as subjects of collective rights. The rights that peoples have must be reducible to individual rights. If peoples are simply aggregates of individuals, the rights granted to them should clearly amount to an aggregate of individual rights. The response here is that within the framework of political liberalism, metaphysical considerations should not come into play. The relevant agents in the political space are simply those who have a distinct institutional personality. They need not metaphysically be reduced to an aggregate of individuals.

Here I am reversing the metaphysical charge of many critics of multi-culturalism who claim that in suggesting that groups have rights, a metaphysical notion of groups is at work, as if groups can have a collective consciousness that operates beyond the individuals that comprise them. My point is that such critics are themselves utilizing a metaphysical argument about the nature of groups which reduces them solely to the individuals that comprise them. Now for the purpose of political liberalism, metaphysical arguments should be eschewed. The relevant agents in the political space are those who have distinct institutional features. Peoples have a distinct institutional 'personality' as societal cultures in the public space. Elected spokespersons speak in the name of the people. The institutional attributes of peoples (a common public language, institutions in which it is spoken and a common public history)

do not present themselves as attributes of individuals in the public sphere. So societal cultures are autonomous agents to whom we owe respect if they are themselves respectful toward other individual and collective agents. And it is not necessary to construe peoples as organic wholes in order to confer to them the status of autonomous moral agents. We simply need to acknowledge their autonomous presence in the political space.

A similar response is required concerning the interactionist arguments formulated by Jürgen Habermas (1993) and Axel Honneth (1996). These authors do not embrace the atomistic conception involved in traditional theories of contract. Like Hegel, they acknowledge that self-awareness could not exist except through the recognition of other self-awarenesses. They acknowledge that individuals acquire autonomy only through a process of socialization that they interpret in the style of George Edward Mead (1934), and recognize that persons have a dialogical identity. Nevertheless, society seems to them to be reducible to interactions between individuals. I give the same response to these authors. Political liberalism avoids an ontological interactionist reduction and acknowledges agents at their face value as they appear in the political space. When they are appreciated in the political space as having an institutional identity, peoples are autonomous agents.

Criticism 2

Others like Appiah (1994) and Kukathas (1992) believe that a collective identity cannot be anything other than a communally shared set of values, beliefs, aims or projects. These philosophers have a communitarian conception of peoples. So to recognize peoples and allow them to enjoy collective rights amounts to promoting one specific conception of the good life or of the common good, which violates the principle of neutrality and the primacy of the right over the good, adopted by liberal philosophers. But this criticism does not affect the approach that I am now proposing, because it does not take into account the previous distinction that was made between the structure of culture and the character of culture. Peoples are the subjects of rights as structures of cultures and not as having certain cultural characters. Many societies do not have a homogeneous character, and those that do are not entitled to rights for this very reason. Communitarian societies are peoples in which the institutions that form the basis of the structure of culture illustrate a particular conception of the good life or of the common good. They are also under certain conditions entitled to collective rights. But it is not as communitarian societies that they are the sources of valid moral claims. It is as societal cultures exhibiting a certain structure of culture.

Criticism 3

Some embrace a comprehensive version of liberalism and endorse individualism as put forward by Kant and Mill (Kymlicka, 1995; Buchanan, 1994; Tan, 2000). This leads them to subordinate, at the level of justification, all collective interests to individual interests. In order to be liberal, rights must be based on individualistic justifications. But this criticism fails to see the true originality of political liberalism and the paradigm change that it represents within liberal thinking. As I mentioned before, classical liberalism considers that persons are 'prior to their ends', considers them as the ultimate sources of valid moral claims, and posits that autonomy is the most important moral liberal value. Political liberalism, on the other hand, is based on a political conception of the person and a political conception of peoples. It acknowledges that peoples are, like persons, sources of valid moral claims. And the fundamental value of liberalism is toleration, not autonomy. Thus it is a version of liberalism that has freed itself from moral individualism. When liberalism is understood in this way, it no longer is in opposition to collective rights. On the contrary, it welcomes them and provides a suitable normative framework for them.

Criticism 4

Others force us into an opposition: either we argue for the instrumental value of peoples and consider them as having value only insofar as they serve the interests of individuals, or we grant them an intrinsic value (Appiah, 2005). But this set of options is incomplete: we can deny that peoples have any intrinsic value but also deny that they have an instrumental value for individuals. As I suggested, they can have value simply insofar as they serve the cause of cultural diversity understood not as an intrinsic value but rather as a principle that can be derived from the basic political respect toward peoples and the empirical fact of inequalities between them.

Criticism 5

There are those who believe that this opposition is not a valid one if we believe in the intrinsic value of cultural diversity (Appiah, 2005). In other words, if we acknowledge the intrinsic value of cultural diversity, and if societal cultures play a central instrumental role in the preservation of cultural diversity, then this amounts to afford an intrinsic value to societal cultures as such. In other words, although we are paying lip service to the instrumental role of peoples for cultural diversity, we are only revisiting a problematic discourse that affirms the intrinsic value of culture.

But I have also claimed that cultural diversity was not a value in and of itself. The value of cultural diversity is the conclusion of an argument based on the respect due to people, and on the observation of unequal relationships between peoples in the domestic and global basic structures. So cultural diversity itself must not be cast into the same kind of opposition between its instrumental role for the individual and its intrinsic value. We are as a matter of fact in a position to deny that cultural diversity is an intrinsic value or that it has value for individuals only. The value of cultural diversity is not an objective moral claim that can be introduced as a premise in the argument leading to the recognition of peoples. It is rather the conclusion of the argument.

Criticism 6

Still others criticize the apparent essentialism in the idea of peoples being the subjects of rights (Appiah, 2005, 2006a; Sen, 2006; Barry, 2001; Benhabib, 2002; Kukathas, 1992). Since constitutions run over an extended period of time, peoples must remain the same through time if they are to be the same subjects of rights. If we do not essentialize peoples, how can they remain the same through time? If we adopt a political conception of peoples, this objection no longer appears to be well founded. It is only through their institutions that peoples may up to a certain point remain the same through time. The problematic character of the objection is also revealed by the analogy with persons. It is not clear why the situation of persons should be any different. Is it not also necessary to avoid reifying or essentializing persons? And yet, we have no hesitation in treating them as the subjects of rights. Why? Because it is as citizens that persons are afforded rights. In political liberalism at least, it is not necessary to talk about natural rights that we owe to persons in the abstract. Human beings are citizens of a people in a domestic basic structure or citizens of the world in a global basic structure. I would argue the same thing concerning peoples. I recommend that we adopt an institutional conception of peoples and consider that it is as societal cultures that they can be the subjects of rights. And if we do so, we notice that peoples may keep their basic structural features for quite some time. Even if their character of culture may change from one generation to another, they may keep their structure of culture for a fairly long period. It will at least be long enough for justifying the incorporation of their collective rights in a constitution.

Criticism 7

In the same way, some embrace a narrative conception of collective identity and have difficulty in conceiving the possibility of a lasting

collective narrative identity (Benhabib, 2002). For such a narrative identity to come into existence, persons must embrace the same story. This makes the collective narrative identity extremely fragile, and makes recognition in the form of a system of collective rights impossible. Therefore they suggest that we confine recognition to the informal sphere, reserving formal recognition of individual rights to individual persons in the legal sphere. But persons also have diverse, multiple and changing narrative identities, and this does not prevent us from granting them individual rights. This is undoubtedly because their public identity is not determined by their narrative identity, but rather by an institutional identity. I wish to argue the same for peoples.

Criticism 8

Some consider that granting collective rights to national groups leads directly to a form of collectivism in which group rights take precedence over the rights of persons (Kymlicka, 1995). But it is possible to espouse an approach that stems from an axiological pluralism, and acknowledge an equilibrium between individual and collective rights without seeking to place them in a hierarchical relation to one another. Even those who endorse the contractualist idea of lexical priority of principles must acknowledge that we are not always in a position to order all the principles. Rawls, for instance, does not place an order between negative and positive liberties, or between civic and political rights; nor does he choose between the Liberty of Ancients and Liberty of the Moderns. One cannot perhaps entirely disenfranchise oneself from a certain amount of intuitionism in political theory. In a way, I am suggesting that a little more intuitionism should be incorporated in the theory. But it is not a moral intuitionism like the one found in G. E. Moore. It is a political version that avoids any strong lexical ordering of political principles and also avoids any commitment to their intrinsic moral objective truth.

Criticism 9

A similar criticism assumes that a system of collective rights for peoples is part of an ecological vision of the world, as though it were a case of protecting endangered species (Habermas, 1994). It is then claimed that this view is in a radical opposition to all forms of assimilation and it entails a preservationist stance toward cultures. But this is not my argument at all. Peoples do not have an intrinsic value. They only have an instrumental value for cultural diversity. I do not claim that all peoples are worthy of respect. They should only be respected if they respect other political agents in the political space. Moreover, I have also stated

that the national identity of a people is based on a collective will to survive as a people and on a self-representation. Without a collective will to survive as a people and without this self-representation, there is no reason for granting collective rights. So the members of a people may under very special circumstances have an interest in allowing themselves to be assimilated. They will then lose their collective will to survive as a people. All of this helps to radically distance my own approach from all preservationist and anti-assimilationist theories.

Criticism 10

Another problem relates to the determination of the general will of a people (Appiah, 2005; Kukathas, 1992). Am I accepting that this could be ascertained by an elite? Not at all – the will of the people must be determined by the population itself in virtue of the democratic principle interpreted by the majority rule. This however does not consist in a reduction of the general will to an aggregate of individual interests. The democratic principle entails only that each person may contribute to the interpretation of the general will of the people. Although I can commit myself as an individual citizen concerning a particular interpretation of the general will of the people, it is not the same thing as if I were committing myself concerning a set of individual interests. The will of the people is interpreted by individual citizens but it is not reducible to an aggregate of individual interests.

Of course, peoples do not express themselves as peoples in the public space. They need spokespersons, and it is important that an elite claiming to act as a spokesperson does not determine the will of the people. In other words, in order for spokespersons to be credible, they must be democratically elected and the claims they make in the name of the people must reflect popular will. Peoples who are worthy of respect and whose claims may be considered morally valid are democratic peoples. But it is not necessary for this to be interpreted in terms that reinforce the atomizing or the interactionist point of view.

There are several ways of contributing to democratic life: by giving one's opinion as an individual on questions that reflect personal interests or those of all persons, or by giving one's opinion as the member of a group in order to interpret what constitutes the interest of one's own people or the interest of all peoples. Individual questions require the consent of each individual and are prevalent within societies that are considered liberal, while the second type of questions require a majority point of view and are prevalent in democratic communitarian societies.

Criticism 11

But if the will of the people is the prevailing interpretation of the majority, don't we run the risk of violating the rights of the internal national minorities (Green, 1994)? This is why certain philosophers maintain that granting collective rights to a group is problematic. The problem is that this apparently inevitably leads to the oppression of its own national minorities. The solution is obviously to accept that national minorities within these groups should also be the subjects of collective rights. There is no reason to grant collective rights to some societal cultures and not to the minority national cultures within them. This means, for example, that as a people having an encompassing structure of culture, Britain can enjoy collective rights as long as it recognizes the collective rights of its national minorities.

Criticism 12

Some argue that by replacing the value of autonomy with the political principle of toleration, we risk ending up with an unjustified respect toward decent hierarchical societies, namely those societies that are non violent but also undemocratic (Tan, 2000). As undemocratic, they violate the political freedoms of their citizens. Rawls, for instance, has argued not only for the application of liberal toleration to decent hierarchical societies. He also considers them to be partners in ideal theory. For this reason, he is led to adopt a relativistic and historicist version of liberalism.

This is a legitimate criticism directed against Rawls. My response is that we should value only *democratic* societies in ideal theory. Decent hierarchical societies must be *respected* but we can only *esteem* democratic societies. In ideal theory, the only societies that can be part of a sincere consensus based on political conceptions of persons and peoples are those that share democratic principles. Does this amount to letting the value of autonomy in through the back door and to consecrating it as a more fundamental value than that of toleration? The reason for thinking that we are reintroducing autonomy as a more important value is that democracy goes hand in hand with rational autonomy. So by imposing a democratic constraint on the respect of other societies, we are in effect treating the value of rational autonomy as a more central feature of liberalism.

But this is not a correct assessment of what I am claiming here. Firstly, I am indeed committed to treat decent hierarchical societies with respect, but this is a requirement that takes place in non-ideal theory. So this is a first difference with Rawls. Secondly, the notion of rational autonomy that I am using may be defined as minimally involving three things:

reflexivity, strong evaluations and a capacity for thought experiments. Someone who is able to perform these three capacities is someone able to behave as a citizen in a democratic society. Now this process does not force us to adopt a conception of the person as prior to her ends. A communitarian individual could develop these capacities in a process of self-discovery. At the end of this process, she would discover her authentic self understood as a set of beliefs, values, ends, customs and traditions. In this sense, rational autonomy is compatible with a conception of democracy understood in the communitarian sense and not only in the individualistic sense. The concept of a communitarian democracy is not an oxymoron. Here, I once again depart from a Rawlsian account. For him, rational autonomy cannot be accommodated within a communitarian society and there cannot be communitarian democracies. There can be an overlapping consensus between different communitarian and individualist ways of practising democracy. The adoption of a common concept of rational autonomy can be seen as resulting from the practice of toleration between the different democratic traditions within these societies.

Criticism 13

Another argument must be countered. The proponents of collective rights have often been criticized on the pretence that the subjects of these rights must be politically organized groups (Barry, 2001). Under my account, it could also appear that peoples must be understood as complete societal cultures offering a wide context of choice. So it appears that only full societal cultures will benefit from collective rights. The subjects of these rights would be politically organized groups that are at an advantage in relation to disadvantaged groups that are not politically organized in any official way. So this is unjust and somewhat paradoxical. If any group deserves assistance, it should be those who are on the verge of disintegration and not full societal cultures.

But as I have stated, the political conception of peoples does not mean that peoples need to have a political organization. Rather, I referred to an institutional organization while making it clear that this does not have to be a political self-government. The political conception of peoples is the conception of peoples as they appear within the political arena and as they appear within the framework of an approach such as political liberalism. Peoples who do not have a political organization must be taken into account, and they deserve respect. They must be considered as the subjects of collective rights from the moment they appear in the public space with a certain institutional identity.

A similar criticism was made of Will Kymlicka's own position on the subject. In his opinion, a people acquires value insofar as it offers a context of choice for its members. We therefore can assume that peoples would have far greater value if they offered a greater range of possibilities to their members, a greater context of choice. Full societal cultures thus have an advantage over groups that are not politically organized in any official way. This puts peoples with a reduced context of choice at a disadvantage, such as native peoples. Even worse it encourages states to stop the development of the societal cultures in question, for it is only by developing their institutions that they might then be in a position to claim collective rights.

I leave it to Kymlicka to respond to the objections addressed to him on this subject, but I would like to note that my own approach does not have the same vulnerability to this criticism. Peoples acquire value not only through their contribution to internal diversity (the context of choice) but also through their contribution to external diversity, at the international level, since we owe respect to all peoples and since there are inequalities at the international level. Even if certain native peoples are in a state of devastation and do not offer a very large context of choice to their members, they can have value because they contribute to external diversity.

Criticism 14

Finally, there are those who believe that we have entered a post-national age, and this is taken to mean that the promotion and protection of peoples is outdated. This is the cosmopolitan argument. There are several versions of the argument to this effect. Some simply predict the imminent disappearance of the nation-state (Waldron, 1995). Others are more prudent in their prognosis and recognize that the nation-state is likely here to stay, but they claim that the nation is no longer the primary factor in determining the population's identity within the state, even if the population lives in a mono-national state. It is the constitution that now binds the identity of all citizens (Habermas, 2001). Finally, there are those who recognize the importance of the nation as a key element of identification, but they claim that it should not play the role of moral agent in international distributive justice (Caney, 2001, 2005).

There are many reasons for calling into question the first suggestion that we have entered a post-national era and that the nation-state is about to disappear. Since the fall of the Berlin Wall, it would seem that we have seen everything – except the disappearance of national identities, nationalism and nation-states. Quite to the contrary, the nationalist

phenomenon seems to have become even more prominent. The USSR dissolved into 15 separate republics. The multinational federation of Czechoslovakia was divided into two independent republics: Czech Republic and Slovakia. Yugoslavia was also separated into several independent countries: Slovenia, Croatia, Bosnia-Herzegovina, Serbia, Macedonia, Montenegro and Kosovo. The Palestinian question remains omnipresent, just like those of the Chechen and Tibetan nationalisms. National issues are behind some aspects of the conflicts in Northern Ireland, Cyprus and Kashmir. The United Nations is aiding the process of self-determination in East Timor, Eritrea and Western Sahara. Corsican, Catalan, Basque, Galician, Quebec, Acadian, Flemish, Walloon, Welsh and Scottish nationalisms continue to add fuel to the debates. The recognition of native peoples is more and more difficult to avoid. In short, everywhere we look, nations, nationalisms and nation-states continue to affirm themselves. As far as I can see, this puts to rest the claim that nation-states are about to disappear.

But what about the claim that the nation no longer binds together the citizens of a country? Here the objection is not one announcing the death of the nation-state. It is simply claiming that what holds it together is no longer the nation as such. In my view, these arguments often confuse nations and states. It is true that states are now the subject of tensions like never before in history. They are weakened by external and internal forces. Internally, they must frequently grapple with particularisms, but these are very often the particularisms of national minorities. Current methods of communication make it increasingly easy for immigrant minorities to maintain close ties with their countries of origin, making it more difficult to integrate them into their new country; but if this shows us anything it is the solidity, or reinforcement, of national identities within immigrant groups. If they weaken the communal ties within their new community, by the same token they reinforce the communal ties with their country of origin. In many cases, it is possible that the loss of identity incurred on the national level for a welcoming community is largely compensated by the reinforcement of ties at the level of its national diaspora abroad.

When we speak of the ravages incurred by globalization that would affect the ties of national identities, we are also thinking about economic globalization. These are the external forces apparently weakening nation-states. But is globalization anything other that the hegemonic power of one country – the American superpower? Liah Greenfeld (2001) has already emphasized this point. In her opinion, the values that we associate with economic globalization are largely attributes of the American

national identity. Imperialism, even economic imperialism, is a form of nationalism that can be categorized in the same way as colonialism and ethnocentricity. Of course, we must not oversimplify this point of view, since the United States is increasingly faced with fierce competition from the European Union, Japan and China. But, again, these are sovereign countries engaged in a race that illustrates economic nationalism at least as much as the liberalization of trade.

So nation-states are indeed confronted with pressures arising from economic globalization, but it is to a large extent a matter having to do with economic imperialisms. Globalization can perhaps not be reduced to American imperialism or to the imperialism of any other country seeking to establish hegemonic power. But neither can it be understood without them. In short, we have not left peoples and nationalism behind. They are still present all around us.

The third version of the cosmopolitan argument against the recognition of peoples is based on the idea that distributive justice should not involve peoples. Insofar as we see the growing power of certain supranational organizations and the necessity of creating them and allowing them to intercede either to counter or to pave the way for globalized economic development, it may be argued that we are in a position to predict the imminent non relevance of nation-states. According to this view, there would be an analogy between our age and the modern age. Just as the economic development of the modern age would have influenced the importance of national identity, the economic evolution in the contemporary world announces its relatively marginal influence. The capitalism of the printing press and the need to impose a standardized system of education over a large territory to expedite economic development in the modern age made possible the creation of an imagined community and favoured the creation of large nation-states. But now, the globalization of the economy announces that the future of national identity and of the nation-state is bleak. And so peoples can no longer be seen as beneficiaries of international distributional justice principles.

I can immediately respond that the analogy proves the opposite. Large nation-states, made possible by the capitalism of the printing press and the necessity of a standardized system of education, have superposed themselves onto local identities without making them disappear. On the contrary, these local national identities have reasserted themselves as national minorities seeking for recognition. In the same way, globalization creates global citizens, but does not make national ties of identity disappear simultaneously. Nor do they become irrelevant.

But is the European Union not proof in itself that the nation-state is in the process of losing its importance? The EU is no exception in my view (Seymour, 2004a). In order to prove this, we can of course mention the difficulty of adopting a constitutional treaty for the union as a whole. But there are other factors that serve to show the prevailing force of nations and nationalism. The negligible financing accorded to the EU's institutions (1.2 per cent of the gross national product of each member country), France and Germany's ability to impose a veto on any change that doesn't suit them, the growing refusal to transform the EU into a federal entity and the total absence of provisions that would force the already existing members of the union to promote and protect the rights of their own minorities, are all elements pointing in the same direction. These facts indicate that the nation-state is still a major active force. We see the permanence and resilience of nationalisms, nations and nation-states everywhere.

We must understand what the phenomenon of economic globalization consists of. It is true that it has a strong effect on peoples' margin for manoeuvring. But what does it consist of? Increased free trade, the increased merging of businesses and banks, the delocalization of businesses, the growth of the stock volume caused by computerization, the creation of vast conglomerates of multinational companies, the growing strength of international organizations such as the World Bank, the International Monetary Fund and the World Trade Organization (WTO), and bank merging, are obvious manifestations. But what does all this lead to? This leads to the concentration of capital, means of production methods and decision centres in the hands of a small number of people, and it is these things that considerably limit the power of sovereign states. But precisely for this reason, we can imagine, in a not-so-far-off future, the possibility that these sovereign states will want to limit the power of economic superpowers in order to protect their own interests.

Of course, it is possible that states will, for a time, engage again in a fierce competition to attract the capital of large companies. They will try to gain the sympathies of the American superpower and other economically powerful countries, and will wish for this reason to open their markets to free competition. But as soon as most sovereign countries have experienced the negative consequences of a concentration of capital, of having the means of production and the decision centres in the hands of a small number, members in organizations such as the WTO could be persuaded to oppose this phenomenon of globalization. It will be possible to incite countries to defend all national economies against the hegemonic power of an increasingly reduced number of

possessors. One possible reaction of sovereign peoples, like those of the 148 countries that signed the Convention on Cultural Diversity, might be to defend the rights of peoples on the economic level. If we recognize that the hegemonic power of American culture should be countered with measures such as the Convention on Cultural Diversity, this could lead us towards the rediscovery of the importance of national identities for socio-economic distributional justice.

Conclusion

In this chapter, I have tried to show that political liberalism was perfectly compatible with a dual system of individual rights for persons and collective rights for peoples. I showed how this approach was able to avoid many problematic consequences that are generally associated with the idea of collective rights. There are, however, numerous other objections that I have not discussed in this paper and that should be taken very seriously. For instance, another type of reaction against the incorporation of collective rights for peoples into a constitution is that this would stem from a legal fetishism. By suggesting that a constitution should contain provisions involving collective rights, aren't we putting a lot of weight on the legal system? As I see it this reaction betrays a bias in favour of individual rights, because those who criticize the incorporation of collective rights for peoples into a constitution usually have nothing to say against the inclusion of a charter of individual rights and liberties in this same constitution. Thus they express a legal preference that in the end has nothing to do with the rejection of legal fetishism.

Others more consistently reject the incorporation of any rights in a constitution because they fear the juridiciarization of politics. But, apart from the fact that they constitute a minority, the incorporation of both individual and collective rights can be done in a way that respect the political realm. Judges may provide only general procedural guidelines for politicians, they can assist them by providing only legal consultants and they can even decide that some of the problems should be adjudicated in the political sphere. The court might indeed decide to return a litigated question that is submitted to them and ask politicians to solve it. So it is not clear that the incorporation of rights into a constitution leads to the juridiciarization of politics.

A correct account must also deal with the problem of institutionalization of collective rights. One could argue that even if there were moral justifications for introducing this kind of rights, we could only conclude in favour of *moral* collective rights and not *legal* collective rights. That

is, the question remains to determine how to translate the theory into practice. For instance, how shall we discriminate between groups that are and groups that are not peoples? What is the appropriate criterion of identification of nations as such? This is only one among many difficulties that must be answered if we are to engage into incorporating these rights in a real system of laws. What is the impact of institutionalized collective rights on the stability of society? Other difficulties concern the legal instances that are going to be responsible for their implementation, the determination of the sanctions for those who don't comply with the rights, or the formulation of criteria for establishing which moral collective rights can be institutionalized and which rights cannot be institutionalized.

I also haven't discussed why peoples (and fragments of peoples) were the only groups entitled to collective rights. What's so special about peoples (Buchanan, 1998)? Why should they be the only ones entitled to collective rights? Why should we exclude groups like women, gays, trade unions and religious groups? My answer is that peoples are the ultimate sources of cultural diversity. If art, language, customs, traditions, ways of life serve to illustrate cultural diversity, it is because these phenomena are intimately related with different peoples living on different territories. But I also wish to argue that political liberalism can welcome another kind of moral agents in the political realm. In addition to persons and peoples, we must respect groups that have been legally incorporated. They are entitled to rights as 'legal moral persons'. We should thus make room for religious groups, trade unions, companies, as well as groups of women, gays, and so on. As corporate bodies, they are entitled to a specific regime of rights.

I also completely avoided the complex differences between my own account and the account of those who within classical liberalism subordinate the recognition of peoples to the interests of individuals and in the name of individual autonomy. In short, I did not discuss the possibility of accommodating a regime of group differentiated rights within the framework of moral individualism, such as in the works of Kymlicka (1995), Tan (2000), Buchanan (1994), Tamir (1999), and so many other liberal philosophers. I believe that there are insuperable difficulties affecting these approaches, but I have firmly avoided these issues in this chapter. Here I simply refer to my own book on the subject (Seymour, 2004b).

Finally, I haven't discussed the political motivations that explain the rejection of collective rights. So let me just end on the following political observation. Criticisms on the subject of collective rights for peoples are

often driven by an impulse towards national construction that has every appearance of state nationalism, rather than by substantive arguments. State nationalism plays a large part in explaining why so many voices are raised to say that formal recognition is not necessary nor even desirable, or to object to the United Nations' Declaration on Native Peoples. This formidable ingenuity on the part of so many intellectuals in response to the legitimate demand for formal recognition of peoples can perhaps only be explained by the desire to adjust to state nationalism. Intellectuals try to convince themselves that there are philosophical arguments to explain why collective rights should not be granted. But if I am right, many of these arguments conceal an objective alliance with state nationalism.

Note

1. I would like to thank Jessica Moore for translating most parts of this chapter.

References

Appiah, A. K. (1994) 'Identity, Authenticity, Survival: Multicultural Societies and Social Reproduction', in Amy Gutmann (ed.), *Multiculturalism*, Princeton, Princeton University Press, pp. 149–63.

Appiah, A. K. (2005) *The Ethics of Identity*, Princeton, Princeton University Press.

Appiah, A. K. (2006a) *Cosmopolitanism*, New York, W. W. Norton.

Appiah, A. K. (2006b) 'The Case for Contamination', *New York Times*, 1 January.

Barry, B. (2001) *Culture and Equality: An Egalitarian Critique of Multiculturalism*, Cambridge, Polity Press.

Benhabib, S. (2002) *The Claims of Culture: Equality and Diversity in the Global Era,* Princeton, Princeton University Press.

Buchanan, A. (1994) 'Liberalism and Group Rights', in J. Coleman (ed.), *In Harm's Way. Essays in Honour of Joel Feinberg*, Cambridge, Cambridge University Press, pp. 1–15.

Buchanan, A. (1998) 'What's so Special about Nations?' in J. Couture et al. (eds), *Rethinking Nationalism*, Supplementary Vol. 22, *Canadian Journal of Philosophy*, 283–309.

Caney, S. (2001) 'International Distributive Justice', *Political Studies*, Vol. 49, 974–97.

Caney, S. (2005) *Justice Beyond Borders. A Global Political Theory*, Oxford, Oxford University Press.

Ferry, J.-M. (1996) *L'éthique reconstructive*, Paris, Cerf.

Green, L. (1994) 'Internal Minorities and Their Rights', in J. Baker (ed.), *Group Rights*, Toronto, University of Toronto Press, pp. 100–17.

Greenfeld, L. (2001) *The Spirit of Capitalism: Nationalism and Economic Growth*, Cambridge, MA, Harvard University Press.

Habermas, J. (1993) 'Individuation Through Socialization: On George Herbert Mead's Theory of Subjectivity', in *Postmetaphysical Thinking*, Cambridge, MA, MIT Press, pp. 149–204.

Habermas, J. (1994) 'Struggles for Recognition in the Democratic Constitutional State', in Amy Gutmann (ed.), *Multiculturalism*, Princeton, Princeton University Press, pp. 107–48.

Habermas, J. (1995) 'Multiculturalism and the Liberal State', *Stanford Law Review*, Vol. 47, May, 849–53.

Habermas, J. (2001) *Postnational Constellation*, Cambridge, MA, MIT Press.

Habermas, J. (2005) 'Equal Treatment of Cultures and the Limits of Postmodern Liberalism', *Journal of Political Philosophy*, Vol. 13, No. 1, 1–28.

Hartney, M. (1995) 'Some Confusions Concerning Collective Rights', in W. Kymlicka (ed.), *The Rights of Minority Cultures*, Oxford, Oxford University Press, pp. 202–27.

Honneth, A. (1996) *The Struggle for Recognition: The Moral Grammar of Social Conflicts*, Cambridge, MA, MIT Press.

Kukathas, C. (1992) 'Are there any Cultural Rights?', *Political Theory*, Vol. 20, 105–39.

Kymlicka, W. (1989) *Liberalism, Community and Culture*, Oxford, Oxford University Press.

Kymlicka, W. (1995) *Multicultural Citizenship*, Oxford, Oxford University Press.

Larmore, C. (1999) 'The Moral Basis of Political Liberalism', *Journal of Philosophy*, Vol. 96, No. 12, 599–625.

Markell, P. (2003) *Bound by Recognition*, Princeton, Princeton University Press.

Mead, G. H. (1934) *Mind, Self, and Society*, Chicago, University of Chicago Press.

Rawls, J. (1999) *The Law of Peoples*, Cambridge, MA, Harvard University Press.

Sen, A. (2006) *Identity and Violence*, New York, W. W. Norton.

Seymour, M. (2004a) 'Nation-states, National Minorities and the Draft Treaty', in F. Astengo and N. Neuwhal (eds), *A Constitution for Europe? Governance and Policy-making in the European Union*, Montréal, Chaire Jean-Monnet, Université de Montréal, pp. 280–96.

Seymour, M. (2004b) 'Collective Rights in Multination States: From Ethical Individualism to the Law of Peoples', in M. Seymour (ed.), *The Fate of the Nation-State*, Montréal-Kingston, McGill-Queen's, pp. 105–29.

Tamir, Y. (1999) 'Against Collective Rights', in C. Joppke and S. Lukes (eds), *Multicultural Questions*, Oxford, Oxford University Press, pp. 158–80.

Tan, K. C. (2000) *Toleration, Diversity and Global Justice*, Philadelphia, Pennsylvania State University Press.

Waldron, J. (1995) 'Minority Cultures and the Cosmopolitan Alternative', in W. Kymlicka (ed.), *The Rights of Minority Cultures*, Oxford, Oxford University Press, pp. 93–119.

10
The Public Assessment of Indigenous Identity

Avigail Eisenberg

Those who are sceptical about identity politics often point to cases about indigenous rights as exemplary of the problems with it. On the one hand, identity claims,[1] including claims made by indigenous peoples for entitlements, power or resources based on something important about their identity, are an unavoidable part of public decision-making. There is often a gap between the abstract commitments found in legal and political documents and the specific, often quite practical regulations over land use, fisheries, taxation, child welfare, education, and so on, that are supposed to flow from these general commitments. This gap is filled, in part, when decision-makers translate abstract entitlements in light of what specific groups claim is important and distinctive about their identity. On the other hand, the assessments of these claims by courts or other public decision-makers are often taken as exemplary of the serious problems with cultural rights.

One problem commonly cited is that identity claiming essentializes minority cultures. Essentialism is considered endemic to all identity claiming but especially well-illustrated in relation to the claims of indigenous peoples. The problem of essentialism holds that to assess a dispute in terms of what is important to a community's identity has the effect of 'freezing' that identity by elevating particular practices as more central or historically important than others.[2]

A second problem associated with indigenous identity claiming is what I call 'domestication'. The problem of domestication refers to the tendency of identity claiming to undermine the political and legal legitimacy of the broader project of many indigenous peoples to secure recognition of their right to self-determination. The problem of

domestication has special resonance in light of colonial history because the claim is that identity politics diverts attention from the way in which disputes involving indigenous people are, in the first instance, disputes about the questionable basis of western state sovereignty over indigenous lands and resources. It implicitly relies on the continuation of colonial authority because it treats as unproblematic a governance system in which the courts of former colonizers have the power to make decisions about what is central to indigenous identity.

Here I explore the challenges and prospects for the public assessment of indigenous identity claims. Are problems like essentialism and domestication endemic to identity claiming? And if so, is the larger project of carefully crafting constitutional rights and international conventions that entrench indigenous rights and entitlement bound to be a conflicted, distorting and ultimately unsatisfying project which is inevitably tainted by colonialism, racial stereotyping, ethnic or other forms of bias and thereby more likely to generate disputes within and between communities than to produce more substantive positive results for indigenous peoples?

The conclusion I reach is a qualified and cautiously optimistic endorsement of the public assessment of identity claims. I do not want to suggest that the public assessment of indigenous identity has been successful or that essentialism and domestication do not pose serious challenges. To the contrary, I begin by illustrating the serious challenges they pose by examining what I believe is the most systematic and explicit approach to the assessment of indigenous identity claims used by any public institution in the world. It is also one widely considered to be 'disastrous'. This approach, which is called the 'Distinctive Culture Test' (DCT), has been developed by the Canadian Supreme Court to determine whether specific Aboriginal communities have the constitutional right to hunt, fish, trade, and so on. The DCT exemplifies some of the problems identified by the critics as endemic to public assessments of indigenous identity claims, especially essentialism and domestication. But besides this problem, a bigger and, to my mind, more significant problem is that few if any countries in the world have developed a defensible and systematic alternative to it. Many governing bodies have interesting ideas about how indigenous identity claims ought to be interpreted. But, to my knowledge, no public institution has developed a set of normatively defensible, transparent and systemic criteria by which to assess the identity claims of indigenous people. So the question is, if such an approach was developed, what would it look like?

The Canadian DCT

Since its entrenchment in 1982, Section 35 of Canada's Constitution[3] has been used by indigenous peoples to argue for the protection of legally threatened or unprotected practices, which are central to indigenous ways of life and which involve access to land and use of natural resources, through fishing, logging, whaling, hunting moose or caribou, and other activities. The sorts of questions these cases pose to the court, for example, are whether there is an Aboriginal right, protected by Section 35, which allows the Musqueam people to fish in Canoe Passage with non-regulation drift nets; whether, in virtue of its Aboriginal rights, the Sto:lo people can sell salmon without a licence, the Maliseet and Mi'kmaq First Nations can cut timber from Crown land in Nova Scotia without permission to do so, or the Mohawk people of Akwesasne can import goods duty-free across the international border between Canada and the US, which divides their territory.

In order to translate the Aboriginal rights of Section 35 into more substantive policies which speak to these kinds of questions, the Supreme Court of Canada has developed a Distinctive Culture Test to assess these claims which requires, amongst other things, that claimants explain the role of a practice they claim is central to their identity. The DCT requires, (1) that claimants define the practice they wish to protect precisely and show that it is jeopardized by specific state regulations; (2) that they must show that the practice which is jeopardized is central and integral to the indigenous culture of their community; (3) that the practice must be distinctive to the community in the sense of being 'a defining characteristic of their culture' or, one that 'makes the community what it was' and; (4) that the practice must have 'pre-contact' origins in the sense that it (in its original form) must be central to the distinctive indigenous culture of the community before Europeans arrived and made contact with the community. The pre-contact criterion, which is perhaps the most often criticized aspect of the test, specifies that only practices which were central to the community before Aboriginal-European contact, and remain central today, count as ones eligible for protection under Section 35.

Legal scholars generally agree that the DCT is misguided and, in particular, that the pre-contact criterion is potentially disastrous as means of interpreting which Aboriginal practices ought to be viewed as rights.[4] For instance, given that over 500 distinctive First Nations communities live in Canada today, and some live in remote locations with little if any contact until recently with outsiders, it is impossible to attach a

date to 'contact' for the purposes of defining a constitutional right.[5] In addition, the pre-contact criterion effectively eliminates the possibility of protecting any practice that arose as result of relations between Aboriginal and settler communities, even if these practices were and continue to be central to the distinctive cultures of the communities. Economic practices, in particular, are virtually eliminated from consideration because, by their nature, such practices tend to be opportunistic and opportunities changed once Europeans arrived.

The DCT is usually criticized for distorting indigenous identity in two ways. First, the DCT conceptualizes culture in terms of discrete practices, wherein each practice can be assessed by a court to determine both its centrality to the culture as a whole (which implies that a whole can be delimited), and to determine whether the practice alone distinguishes the culture from other cultures (see Barsh and Henderson, 1996/97, pp. 1000–3). It thereby essentializes indigenous culture by reducing 'cultures' to particular practices and promising protection only for practices which are found to be 'central and integral' to a culture. The requirement that claimants show the 'pre-contact' origins of practices greatly exacerbates that static 'practice-centric' character of assessments that result from the test.

The evidence in these cases is mainly concerned to offer historical descriptions of indigenous ways of life before Europeans arrived, and therefore very little evidence is offered as to whether these practices are important to sustaining healthy communities today (Borrows, 1997–98, p. 43). While the court has acknowledged that protected practices can change over time, the DCT holds that constitutional rights attach only to those practices which have historical importance. Practices which are symbolic today yet had important functions 150 years ago are more likely to pass the test than practices which are crucial to a community's way of life today but arose mainly as means to help communities survive in the midst of colonization. What matters above all else to establishing entitlement are the ways that practices and identities have not changed and peoples have not adapted (or not very much) to their changing circumstances.

For example, in *R.* v. *Van der Peet*, the first case to which DCT applied, a member of the Sto:lo First Nation appealed her conviction under the Indian Food Fish License for selling ten salmon without a licence to do so. She argued that her right to trade in salmon is derived from her membership in the Sto:lo First Nation, a nation whose cultural identity is intimately tied to salmon fishing. At trial, Van der Peet presented detailed historical evidence which traced Sto:lo traditions that involve fishing for food and

ceremonial purposes. Trade in salmon, she argued, has been part of the Sto:lo way of life since pre-contact times. The Sto:lo caught and dried their salmon in a distinctive way since time immemorial. They traded fish upstream occasionally. No one but they controlled their catch and, once European settlers arrived, in 1827, and established the Hudson's Bay Company at Fort Langley, the Sto:lo immediately began trading salmon with the Fort for other goods (Lambert, 1998, p. 250). At the Supreme Court of Canada, Van der Peet finally lost her case. The majority on the Court argued, using the DCT, that Sto:lo trade in salmon (as opposed to fishing and consuming salmon), was occasional, not central, to pre-contact Sto:lo identity and therefore could not count as a constitutionally protected Aboriginal right. The decision focuses on what precisely the Sto:lo did with their catch pre-contact rather than whether some control over the fishing industry is required today as a means to protect Sto:lo identity and the well-being of the community.

Second, the DCT has been criticized for domesticating indigenous claims. The problem of domestication holds that identity claiming diverts public attention and community resources away from what is really at issue in these cases which is that western states have illegitimately imposed their rule on self-governing indigenous communities and territories. The Canadian courts refuse to interpret the Aboriginal rights found in Canada's Constitution as a means to argue for self-determination. These constitutional guarantees thereby seem to offer little more than public accommodation of discrete indigenous practices, which is little more than religious or cultural minorities can expect from the government.[6] Identity claiming, at best, secures for minorities minor adjustments to state policies, while it also disempowers vulnerable, at-risk, communities by encouraging them to adopt high risk and costly legal strategies that drain their resources and will make little difference to their political status and well-being.

In sum, the DCT provides a guided approach by which public decision-makers translate the general Aboriginal rights entrenched in Canada's Constitution in substantive regulations by assessing whether a particular practice is important to the distinctive identities of the indigenous group making the claim. The approach has been strongly criticized for essentializing indigenous cultures, by reducing whole ways of life to discrete practices that are deemed 'central and integral', and by freezing cultural development to a distant historical period before the arrival of Europeans. It thereby offers no protection for practices that developed since then. Finally, the DCT domesticates indigenous peoples by distracting debate and diverting resources from efforts to advance self-determination to

arenas that at best provide limited amounts of cultural accommodation under, what some critics suggest, is continuous colonial rule.

Alternative approaches

The identities of groups or individuals are likely to be assessed whenever attempts are made to use the abstract provisions currently found in many national and international agreements to protect 'cultural rights' in order to reform or contest policies over land, resources, or governance, in other words, in order to give real substance to entitlements for a particular minority community. Yet no systematic alternative exists to Canada's DCT. One less systematic alternative can be found in the decisions of the United Nations Human Rights Committee (HRC) in their interpretation of the International Covenant on Civil and Political Rights (ICCPR). Article 27 of the ICCPR states that the rights of persons who belong to 'ethnic, linguistic or religious minorities …, in community with other members of their group, to enjoy their own culture, to profess and practice their own religion [and] to use their own language'. The Article has been used in several cases by indigenous communities to argue that their cultural rights are violated by the activities of states. In the course of translating the abstract provisions of Article 27 into more substantive decisions, most of which refer to specific disputes over land use, the HRC has developed four standards by which it assesses indigenous identity.

First, in Article 27 decisions, cultural identity is broadly conceived to include the protection of practices that are central to community life including the use of the community's language, the practice of their religion and 'in general, … all those characteristics necessary for the preservation of their own cultural identity'.[7] Decisions have specifically favoured economic activities and cultural practices, as well as the resources necessary for carrying out these activities.

For example, in *Ominayak, Chief of the Lubicon Lake Band* v. *Canada*, the HRC concluded, using Article 27, that the Lubicon community's cultural identity was in jeopardy as a result of a provincial law which expropriated Lubicon land in order to allow for oil and gas exploration to take place on it. The argument before the HRC explained the community's profound dependence on having access to the land in question and its historical importance. Moreover, given its remote location, the Lubicon had little contact with non-indigenous society, a fact reflected in its social institutions. Community members primarily speak Cree and many do not speak, read or write English. Evidence showed that the Lubicon's hunting and fishing activities were essential to maintaining

the subsistence economy underpinning its distinctive culture, spirituality and language. The HRC agreed that the Lubicon could no longer survive as a people without access to their lands. It reached its decision against Canada after weighing the impact of the development projects on the Lubicon's identity claims. It agreed with the Lubicon that the survival of their community was imperiled by the oil and gas exploration and recognized that economic, not merely social or religious activities, were protected cultural rights under Article 27.[8]

Second, the HRC decisions often reflect a distinction between laws that disrupt community practices and those which destroy these practices. On one hand, this means that groups might have to absorb some disruption to their way of life. For example, in *Lansman* v. *Finland* a group of Saami reindeer herders contested a quarry development that was slated to occur on a mountainside where they kept special pens and a network of fences which they used in their breeding and herding activities. They argued that their culture 'has traditionally been and remains essentially based on reindeer husbandry', a claim the HRC accepted. But, after assessing the impact of the quarrying to date, the HRC disagreed with the Saami that the quarrying activity was sufficiently disruptive. They argued that not 'every measure, even a minor one, which obstructs or impairs reindeer husbandry must be interpreted as prohibited by the Covenant'.

On the other hand, this requirement means that cultural practices can be adapted over time and still be eligible for protection. What seems crucial to distinguishing disruption (as in *Lansman*) from destruction (as in *Ominayak*) involves decision-makers in understanding the role and importance of an activity or practice to the identity of a group, including its relation to a particular place, and to the community's sustainability.[9]

Third, the Article 27 decisions interpret the right to culture to be sustainable and future-oriented. Public policies and regulations which cut off a community from the means to sustain crucial aspects of its identity into the future will violate this standard. Some HRC decisions incorporate an awareness, lost by the DCT and specifically the pre-contact requirement, that practices which ensure intergenerational continuity, and secure the well-being of communities into the future, are especially important to protect as cultural rights.[10]

And finally, the fourth standard is that states must consult with the groups with whom they have conflict (Scheinin, 2000). The 'right to meaningful consultation' has been invoked in three Article 27 cases all having to do with competing land-use disputes and the cultural rights of indigenous people. On the one hand, the requirement may be interpreted as mainly a means to ensure that parties have exhausted alternative

remedies before the cases reach the HRC. On the other hand, failing to consult a community can be a powerful strategy if it indicates the unwillingness of one community to recognize the existence of another as distinctive. A 'duty to consult' is a means of recognizing that a community deserves respect and recognition in relation to decisions that have an impact on its collective way of life. Conversely, the failure to consult could amount to the position that no such obligation exists because no distinctive community exists that requires consultation.

Article 27 provides a set of nascent standards for the assessment of indigenous identity that views cultural activities in a broad sense which includes economic activities, that aims at being sensitive to cultural change and adaptability, that highlights the importance of practices where are sustainable and future-oriented, and that requires states to consult and thereby recognize distinctive communities in their midst. It is viewed by some indigenous rights advocates as reflecting a 'norm of cultural integrity' which, according to James Anaya, 'upholds the right of indigenous groups to maintain and freely develop their cultural identities in co-existence with other sectors of humanity' (Anaya, 1996, pp. 98–104). However, to date, these standards are not fully articulated as an approach by the HRC or other international bodies and do not consistently show up in every decision.[11] Moreover, little incentive exists to develop these standards into a more complete approach. For one thing, the HRC has been criticized for following a far narrower set of standards when hearing cases that involve the rights of non-indigenous cultural minorities.[12] At the same time, the ICCPR is not specifically designed to protect indigenous people and its generic nature in this regard has provided impetus for a more targeted approach, such as the one taken in the Draft Declaration on the Rights of Indigenous Peoples.[13]

The more general and seemingly serious problems, which the HRC approach cannot address, are what I call the problems of essentialism and domestication. With respect to essentialism, the HRC approach, despite its virtues, nevertheless bases entitlements on practices that are found to be central rather than contingent to identity and that are historically enduring rather than recent responses to current circumstances. Therefore, in terms of essentialism, the HRC could be criticized for 'essentializing' culture through its decisions which recognize, for example, that a subsistence economy is central to the Lubicon's distinctive culture, or that reindeer husbandry is so closely connected to the Saami culture that it 'must be considered part of the Saami culture itself' (*Kitok* v. *Sweden*).

The problem of domestication also persists in the HRC approach. The HRC has explicitly refused to hear claims made under Article 27

which directly argue for the right to self-determination.[14] It thereby appears to offer groups little more than the DCT might offer, namely accommodation within a regime that ultimately upholds the state system and thereby one which is indirectly responsible for colonial rule in the first place.

The conclusion which these problems point to is that any approach which attempts to protect cultural identity by assessing what is important to that identity will essentialize and domesticate cultural groups. Any approach, no matter how sensitive, accurate, inclusive or reasonable, which considers matters crucial to the identities of indigenous peoples as possible grounds for entitlement decisions, appears to invite the perils of essentialism and domestication.

Yet, as I see it, the problem with this conclusion is that it rests on such an abstract understanding of how entitlements are translated through decision-making into substantive policies, that it is nearly useless in either distinguishing between better and worse approaches or in comprehending the manner in which groups can effectively protect their distinctive ways of life or advance their entitlement to self-determination or self-government. It is worth revaluating the problems of essentialism and domestication in order to determine, in light of the specific nature of the challenges faced by indigenous peoples, whether or how decision-makers might avoid a static, reductive and assimilationist interpretation of these claims.

Essentialism and domestication revisited

The problem of essentialism arises, in part, when groups are 'frozen' in time to a retrospective and nostalgic understanding of their identity. But it's worth drawing a distinction between approaches, like the Canadian DCT, which encourage a narrow and blinkered use of historical argument, and the more general usage of history by many groups – not only indigenous ones – to point out the connection between the longevity of their practices and the sustained importance of the practice to their identity. It is worthwhile because many groups consider the meaning of their identities and view their practices as meaningful in relation to particular histories. For instance, how a community understands itself in relation to other groups often implicates historical struggles; how it ensures intergenerational continuity is often revealed by investigating the history of its practices; the significance it vests in particular places, again, implicates its historical relation to a place. But using history to trace what is important about practices is distinct from assuming that historical

longevity *is* what is important about practices. It is possible that practices which were crucial to a community's identity were abandoned long ago and replaced by new ones that do not resemble the old practice but perform the same role. It is also possible that because of disruptions to the community's way of life, new practices were never adopted and traditional ones were lost, resulting in community dislocation and dysfunction.

For example, consider a community like the Makah in what is now Washington State. The Makah have recently argued for the right to hunt whales, a practice that they traditionally engaged in but were forced to abandon because of international and national laws against whale hunting. While conservation and animal cruelty might count as weighty reasons to deny the Makah the right to hunt whales, the sort of reasons that count in their favour are not simply that the Makah engaged in whale hunting before European settlers arrived, but rather that hunting whales is woven into the social, political and familial organization of the community in such a way that, once the practice was disallowed, the community became dysfunctional in some ways. One of the interesting questions posed today, in light of many years without the whale hunt, is whether reinstituting the hunt is a means to reclaim community functioning. Many members of the Makah community claim that it is. Whether their argument is sound or not, its strength partly depends on establishing the connection between whaling practices and the identity-related values the practices serve, including the values they served historically, but also the values that they will plausibly serve or could serve today.

To replace this sort of inquiry with the question that would be asked using the DCT, of whether the practice was central to Makah identity pre-contact, does not merely narrow the inquiry's focus inappropriately, but amounts to supposing that the tail wags the dog, historically speaking, insofar as the longevity and continuity of the practice are mistaken for its meaningfulness and the important role it fulfils in actualizing particular values related to the community's identity and way of life. The fair assessment of identity-claims requires reasoning that connects disputed practices to the values they serve. This must include the way in which they connect communities to a meaningful past and present and to a sustainable future.

Essentialism also arises when particular group practices are chosen by public decision-makers as more central or important than others. But once again, this problem loses some bite when examined more closely. First, usually groups seek legal recognition for their distinctive practices because denying legal recognition also shapes cultural practices and influences their importance in a minority community in ways that many

within the community consider undesirable. Culture is indeed largely relational and not a 'natural or essential' sort of thing. But rather than resolve the matter, this merely raises the question of whether relations ought to be ones of restriction or accommodation and how communities ought to decide. In many cases, the alternative to naming practices and protecting them is just another form of interference. What is often presented in Canada, in scholarship and public policy, as the alternative to recognizing exemptions for Aboriginal practices as protected entitlements are approaches that favour the assimilation of Aboriginal peoples into mainstream Canadian society where no group is entitled to exemptions and where laws are constructed by democratic majorities to reflect mainly their own values and way of life (Flanagan, 2000).

Groups often advance identity claims because they think that certain threatened practices are good ways by which to protect particular values or to sustain ways of life that are important to their identities generally or in their present social circumstances. The questions raised in legal cases about cultural practices are not only, as the critics suggest, whether a practice is 'definitive' of a culture, but also whether a practice is both a meaningful and a good strategy by which a community can secure its way of life. For example, the argument made by the Makah, to reinstitute the whale hunt, attempts to trace the connection between whale hunting and traditional practices surrounding leadership and governance. Meaningful leadership, according to this argument, emerges from those who are whale hunters. Therefore, reinstituting the hunt is possibly an effective way to begin to reclaim governance practices that are viewed as meaningful by the community (van Ginkel, 2004).

Similarly, when the Sami argue to protect reindeer herding from quarry developments they are presumably doing so because reindeer herding is meaningful to them, but they are also attempting to ensure greater control over an economic activity that is valued by the community today because it ties the community to its history, to its geography, because it informs its central social, familial and religious activities, and because protecting the practice is a way of ensuring that the community doesn't dissolve as its members are forced to seek jobs elsewhere. Reindeer husbandry is important to Sami identity both historically but also because of the way the practice is connected to other values important to sustaining community today. Its meaning and importance derive partly from its relation to Sami history, partly because it generates a particular political economy within the community, and partly because it gives the Sami some control over land use. The same is true in the case of the Sto:lo. The Sto:lo attempt to secure for themselves an Aboriginal right to trade in

salmon is a means to defend or deepen the relation between the Sto:lo and a resource which connects the community to its history and geography, its social structure and spiritual beliefs. In none of these cases, does the argument to protect a distinctive practice bind communities to a static identity. Rather, the identity claim is an expression of group agency and possibly a means to develop strategies which effectively respond to historical circumstances.

Many critics would argue that these reassurances miss the broader and unavoidable peril of domestication, namely that identity claiming diverts the energy and resources of indigenous groups away from venues or campaigns which could secure or advance self-determination and requires that indigenous communities advance their claims in contexts ultimately controlled by the state or dominated by interests of the state system. But this criticism loses sight of what abstract ideals like 'self-determination' entail in practice and, at the same time, takes an exceedingly narrow view of what any given case or legal strategy might effectively accomplish.

For one thing, sometimes indigenous groups advance identity claims in the course of seeking interim protections for resources which the community considers crucial to secure in the course of its struggles for self-determination. For example, indigenous ways of life, throughout the world, are often threatened by commercial ventures that destroy lands, deplete resources and pollute the environment in ways that directly threaten the cultural security of a community. Interim legal measures can effectively contribute to securing indigenous rights given the nature of the resources upon which indigenous communities throughout the world tend to rely. Many indigenous peoples seek protection for pristine land areas, such as Clayquot Sound on the west coast of Canada, the Amazon Basin, and Sarawak in Borneo, which are intimately connected to their history, their practices and their way of life. While the recognition of the right to self-government or self-determination might conceivably protect these resources at some time in the future, many of these resources will be gone long before self-government agreements can be reached.

Second, identity claims can contribute to capacity building in indigenous communities which is an important component of self-government. One consequence of the destructive effects of colonial rule is that, today, some indigenous communities have to rebuild capacities of governance, including the capacity to protect their distinctive culture, to manage the use of their land and resources, and to reinvigorate their governing orders. Building these capacities is important to indigenous self-determination which requires building institutions and governing practices by which ongoing self-government is possible (Anaya, 1996, p. 82).[15] Identity-

claiming arises all the time in this context because, in building institutions of governance, many communities, understandably, want to reinvigorate traditional practices to serve contemporary capacity-related needs and some of these practices are controversial both within the community and in relation to the laws and values of the dominant community. For instance, inter- and intra-community controversy surrounds the Makah efforts to reinstitute the whale hunt, the efforts of many indigenous communities in North America to establish casinos on their reserves, and to reclaim traditional and sometimes sexist membership practices as part of a traditional order. Obviously, what is crucial in all of these cases is that the means established to fulfil capacity-building are adequate to the task. Traditions must be good strategies to fulfil contemporary needs, including the need to build contemporary functional institutions. They will likely be inadequate unless they receive community endorsement, treat members fairly, and are able to deal well with other decision-makers like governments, corporations and international monitoring bodies which are external to the community. But part of what also determines their adequacy is the extent to which communities view practices as their own. That is, assessing their adequacy involves the recognition of practices by the community as reflecting their self-understanding, their way of life, and thus giving expression to values important to their identities. Distinctive values and practices, which are related to identity, provide a guide which helps communities (or other decision-makers) decide how best to reconstitute and reclaim indigenous traditions of law and governance to build suitable institutions today (Alfred, 1995; Borrows, 2002).[16]

Third, identity has proven to be effective at framing issues and conflicts for the purpose of mobilizing indigenous peoples. Evidence over the last 30 years has shown that identity-claiming mobilizes indigenous communities in a manner that fighting economic injustice in an earlier era failed to do (Friedlander, 2006; Postero and Zamosc, 2004; Yashar, 2005; Van Cott, 2006). In Latin America, specifically, indigenous communities have effectively mobilized to defend their practices, including practices that are connected to broader entitlements to control their land, access to resources, and to address community poverty. This strategic use of identity perhaps points to its fleeting and limited importance in relation to more enduring issues like self-determination (Jung, 2008). Nonetheless, it might also show that identity-claiming is a necessary condition to advance claims for self-determination.

In sum, claims which are framed in terms of identity are used to establish interim protections for land, wildlife and habitat, and other

resources, that are often the fragile subjects of self-government agreements between indigenous peoples and settler societies. Identity also provides some of the values and reasons for building or rebuilding indigenous institutions that provide communities with the capacity to be self-determining in meaningful ways. On these bases, it is mistaken to conclude that identity claiming, in general, diverts the energy and resources of indigenous groups away from advancing self-determination.

Conclusion: what does a better approach look like?

No magical fix exists to working out fair relations in diverse societies. An approach that guides public decision-makers with respect to how they should assess identity claims is not intended as a cure-all for conflicts between minorities and majorities, or between indigenous peoples and settler states. Rather, such as guide is intended to fill a gap that exists between the mandates and entitlements which communities develop to govern their relations together, and the substantive decisions by which these mandates are translated into concrete regulations or decisions.

A defensible approach to the public assessment of identity-claiming would allow for a broad and purposive interpretation of the sort of activities and practices that might be considered identity-claims, including economic activities. Moreover, it would proceed to assess identity-claims according to three broad conditions:

The first condition could be called the jeopardy condition. This condition would require that claimants show that something important to their community's distinctive cultural identity is jeopardized in the absence of an entitlement. The strength of the jeopardy condition is gauged by assessing the centrality of the practice to the claimant's identity and the extent to which it is jeopardized as opposed to merely inconvenienced. The condition would not rely on a preconceived idea of how many years a practice must be important in order to be viewed as part of a group's identity. Instead, the strength of an identity-claim depends in part on its historical meaning and importance for a group and on its effectiveness at sustaining that meaning and value within contemporary contexts. In this respect, the strength of Van der Peet's claim rests partly in the importance of salmon trading to the Sto:lo way of life, but also on whether trade in salmon is a meaningful and effective way of sustaining that way of life today and into the future.

Second, the public assessment of identity should contain a validation condition which requires that the strength of an identity claim be assessed in terms of whether it has been appropriately validated. Validation

is meant both to ensure that practices are not foisted on community members (or some members) and to bring into the assessment process internal disputes about what are considered controversial practices. For some indigenous communities, the prospect of resuscitating historic traditions is understandably fraught with intra-group disputes because communities disagree about which traditions ought to be resuscitated and what their significance should be. The validation condition considers these disputes relevant to assessing the strength of the claim but it does not treat the mere existence of disagreement as evidence that the important role or value of a practice is entirely indeterminate. Rather, the validation condition gauges the strength of the claim in terms of the efforts communities are able to make to resolve such disputes. The validation condition would also be sensitive to the way in which dominant groups have validated their decisions to interfere in the practices of minorities. It could incorporate, for instance, the duty to consult as found in the HRC approach, which would mean, for instance, that, in the absence of evidence of consultation between Canada and the Sto:lo to establish a licensing regime, the claim of Canada might be weaker than it would be had adequate consultation taken place.

Finally, such an approach would include a safeguard condition which would measure the strength of a claim in terms of whether it harms practitioners or places anyone at risk of harm. Again, the cases here do not obviously implicate the issue of safeguards, but in cases where this is an issue, assessments would gauge the strength of a claim in terms of the absence of harm or the costs of avoiding predictable harm.

Admittedly, these are broad and general conditions whose details have yet to be worked out. Nonetheless, they stake out a position which requires that institutions are designed with the capacity to assess the identity claims of minorities, including indigenous peoples. They are grounded in a position that fair relations are often secured by engaging, not abandoning or ignoring, discussions about group identity and by promoting understanding amongst people about how they share a deep attachment to their ways of life, but have different ways of life in which different practices are meaningful to them.

Notes

1. An identity claim is a claim for entitlements, resources, powers or opportunities based on something a group or individual claims is distinctive and important about their identity.
2. There are several different ways to characterize essentialism, each of which emphasizes different problems endemic to it. For instance, many authors

argue that essentializing identity lends false coherence and unity to what counts as a group's identity and thereby marginalizes or even excludes members who don't fully ascribe to the essentialized identity feature. See Appiah's discussion of the 'Medusa Syndrome' (Appiah, 2005, pp. 105–10). Also see Phillips (2007) for a strong indictment of cultural explanations in several real-world settings because they project false unity and presuppose strong coherence where none exists.

3. Section 35 of the Constitution Act, 1982 states:

   (1) The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.
   (2) In this Act, 'aboriginal peoples of Canada' includes the Indian, Inuit and Métis peoples of Canada.
   (3) For greater certainty, in subsection (1) 'treaty rights' includes rights that now exist by way of land claims agreements or may be so acquired.
   (4) Notwithstanding any other provision of this Act, the aboriginal and treaty rights referred to in subsection (1) are guaranteed equally to male and female persons.

4. The legal purpose of the criterion is to reconcile 'pre-existing Aboriginal rights with the assertion of Crown sovereignty'. The idea is that, because Aboriginal peoples were the first occupants of the land, had formed distinctive ways of life, authoritative traditions and institutions of governance before settlers arrived, the Constitution must reconcile their right to these pre-contact traditions with the rule of law as it took shape after contact.

5. Similar concerns were raised in two dissenting opinions in the *R* v. *Van der Peet* (1996), which is the decision in which the Supreme Court of Canada first articulated and applied the DCT. See the dissenting opinions by Justice L'Hereux-Dubé and by Chief Justice Beverly McLachlin. Also see Lambert (1998, pp. 251–2).

6. Tests like the DCT are designed to stop claimants from arguing that hunting, fishing or trading practices are central and integral to the broader 'pre-contact' 'cultural' tradition of self-government and self-determination (Borrows, 1997–98, p. 47). Michael Lee Ross argues that the DCT gives rise to a dilemma: if claimants define their claim too generally, the chances are greater that it will fail to pass the rest of the test, especially the pre-contact requirement; if they describe it too specifically and statically, and it passes the test, it may be too narrow to be of real value to them (Ross, 2005, p. 16).

7. Quoted from Anaya (1996, p. 100), originally from a 1985 decision of the Inter-American Commission on Human Rights in favour of the Yanomami peoples whose ancestral lands were threatened by land-use development projects in Brazil.

8. The HRC has rejected claims where they find that communities are constituted solely by sharing an economic way of life. See, in particular, *Diergaardt et al.* v. *Namibia* and, in particular, the Individual Opinion by Elizabeth Evatt and Cecilia Medina Quiroga (concurring), in *Diergaardt et al.* v. *Namibia*, 157.

9. Article 27 may be violated where individuals 'are not allocated the land and control of resource development necessary to pursue economic activities of central importance to their culture' (Kingsbury, 1992, p. 482).

10. In *Hopu and Bessert* v. *France* the main issue was whether an ancient burial site, slated for development, contained the 'family members' of the indigenous community there. The HRC decision stated that the term 'family' must 'include all those comprising the family as understood in the society in question' (paragraph 10.3) and moreover that the claim was important because 'the relationship to their ancestors [is] an essential element of their identity' (paragraph 10.3).

11. The success of this norm depends partly on the manner in which these standards are applied across many decisions made about indigenous claims in national and international forums. For an assessment of the application of such norms see Knopp (2000). In addition, Anaya (1996, pp. 98–104) points out that the Inter-American Commission has also used the norms of Article 27 in decisions that have favoured the rights of indigenous peoples to survive as distinct cultures where culture is understood to include economic and political institutions, land-use patterns, language and religious practices. The norm of cultural integrity has also informed Convention 169 of the International Labor Organization and the Draft Declaration of the Rights of Indigenous Peoples. See, specifically, Anaya (1996, pp. 100–2).

12. Kymlicka (2007) points out that the Article was written to secure the rights of individuals and, in its application, adopts an 'anti-discrimination' approach to cultural rights in all cases other than those involving indigenous peoples. For a more positive view about the Article's capacity to address the rights of cultural minorities, see Thornberry (1991).

13. See Kymlicka (2007) for a general defence of a more targeted approach.

14. In *Ominayak*, the Committee reframed the Lubicon claim, which was initially presented by the claimants as a violation of the right of peoples to self-determination under Article 1, into a claim about cultural rights under Article 27. And in a 1994 General Comment, the Committee stated that the 'right to enjoy one's culture' excludes consideration of claims to self-determination.

15. For a discussion of capacity building, see Anaya (1996, pp. 80–8, 109–12), Schouls (2003) and Canada Royal Commission on Aboriginal Peoples (1996).

16. One concern, which I do not directly address here, is how to assess traditional practices which are important to the identity of a group yet morally reprehensible (for example, sexist marriage practices or hunting endangered species). My account here suggests that contemporary communities will have difficulty instituting traditional practices without community validation and often validation ensures that members are treated equitably. For a defence of community deliberation as a means by which communities can legitimately validate traditional practices, see Deveaux (2006). For a fuller discussion of an identity-based approach to sexist community practices which incorporates but does not solely rely on deliberation see Eisenberg (2009, ch. 4).

References

Cases cited

Diergaardt et al. v. *Namibia* (760/1997), UN Doc. CCPR/A/55/40 vol. II (25 July 2000) 140.

Hopu and Tepoaitu Bessert v. *France* (549/1993), UN Doc. CCPR/C/60/D/549/1993/
     Rev.1. (1997).
Kitok v. *Sweden* (197/1985), UN Doc. CCPR/C/33/D/197/1985 (1988).
Länsman et al. v. *Finland* (511/1992), UN Doc. CCPR/C/52D/511/1992 (1994).
Ominayak, Chief of the Lubicon Lake Band v. *Canada* (167/1984). Canada. 10/05/90.
     UN Doc. CCPR/C/38/D/167/1984.
R. v. *Van der Peet* (1996) 2 SCR 507.

Works cited

Alfred, G. (1995) *Heeding the Voices of our Ancestors: Kahnawake Mohawk Politics and
     the Rise of Native Nationalism*, Toronto, Oxford University Press.
Anaya, J. S. (1996) *Indigenous Peoples in International Law*, New York, Oxford
     University Press.
Appiah, K. A. (2005) *The Ethics of Identity*, Princeton, Princeton University Press.
Barsh, R. and Henderson, J. Y. (1996/97) 'The Supreme Court's Van der Peet
     Trilogy: Naive Imperialism and Ropes of Sand', *McGill Law Review*, Vol. 42,
     No. 4, 993–1009.
Borrows, J. (1997–98) 'Frozen Rights in Canada: Constitutional Interpretation and
     the Trickster', *American Indian Law Review*, Vol. 22, 37–64.
Borrows, J. (2002) *Recovering Canada: The Resurgence of Indigenous Law*, Toronto,
     University of Toronto Press.
Canada Royal Commission on Aboriginal Peoples (1996) *Report of the Royal
     Commission on Aboriginal Peoples, Volumes 2 and 3,* Ottawa, Queen's Printer.
Deveaux, M. (2006) *Gender and Justice in Multicultural Liberal States*, Oxford, Oxford
     University Press.
Eisenberg, A. (2009) *Reasons of Identity: A Normative Guide to the Political and Legal
     Assessment of Identity Claims*, Oxford, Oxford University Press.
Flanagan, T. (2000) *First Nations? Second Thoughts*, Montreal and Kingston,
     McGill-Queens University Press.
Friedlander, J. (2006) *Being Indian in Hueyapan*, New York and Basingstoke, Palgrave
     Macmillan.
Jung, C. (2008) *The Moral Force of Indigenous Politics: Critical Liberalism and the
     Zapatistas*, New York, Cambridge University Press.
Kingsbury, B. (1992) 'Claims by Non-state Groups in International Law', *Cornell
     International Law Journal*, Vol. 25, 482.
Knopp, K. (2000) 'Here and There: International Law in Domestic Courts', *NYU
     Journal of International Law and Politics*, Vol. 32, 501–35.
Kymlicka, W. (2007) *Multicultural Odysseys: Navigating the New International Politics
     of Diversity*, Oxford, Oxford University Press.
Lambert, Hon. Mr. Justice D. (1998) 'Van der Peet and Delgamuukw: Ten Unresolved
     Issues', *UBC Law Review*, Vol. 32, No. 2, p. 250.
Phillips, A. (2007) *Multiculturalism Without Culture*, Princeton, Princeton University
     Press.
Postero, N. G. and Zamosc, L. (eds) (2004) *The Struggle for Indigenous Rights in Latin
     America*, Eastbourne, Sussex Academic Press.
Ross, M. L. (2005) *First Nations Sacred Sites in Canada's Courts*, Vancouver, UBC Press.
Scheinin, M. (2000) 'The Right to Enjoy a Distinct Culture: Indigenous and
     Competing Uses of Land', in T. S. Orlin, A. Rosas and M. Scheinin (eds), *The*

Jurisprudence of Human Rights Law: A Comparative Interpretive Approach, Turku, Institute for Human Rights Abo Akademi University, pp. 159–222.

Schouls, T. (2003) *Shifting Boundaries: Aboriginal Identity, Pluralist Theory, and the Politics of Self-Government*, Vancouver, UBC Press.

Thornberry, P. (1991) *International Law and the Rights of Minorities*, Oxford, Oxford University Press.

Van Cott, D. L. (2006) 'Multiculturalism versus Neo-liberalism in Latin America', in K. Banting and W. Kymlicka (eds), *Multiculturalism and the Welfare State: Recognition and Redistribution in Contemporary Democracies*, Oxford, Oxford University Press, pp. 272–96.

van Ginkel, R. (2004) 'The Makah Whale Hunt and Leviathan's Death: Reinventing Tradition and Disputing Authenticity in the Age of Modernity', *Ethnofoor*, Vol. XVII, Nos 1/2, 58–89.

Yashar, D. (2005) *Contesting Citizenship in Latin America: The Rise of Indigenous Movements and the Postliberal Challenge*, Cambridge, Cambridge University Press.

Conclusion: The Return of Peoples

Michel Seymour

In this conclusion, I identify some of the vexing philosophical questions that have been addressed by the contributors to this volume in their chapters, although sometimes in an indirect way. They all relate to the issue of collective entities such as national minorities as the subject of recognition. Must we or should we recognize collective entities? I wish to stress the fact that we have been very recently witnessing a change in the discussion of recognition issues. After the first essays written by Taylor (1992), Tully (1995) and Kymlicka (1995), the literature on the subject of recognition has progressively shifted away from the problem of accommodating peoples. The focus has progressively moved in the direction of multiculturalist and immigration policies. The targets of recognition policies have increasingly been associated with minority groups and not entire peoples. In the more recent times, peoples have been progressively making a comeback and have once again become an issue of concern. However, this return is very far from being uncontroversial. So let me dwell on some of the problems that it entails.

There is, first, a very general but nevertheless very real question that has been discussed at length in the debates taking place between Axel Honneth and Nancy Fraser (Honneth, 1992; Fraser, 2001; Fraser and Honneth, 2003). Must recognition be understood as a psychological attitude or as an institutional and therefore political measure? In other words, must political philosophy be concerned mostly with the issue of the *political* treatment of individuals and groups, or must we acknowledge that such politics will have to rest on a moral psychology? Should politics of recognition be associated in the final analysis with virtue ethics?

It has been argued that the three forms of recognition introduced by Honneth (love, respect and esteem) have an irreducible psychological dimension and that recognition *per se* cannot be divorced from the effects that it has on the self-confidence, self-respect and self-esteem of persons. It has even been claimed that the problem of misrecognition

216

is ultimately a problem that must be cast in psychological terms, and it concerns the relationship that individuals entertain with one another. But even if this were partly true, it could perhaps remain important in the context of political philosophy to define injustice mostly in political terms. No matter how injustice is felt from the inside, misrecognition could perhaps mostly have to remain a political problem and not a psychological problem, at least when it is discussed in the context of political philosophy, for reasons that must be spelled out and that could run as follows.

The idea that recognition should ultimately be understood as a psychological concept suggests that it takes place at the level of the individuals and interpersonal relations. Even when it applies to groups, it must be distributed to individuals who are members of that group. So it seems possible to reduce recognition to a psychological attitude both on the part of the recognizer and on the part of recognized entity. By proceeding in such a fashion, we articulate the concept of recognition in individualistic terms. This could be so even if it were suggested that recognition involves some kind of mutual intersubjective acknowledgement.

The problem with this account is that there is an irreducible collective dimension to the concept of recognition that takes place even when the recognized entity is an individual person. Since each and every individual can legitimately ask for recognition, we would secure it only by implementing institutional arrangements within a whole population. And if the recognized entity is a collective body of some sorts, there also have to be institutional arrangements specifically designed to accommodate the group as such. No matter how we analyse this collective body, as a macro-social organism or as an aggregate of individuals, the institutional measures must be created by a certain population, within the social fabric of a whole population and for the benefit of a certain population. So in a very minimal sense, it seems that there is an irreducible social aspect to the concept of recognition and that it resists any attempt at psychological reduction.

Nancy Fraser (2001) once gave good reasons for opposing Axel Honneth on this issue. She suggested that if misrecognition were to be understood in psychological terms, it would become very difficult to measure the damage created in the minds of people. Furthermore, the psychological wounds could vary from one person to another. We also would have to base our judgement of the testimony of persons. The solution to misrecognition would look like some kind of psychological therapy, and we could ultimately be only one step away from blaming the victim. But the

crucial reason is perhaps related to the fact that recognition is a universal concept and that it must apply equally to everyone. If it must be provided for each and every individual in society, then it requires institutional measures that can only be implemented at the level of society as a whole. And the requirement of institutional measures is even more true when recognition is applied to peoples.

We could very well then distinguish between two concepts of recognition. Just as we distinguish between tolerance as a moral attitude and toleration as a political principle, we should perhaps also distinguish between psychological recognition and political recognition. Of course, there is something to say about the alienation, humiliation and reification that can be felt by persons at the psychological level when they are not recognized. The point is, however, that there is a separate issue that concerns the politics of recognition and, in this latter case, we need not formulate the problem only in terms that relate to the psychology of recognition. Psychological misrecognition might raise a political problem, but it need not be the only political problem to resolve when we are dealing with politics of recognition. There are political issues involved that must be tackled separately. The intersubjectivist approach of George H. Mead (1934) to the issue of socialization has perhaps influenced Honneth in adopting an interactionist ontological stance, and it is perhaps to be blamed here for blurring the irreducibly social element involved in the politics of recognition.

Another related problem concerns the identity of those who are seen as the receivers of recognition: must we treat individuals as the ultimate bearers of recognition or could recognition also apply to groups? In the previous argument, I suggested that a collective body is involved as the ultimate provider of recognition, whether we accept or reject the idea that groups can appear on the receiving end. The claim was that even when individuals are the subject of recognition, a collective recognizer must be postulated because recognition perhaps has to be institutionally implemented for each and everyone. But one could agree with this idea while claiming that the only acceptable receivers of recognition are individuals and not groups. It could further be argued that there is a problem in the suggestion that there are irreducible collective entities to be recognized. What are these strange collective bodies postulated by political philosophers? Are these to be understood as macro-subjects or social organisms? Is there any way to avoid this consequence when one insists that groups could also be subjects of recognition? The solution is perhaps to avoid the metaphysical debate. We should perhaps not grant peoples some kind of special ontological status. It may be wrong to view

the entire issue of groups as one that relates to social ontology. It may be that for the purpose of political philosophy, we only need to consider the institutional identity of peoples. After all, in the case of individuals, we do not feel obliged to provide a full theory of personal identity in order to grant them political recognition, since for the purpose of political philosophy, persons can be apprehended as having an institutional identity. That is, they are treated as citizens when they appear in the political realm and are appreciated in accordance with political liberalism. This could be accepted even by those who assert their citizenship today in terms of aspects of personal identity like religion and cultural character. As citizens they might protest to attenuate the limits on freedom of speech and their reasons may initially be informed by religion. But they might realize that the same conclusion could be reached by those who have different religious beliefs and a different cultural character. And this might lead them to realize that there are arguments based on public reason alone for justifying their rights as citizens.

Similarly for peoples, they can also be conceived as having an institutional identity. They are present in the political realm as societal cultures, that is, as groups having one or many common public languages, a common public set of institutions in which the common public language(s) is (are) spoken, and a common public heritage of these institutions. So perhaps it does not matter whether or not peoples may at the ontological level be ultimately reduced to aggregates of individuals, or whether there are irreducible collective wholes to be admitted in our social ontology. For the purpose of political philosophy, it may only be important to identify autonomous agents, and peoples have a distinct institutional personality in the political sphere. They are from an institutional point of view sufficiently different from persons to be treated as forming autonomous social agents. Here, one could appeal to John Rawls's (1999) political liberalism in order to justify a political conception of persons and peoples in which institutional identity is the only thing that matters. Liberalism should perhaps be political and not metaphysical if it is correctly understood.

If we accept the institutional account of persons and peoples, then both of them would become autonomous social agents that must somehow be accommodated in the political sphere. It could then be argued that when these agents relate to each other in accordance with the political principle of toleration as respect, they are all themselves deserving political respect. This is at least a consequence that follows from adopting political liberalism. If persons and peoples respect all persons and all peoples, they can then also become moral agents in the sense that they

are to be treated as equal sources of moral worth. Or, if one prefers, they should all be treated as autonomous sources of valid moral claims. In this sense, we could owe political recognition not only to persons but also to peoples. This political approach could still be described as liberal even if we are recognizing groups, because persons also must under this account be understood as equal subjects of recognition. But we would be departing from moral individualism, because individuals would no longer be seen as the only subjects of recognition. We would be endorsing some kind of axiological pluralism and would be seeking for a balance between the interests of individuals and the interests of groups.

Another related point concerns the sorts of groups involved. Usually we think of these groups as women, religious groups, immigrant groups, historical ethnic minorities and only sometimes as Aboriginal populations. Even when we choose to go beyond the historial interpretation of Hegel's (1802–03, 1803–04, 1807) concept of recognition or choose to approach the problem outside critical theory, politics of recognition are nowadays seldom treated as matters that have a direct bearing on the accommodation of minority nationalist claims. Even when we decide to confine ourselves to the realm of culture and decide to think in terms of groups and not only of persons, it remains true to say that for the vast majority of contemporary theoreticians, issues of cultural recognition concern only minority groups other than minority nations. Recognition issues are issues of multiculturalism and the latter is most of the time understood as a political stance that a welcoming society may take for the sake of accommodating its minorities. We seldom think of multiculturalism as having implications concerning the recognition of the welcoming community itself. But what about the deep diversity affecting multinational societies? Are there not peoples that are perhaps welcoming communities but that have also at the same time the status of minority nations? As deprived of a sovereign state and as entirely contained within the confines of a sovereign state, could they not also be the subject of recognition? This is true for many Aboriginal peoples, but what about Catalonia, Basque country, Galician country, Scotland, Wales, Flanders, Walloon country, Acadie and Quebec? Usually, theoreticians of recognition are concerned with individuals and groups that do not raise issues about deep diversity. And when they do, they discuss the case of Aboriginal peoples. There are, however, national groups that do not exactly fit in the procrustean bed of cultural minorities. They nevertheless qualify as peoples or as societal cultures and they should also be the subject of multicultural policies, understood in the deep sense of the word. The Convention on Cultural Diversity adopted by most countries

is a great step in that direction, but it is seldom discussed by multiculturalist philosophers in its application to peoples. We are already, it seems, very far away from the seminal essays of Taylor (1992), Tully (1995) and Kymlicka (1995) on these questions. Of course, there are enormous political consequences that follow from an investigation into the politics of recognition of peoples without a state, and this perhaps explains in part why political philosophers are not always eager to tackle these issues.

Then there is the problem concerning the form political recognition should take. If the subjects of recognition can be collective bodies, does that mean that we must grant them collective rights? Are there not forms of respect that can be admitted and that do not take the form of rights? Even if respect is understood as a political notion applying to institutionally organized groups in the political realm, is there not room for some kind of moral principle that would be less than a collective right? One could, for instance, acknowledge collective interests and adopt administrative measures that would take these interests seriously without accepting to entrench these moral principles in the constitution. To put it differently, is talk of collective rights anything else than a talk about moral rights? Must it be an institutional matter that forces one to adopt a positive set of rights entrenched in a constitution? Or must all positive rights be, in the final analysis, individual rights? Can recognition policies sometimes take the form of a system of entrenched collective rights? In *The Law of Peoples*, Rawls (1999) clearly seems to be arguing for irreducible collective rights that should be enjoyed by peoples in an international constitution. He could very easily be said to do so, even if, for matters of simplicity, he considers in his book only the case of peoples that already enjoy political sovereignty. (There are, however, few places in the book in which he suggests that a more complex version of the law of peoples should incorporate principles for self-determination and secession of peoples, and for the creation of a federation of peoples.) Even when he talks about peoples that do have a sovereign state, the bearer of the rights is the people and not the state as such. But why should we allow peoples to have entrenched collective rights? Why shouldn't we settle for moral rights?

Here is a tentative answer. As entities having an institutional identity, peoples may have all sorts of interests. But some of these might become rights if the objects of the interest concern the preservation, the development or sometimes even the creation of part of their institutional identity as peoples. When we are dealing with peoples understood in the institutional sense, the interests of peoples concerning the preservation, development and creation of their institutions could become a matter of rights, because

these may have a direct bearing on their institutional survival as peoples. Now the right to maintain, develop, create institutions and have control over these institutions is precisely the right to self-determination. So for those who subscribe to an institutional conception of peoples, there seems to be a way to derive a philosophical justification for the most fundamental collective right, that is the right to self-determination.

But why should we entrench a right to self-determination? Can we not hope that political recognition be met through various forms of political inclusion, representation or parity of participation, instead of a system of positive collective rights? Perhaps we can do so in part, but it is hard to see how to avoid collective rights, because parity of participation, inclusion or representation can only be granted to groups if they have the collective right to ask for such participation, inclusion and representation.

Finally, because of the impact that it has on the above questions, perhaps the most difficult issue concerns the particular institutional principles that must be adopted. But the issue might be settled concerning the concept of self-determination by distinguishing first two different sorts of notions. For reasons that have already been spelled out, there is perhaps a primary right to internal self-determination that all peoples have. That is, internal self-determination is the way to accommodate peoples that act as moral agents in the political sphere. They have the right to preserve and develop their institutional identity as peoples and they do own such a right whether or not they are the subject of misrecognition, or some other kind of offence. Saying that the right to self-determination is primary is just saying that they have the right even if they did not suffer past injustice. Internal self-determination can take different forms. Firstly, it can be formulated as the right to participate in the election of representatives that come from one's own community and that can take part in the government of the encompassing state. Secondly, it can mean also the right to a basic form of self-government. But thirdly, it can also mean a right to a distinct constitutional arrangement involving a special status, asymmetric federalism, opting out with financial compensation, cultural autonomy in matters related to language, culture, telecommunications and immigration, and other forms of intra-state autonomy arrangements. These three different sorts of principles of internal self-determination are not to be understood as competing forms, since each may be the correct principle to put in place depending on the context.

There is also the right to external self-determination. This is the right to own a sovereign state. It can apply to the population that already has a sovereign state, but also to the peoples that do not have a sovereign state. In this latter case, the external right to self-determination involves

the violation of the territorial integrity of the encompassing state. It can take the form of secession when the population creates its own state, or association if the population associates itself with a neighbouring state.

One could argue that external self-determination is not a primary right but rather a remedial right, that is, it can only become legitimate if some kind of injustice has been perpetrated on the seceding people. It is, of course, not the place in this conclusion to spell out all the versions that the right to external self-determination can take; neither should we discuss all the different sorts of injustices that would legitimate a people to secede. I only want to suggest that the objective is not unattainable. It appears possible to formulate general and specific principles regarding the collective rights of peoples, and I want to suggest that it could be done in the case of the right to self-determination.

As conceived by Hegel (1802–03, 1803–04, 1807), the concept of recognition was not only confined to the struggle between master and slave. In the early works as well as in the later period, it was ultimately conceived as involving some kind of reconciliation, or reciprocal recognition. This says much about the requirements that must be achieved if recognition policies are to be put in place. It is often claimed that multiculturalist policies tend to favour the ghettoization of immigrant groups and that it is therefore opposed to a strong republicanist policy of integration. But if we are not reluctant to introduce or reinstate the collective dimension to the concept of recognition, and if we accept that recognition is mutual, we shall be in a position to see more clearly why policies of cultural pluralism do not necessarily have disintegrative implications. Individual citizens, or minority immigrant groups can only be beneficiaries of recognition policies if they are themselves willing to recognize the collective body that welcomes them. This symmetrical dimension is often ignored. For instance, one finds no trace in the Canadian multiculturalism policy of the obligation of citizens to integrate. One has to look at the Canadian law of citizenship and at the Canadian Constitution in order to appreciate the symmetry of obligations. We also have to appreciate the force of the English language in a sovereign country to see how an equilibrium might be achieved in Canada between the centrifugal forces of multiculturalism and the centripetal forces of integration. In many Anglo-American countries, the socio-economic force of the English language may be a *de facto* constraint powerful enough for establishing a minimal reversed form of recognition on the part of immigrants. This is less obvious for societies that do not belong to the Anglo-Saxon world or for societies in which the welcoming community has less than full sovereignty. In these societies,

it becomes crucial to implement strong policies explicitly formulated in terms involving mutual recognition. In these societies, it is hard to see how mutual recognition policies for groups could be less than fully formulated in the internal constitution adopted by the people as a whole.

References

Fraser, Nancy (2001) 'Recognition Without Ethics?', *Theory, Culture & Society*, Vol. 18, Nos 2–3, 21–42.

Fraser, Nancy, and Honneth, Axel (2003) *Recognition or Redistribution?*, New York, Verso.

Hegel, G. W. F. (1802–03) *System of Ethical Life*, ed. and trans. T. M. Knox, Albany, NY, SUNY Press, 1979.

Hegel, G. W. F. (1803–04) *First Philosophy of Spirit* (Part III of the System of Speculative Philosophy), ed. and trans. T. M. Knox, Albany, NY, SUNY Press, 1979.

Hegel, G. W. F. (1807) *Phenomenology of Spirit*, trans. A.V. Miller (with analysis and foreword by J. N. Findlay), Oxford, Clarendon Press, 1977.

Honneth, Axel (1992) *Kampf um Anerkennung. Zur moralischen Grammatik sozialer Konflikte*. Frankfurt, Suhrkamp. Published in English as *The Struggle for Recognition: The Moral Grammar of Social Conflicts*, Cambridge, Polity Press, 1995.

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

Mead, George Herbert (1934) *Mind, Self, and Society*, ed. Charles W. Morris, Chicago, University of Chicago Press.

Rawls, John (1999) *The Law of Peoples*, Cambridge, MA, Harvard University Press.

Taylor, Charles (1992) 'The Politics of Recognition', in Amy Gutmann (ed.), *Multiculturalism and the Politics of Recognition*, Princeton, Princeton University Press.

Tully, James (1995) *Strange Multiplicity*, Cambridge, Cambridge University Press.

Index

Compiled by Sue Carlton

Page numbers followed by n refer to the notes