The Moralism of Multiculturalism

DUNCAN IVISON

Abstract Moralism is a frequent charge in politics, and especially in relation to the 'politics of recognition'. In this essay, I identify three types of moralism — undue abstraction, unjustified moralism and impotent moralism — and then discuss each in relation to recent debates over multiculturalism in liberal political theory. Each of these forms of moralism has featured in interesting ways in recent criticisms of the political theory and public policy of multiculturalism. By 'multiculturalism' I mean, broadly speaking, the pursuit of group-differentiated public policies that move beyond the protection of basic individual civil and political rights. Here the charge is not so much that moral judgments have no application in relation to the treatment of cultural and associational minorities, but that the moral claims of defenders of multiculturalism are: (a) appealed to without any sense of the practical realities on the ground (the undue abstraction charge); (b) asserted as if they were self-evidently true (the unjustified moralism charge); which often results in (c) a stifling of reasoned criticism of the orthodoxy surrounding multiculturalism (thus engendering impotent moralism). I assess these charges in the course of defending the democratic character of the most plausible forms of multicultural accommodation in liberal democratic societies.

I

Consider three kinds of moralism relevant to politics. To accuse someone of moralism, generally speaking, is to accuse them of applying moral judgments to activities or spheres where such judgments have no application. But since almost no one believes that morality is never relevant for political judgment or action, that charge is too vague. To be more precise, moral and political philosophers are often accused of what we might call undue abstraction. Here the point is not so much that abstraction itself is the problem — how could it be, since without abstraction there is no thought? — but that we can be unduly moralistic about the capacities of the people to whom our moral arguments are addressed to live up to the idealizations of our theories [1]. Moreover, undue abstraction can be depoliticizing: abstracting too much from the context of political action can induce naiveté about the unintended consequences of actions taken with the best of intentions. And it can mask other kinds of motivations and beliefs highly relevant to politics, such as fear, greed and prejudice. Second, there is what I shall call unjustified moralism. This is to impose moral judgments on people through the exercise of state power or public policy, which are inadequately justified. The danger here is that moralism associated with the exercise of power becomes a form of domination, one that infringes people's basic freedom and dignity and which generates frustration and resentment. Finally there is the inversion of this phenomena: impotent moralism. Here moralism is essentially reactive; an effect of the unhinging of one's
moral values from a world that will not yield to them, which generates a desire to strike back at the forces that have rendered you powerless [2].

Each of these kinds of moralism has featured in interesting ways in recent criticisms of the political theory and public policy of multiculturalism. By ‘multiculturalism’ I mean very broadly the pursuit of group-differentiated public policies that move beyond the protection of basic individual civil and political rights [3]. Here the charge is not so much that moral judgments have no application in relation to the treatment of cultural and associational minorities, but that the moral claims of defenders of multiculturalism are: (a) appealed to without any sense of the practical realities on the ground, (the undue abstraction charge); (b) asserted as if they were self-evidently true (the unjustified moralism charge); which often results in (c) a stifling of reasoned criticism of the orthodoxy surrounding multiculturalism, disconnecting them (so this argument goes) from the attitudes of the vast majority of their fellow citizens and thus from any hope of realizing the reforms being sought (which engenders impotent moralism).

Such arguments have become prominent in recent years, as debates over the consequences of multiculturalism for national unity and the provision of collective welfare have intensified. In Australia, for example, defenders of Aboriginal peoples’ land rights, or the recent ‘Reconciliation’ process [4], have been accused of engaging in a game of moral ascendancy intended to stifle public debate. Leftist intellectuals are accused of taking the high moral ground in order to impose their views of the past and the moral consequences for the present upon a general public that is barely allowed a word in edgeways, corralled into a false consensus by the ‘Politically Correct Thought Police’ [5].

The general tone of this critique is well captured in a recent editorial by Nicolas Rothwell in the opinion section of *The Australian* newspaper:

> This climate of exquisite purism . . . has intriguing consequences. Perhaps the most striking is its effect on public debate which, despite the retreat of ideology, has filled with moral intensity in recent years. The logic of this is straightforward: if you are among the enlightened and see the truth, then those who disagree with you are not just wrong but wicked . . . Intelligently difference of opinion becomes impossible on a range of questions as various, and serious, as native title, mandatory sentencing or immigration. . . . [T]he most critical function of the new moralism is not merely to provide an identity but to differentiate — for purism has the particular charm of separating the moral elite from the vulgar, unenlightened crowd. There are worse things than a nation whose public conversation is dominated by high ideals. But ideals, indulged without any sense of realism, can obscure and do great damage. The most painful example of this is the reconciliation crusade, a cause that, until this month, effectively blinded the purists to the crisis of violence and sexual abuse unfolding across Aboriginal Australia. Purism though, is far more appealing, in its essence, than a cool pragmatic appraisal of the landscape . . . [6]

Similarly, although from a very different perspective, the Aboriginal lawyer and community activist Noel Pearson has argued that ‘progressivists’ have got the analysis of Aboriginal peoples’ situation wrong because of a misplaced moral emphasis:

> If you ask the progressivists, they will provide a catalogue of disadvantage factors that includes unemployment, dispossession, racism, culturally insensitive
service delivery, trans- and intergenerational trauma, alcoholism, violence, educational failure and so on, and the bottom line will be a request for further unprincipled spending. But it is irresponsible to state some obvious facts and then go on to devise programs intended to create jobs, improve health, reduce substance abuse and so on, without a convincing analysis of the factors that have made previous efforts futile. Analyses based on the convenient explanations of racism and trauma explain too much (everything, in fact) and cannot be used for formulating credible action strategies in the current crisis [7].

Although a strong supporter of Aboriginal land rights and a sharp critic of many aspects of Australian government policy to do with Aboriginal affairs, Pearson is particularly critical of what he calls ‘progressivist confusion’ about substance abuse, and a general overemphasis on symbolic moralism. A propos the heated debate over whether the government should offer an official apology over the ‘Stolen Generation’, Pearson writes:

What about an apology? There are many Indigenous Elders who would deserve an apology before they die. It would be excellent if the Australian State and Federal Governments put policies in place that had any prospect of helping us, policies that would attack passive welfare, addiction and substance abuse epidemics head on, like we are trying to do in Cape York Peninsula, and crowned that with a formal apology. I would want to see an apology as soon as possible. . . . But an apology at this stage of our national indigenous policy failure would only hide the present lack of insight and ideas among the Australian progressivist and liberalist middle class. It would be symbolic in [the] sense of “meaningless”. It would be like a coat of seventies purple plastic paint on a house full of white ants. I would reject such an apology whether it came from Labor or a re-elected Coalition [8].

A concern with the moralism of multiculturalism can also be found in Brian Barry’s recent pugnacious attack on the work of Will Kymlicka, James Tully, Charles Taylor and Iris Marion Young (amongst others), where he argues that support for group-specific policies actually undermines the pursuit of justice for the very people multiculturalists claim they are defending. Barry claims that:

Pursuit of the multiculturalist agenda makes the achievement of broadly based egalitarian policies more difficult in two ways. At the minimum, it diverts political effort away from universalistic goals. But a more serious problem is that [it] may very well destroy the conditions for putting together a coalition in favour of across-the-board equalization of opportunities and resources . . . [9]

Special preferences, special rights, quotas and other group-targeted measures end up ‘pitting against one another the potential constituency for universalistic policies aimed at benefiting all those below the median income . . . Not only does [the politics of identity] do nothing to change the structure of unequal opportunities and outcomes, it actually entrenches it by embroiling those in the lower reaches of the distribution in internecine warfare’ [10]. At one point Barry says that the demand that all minority groups everywhere be recognized and granted equal respect and equal worth is impossible to fulfil, both logically and psychologically [11]. But since none of the
multiculturalists he discusses actually says that, or believes it, this is a red herring. His deeper and more plausible point is that the politicization of culture that multiculturalism entails can backfire. The consequences of allowing electoral majorities (and minorities) to give legal effect to their own particular ‘cultural revolutions’, whether conservative or liberal, are dangerous. This jeopardizes hard-won gains in the areas of basic human rights and social welfare legislation by leaving open the possibility that the exercise of political power will be taken up by moral and cultural zealots [12]. For Barry, the ‘whole thrust of the “politics of difference” . . . is that it seeks to withdraw from individual members of minority groups the protections normally offered by the liberal states . . . and [that these groups] should be able to discriminate with impunity against women or adherents of religions other than the majority’ [13]. Now this last charge is a gross distortion, I think, of the views of people he actually discusses — especially Will Kymlicka, Iris Young and James Tully — but his broader point that defenders of multiculturalism often fail to show how they can hope to attract broadly-based support for the policies they are defending is well worth considering. I will return to it below.

Yet another set of criticisms of liberal multiculturalism also comes from the left, broadly speaking, but with a very different set of concerns from Barry’s. These too I want to evaluate from the point of view of the accusation of moralism. For these critics, liberal multiculturalism is condemned not for violating an egalitarian theory of justice, but rather for being essentially continuous with the racist and colonial policies it succeeded. Since power, not moral argument, shapes social and political interaction, moral argument without a transformation of the relations of power is a form of vacuous moralizing. This critique breaks down into two further variations. First, liberal attempts at recognizing cultural difference are argued to be simply more sophisticated ways of repressing it. Elizabeth Povinelli argues, for example, that liberal respect for Aboriginal ‘traditional’ or ‘customary’ practices represents, in fact, ‘the political cunning and calculus of cultural recognition in settler modernity’. In ‘postcolonial multicultural societies’, she argues, a distinctive kind of liberal power is at work, whereby recognition is ‘at once a formal acknowledgement of a subaltern group’s being and of its being worthy of national recognition and, at the same time, a formal moment of being inspected, examined and investigated’ [14]. The inevitable failure of the indigenous subject to match the liberal’s pre-conceived notion of what constitutes a valid ‘traditional culture’ or custom then justifies the legal curtailment of the expression of this alterity [15]. Thus undue abstraction slips into something more sinister: domination. On the other hand, this fixation on identity has itself been interpreted as the product of a certain kind of moralism. Focusing too narrowly on identity above all risks confusing the effects of subordination with its causes [16].

II

These critiques of multiculturalism highlight at least two ways in which its defenders can become moralists in the ways outlined above. First, by applying moral judgments about the past or the present to justify accommodating various kinds of multiculturalist demands without any clear sense of how to build broadly-based support for these policies on the ground. Second, by missing the extent to which it is power, not moral
argument, which shapes politics and thus how appeals to the ‘recognition of difference’ can mask more insidious forms of domination.

What is the best way of responding to these criticisms? The disagreement between Barry and a defender of Aboriginal rights is mainly over a substantive theory of justice. But consider first the claim that the politics of difference ‘crowds out’ social justice, which I take to be a conditional and partly empirical claim. In a recent paper, Keith Banting and Will Kymlicka point out that the ‘crowding out’ argument presupposes that political action with regard to welfare or multicultural issues is a zero-sum game, such that focusing on one necessarily detracts from the other. But why should we believe that? If it were true, then does the pursuit of racial equality crowd out the pursuit of economic justice? Does the pursuit of gender equality crowd out the pursuit of social justice? Does the history of the women’s movement or of the civil rights movement suggest that identity-related claims always undermine the pursuit of social justice? It seems just as plausible to assume the reverse, or at least until we have a finer-grained account of how the ‘crowding-out’ thesis is supposed to work. My own sense is that since racism and sexism, for example, can’t be reduced entirely to the workings of capitalism, broad-based social movements are always going to be drawing on a range of different experiences of injustice in the course of building support for their goals. It would be self-defeating to exclude such claims from the beginning.

More seriously for Barry, however, is that the purported causal connection between the retrenchment of the welfare state and the rise of multiculturalist policies is inconclusive, to say the least. First of all, the welfare state has been undermined in countries that were both strong supporters of multiculturalist policies (Canada, Australia) and those who are not, or at least less so (France, USA). There is certainly evidence to suggest that the constitutionalization of rights in many countries since the 1980s has done little to slow the growth of economic inequality. Nor has it significantly improved access for historically disenfranchised groups to education, basic housing, healthcare and employment [17]. But the causal relations here and conclusions to be drawn from them are ambiguous. Does it show that the constitutional recognition of Aboriginal rights in 1981 in Canada, for example, made Aboriginal peoples worse off, or contributed to a deepening of inequality more generally (given the ‘crowding out’ thesis)? It might. But at most it shows that the constitutionalization of rights — whether cultural or socioeconomic — is not a sufficient condition for achieving social justice. But this is a point about the relation between constitutions and rights, not about multiculturalism (since multiculturalist policies are compatible with both ‘constitutionalist’ and ‘political’ approaches to rights).

More specifically, Banting and Kymlicka show that, at least in terms of the relationship between the presence of what they call ‘strong’ or ‘weak’ multiculturalist policies and the proportion of GDP dedicated to social spending (including the extent of redistribution shaped by these expenditures), ‘there is no evidence of a consistent relationship between the adoption of multiculturalist policies and the erosion of the welfare state’ [18]. This isn’t to say that cultural and linguistic diversity does not pose severe challenges to the solidarity required to support universal provision of social welfare — it does. But the empirical claim that multiculturalism can be blamed, wholly or in part, for the recent erosion of the welfare state is not sustainable.

Barry’s more substantive charge is that a scheme of differential citizenship-rights violates an egalitarian theory of justice. The liberal multiculturalist disagrees, thinking...
a commitment to equality is compatible with a commitment to some forms of differential rights. I can’t provide a full defence of this argument here, but the gist of it is to link an ideal of equality with the recognition of a heterogeneous public sphere in which identity-related differences are both recognized and challenged in various ways [19]. The problem with simply ignoring these differences, or ruling them inadmissible from the beginning, is that for some citizens — especially, in this case, Aboriginal ones — they are tied to their sense of the legitimacy of the basic structure of society. To turn the tables on Barry, if one wants to build broadly based support for an egalitarian programme of social justice, then treating people equally will require taking their claims for the recognition and accommodation of their identity-related differences seriously. Egalitarianism is best understood as involving a cluster of ethical commitments [20]. It includes the resourcist egalitarianism that Barry champions, but not only that. There is also civic egalitarianism, which is connected to the promotion of mutuality and sociability between citizens, and though not entirely independent of questions of resources, operates in a different register in relation to them. Civic equality is tied to the way citizens perceive and regard each other, such as whether they are being treated with equal respect or contempt, and the degree to which people either identify with or feel alienated from the main institutions of society. Thus, it might be that it is Barry who is unduly optimistic that a common political identity can be formed in a context where the claims of cultural minorities are discounted automatically, merely for being ‘cultural’. Not least because norms of recognition and struggles over their interpretation are, more often than not, tied to the currency of egalitarian justice — to interpreting and defining the rights, resources and opportunities that a liberal theory of justice is supposed to distribute equally. The two processes are internally related [21]. It’s not that multiculturalism is undermining the possibilities for social justice and political community so much as transforming them — and we need to understand how and what kinds of new common institutions can be constructed in the light of them.

Thus, arguments defending multiculturalism should aim to do two things. First, to show how they contribute to the achievement of egalitarian justice by linking rules or norms of recognition to a defensible ideal of equality. And second, by showing how this process can contribute to the development, as opposed to the corrosion, of social solidarity. This might seem counter-intuitive, but I believe it is potentially one of the strongest arguments the defender of multiculturalism has. Citizens come to value their membership of the general community when they feel their identity-related differences no longer block or distort their access to the opportunities and resources of a liberal political order. This doesn’t mean, as Barry suggests, that multicultural policies aim at withdrawing them from the protections of the liberal state, but rather adding to our conception of liberal citizenship the disposition to acknowledge the different ways in which cultural and associational-related identities may be linked to matters of fairness and equal treatment. The point is not that identity or ‘culture’ trumps the application of general norms and laws in every instance, but that in some instances they deserve serious consideration, and may indeed call for various forms of accommodation up to and including land rights, language rights, self-government and so on. Liberal multiculturalism is distinguished from other kinds of multiculturalism precisely because it is committed to making these kinds of distinctions.
This last aspect of the multicultural project brings us back to the discussion of moralism with which we began. For it might seem deeply unrealistic to expect multiculturalism to actually work out this way. And it might be that given deep disagreement over the interpretation of important social and political values, any attempt to implement multiculturalist policies will inevitably run afoul of the ‘fact of reasonable pluralism’ and risk tipping into unjustified moralism. Recognizing and encoding in law the various differences between groups, even on the basis of egalitarian concerns, can generate resentment on the part of minorities and majorities, which can undermine the social solidarity required to achieve justice. Does multiculturalism undermine itself, as Barry suggests?

I think this conclusion is premature, for both conceptual and empirical reasons. But the challenge of building cross-cultural acceptance and support for the kinds of policies multiculturalism underwrites — such as Aboriginal rights — is a difficult one, and something defenders of them have been slow to respond to. These policies are particularly susceptible to manipulation by political leaders operating in circumstances where people feel economically and culturally vulnerable [22]. If defenders of Aboriginal rights are to avoid the charge of moralism then they must be careful not to engage in undue abstractions about the circumstances on the ground. And they must be prepared to justify their claims to others in terms they can potentially accept. But this doesn’t mean giving up on the moral claims underpinning Aboriginal rights. The only option is the democratic option: of openly engaging one’s fellow citizens in debate and argument about the moral grounds for these policies. This is the only antidote to impotent moralizing too, for both liberal multiculturalists and anti-multiculturalists: in other words, of engaging in and remaining open to the processes of public reasoning. All politics is moral in at least this sense: power never merely asserts itself. Power always seek to legitimize itself in some way, or at least to de-legitimate its opponents, and thus always leaves itself open to the counter-legitimizing moves and arguments of others. In so far as politics is constantly dealing with questions of legitimacy, morality is in some way intrinsic to it. Of course, this ever-present demand for justification can be understood (and met) in different ways, some better than others. Consider two different ways of conceiving of the way reason-giving works in politics.

One model of reason-giving contrasts an ideal speech or choosing situation undistorted by illegitimate relations of power with actual deliberations, as a way of picking out valid normative beliefs about the exercise of political power. The challenge is then to show how the impartial decision rules that emerge can be established politically. For procedural theories of justice, such as Rawls’s or Habermas’s, the aim is to discover a set of rules for living together that are capable of gaining the free assent of all who are subject to them. But whereas for a communitarian there is a tight connection between the legitimacy of the rules I am subject to and my perception of them as embodying values and norms I can identify with, for proceduralists the story is rather different. The rules and norms are justified, in the first instance, at a higher and more abstract level and thus the connection between my assent and their legitimacy (their normative accessibility) is much looser. Citizens engage in public reason when they address their collective arrangements; when they reflect upon and contest reasons provided to justify the coercive power of the state and matters of basic justice [23]. A political decision is
legitimate, then, when it is arrived at via the right procedures fairly conducted. This doesn’t mean that at various lower levels, in the actual formulation of various policies or in the details of legislation, one can’t appeal to more concrete conceptions of the good. The asymmetry between impartiality at the level of general constitutional rules (or the ‘basic structure of society’), and the ‘partiality’ of specific political decisions isn’t a contradiction, but to be expected. There will be many issues in a liberal democracy that are not matters of basic justice and that will involve all manner of democratic contestation and compromise [24].

But now consider two other criticisms of proceduralism, tied more directly to our concern with moralism. The first is a concern that the model of an ideal speech (or choosing) situation presupposes a sharp distinction between ‘free and un-coerced communication’ and the exercise of (illegitimate) power that cannot be sustained. The most radical version of this critique goes something like this: All political interaction is essentially strategic interaction, and therefore all appeals to principle or morality are essentially strategic appeals, and thus the persuasiveness of political argument is derivative of the strategic positions of the interlocutors, not the quality of moral deliberation between them. As Stanley Fish has argued, when it comes to political argument ‘Who gets to say what is and is not a plausible premise? ... The answers are obvious and embarrassing because they point to an act of power, of preemptory exclusion and dismissal, that cannot be acknowledged as such lest the liberal program of renouncing power and exclusion be exposed for the fiction it surely is’ [25]. There simply are no other ‘different or stronger reasons than policy reasons’ in public reasoning.

Stated this way, however, the argument is far too strong. Note that for Fish the problem is the ‘preemptory exclusion and dismissal’ of those who don’t accept liberal premises of mutual respect. For Elizabeth Povinelli, whom we discussed earlier, the problem is the liberal state’s hypocrisy in celebrating difference whilst all the while governing and ‘scarring’ indigenous alterity, hence justifying the material and social disadvantages of indigenous people at the hands of the ‘liberal common law’ [26]. The rhetorical appeal, at least, is thus to the illegitimacy of exclusion and the ‘scarring’ of indigenous alterity. These are moral appeals, to do with the value of freedom, or of cultural and political difference. Why should we care if democratic practices and institutions are justified in this manner? Because if they aren’t, then democracy — or at least our public deliberations about matters of basic justice — risks becoming merely rule by force. If Fish wants to accuse contemporary democratic institutions of being merely that, and to get us to imagine how they might be otherwise, then he has a conception of the ‘reasonable’ despite himself. For both, the hope must be that politics can actually generate the right moral conclusions about certain questions, or at least a morally appropriate way of handling our disagreements about them [27].

This leads to a second set of criticisms of procedural public reason and the kind of politics it promotes. Here the concern is with the way this ideal of public argument is tied closely to convergence on a theory of justice. It forms too convenient a connection, so this argument goes, between what counts as an acceptable premise in political argument and the kind of values and outcomes that Rawlsian liberals, for example, support [28]. Now, the problem here isn’t necessarily with the values or outcomes in themselves, but with the way they are arrived at and justified. In short: how is it that the ‘fact of reasonable pluralism’, as Rawls calls it, applies only to conceptions of the good and not to standards of right? The ‘circumstances of politics’, Jeremy Waldron
argues, entail that the centrality of disagreement to our practices of public justification is much more extensive than many Rawlsians admit [29]. This concern with disagreement is often combined with a pragmatic or contextualist emphasis against the alleged undue abstraction of Rawls and Habermas. In particular, these critics doubt the extent to which any firm distinction can be drawn between legitimate and illegitimate power in advance of actual engagements between diverse citizens, and thus act from the beginning as condition for them (and with regard to what counts as a genuinely public or non-public reason within them) [30].

Another way of conceiving of reason-giving in politics then is to emphasize the democratic and practice-oriented character of public reason. James Tully, for example, has been developing this approach in a series of recent essays [31]. For Tully, the norms that emerge from these confrontations and negotiations are not best thought of as structured by an a priori set of determinative principles grounded in a theory of justice, or a transcendental claim about the nature of rationality. What emerges instead are ‘norms that come into being and come to be accepted as authoritative in the course of constitutional practice, including criticism and contestation of that practice’ [32]. These norms or conventions can be grasped in a variety of ways, and thus being guided by a convention is conditioned not only by the context in which it is applied, but also by its having emerged from and being continually subject to, criticism and modification by others. Applying this distinctive perspective to various particular cases in Canada, for example, but especially to the claims of Aboriginal peoples, Tully identifies three particularly salient conventions: mutual recognition, continuity and consent [33]. These emerge out of a ‘living practice’ of negotiation and accommodation, and are immanent to these practices, rather than derived from intuitions or beliefs about fairness or impartiality extracted from an ‘original position’ or ‘ideal speech situation’. And yet, Tully argues, they can still act as norms of justification, and crucially, provide critical leverage against existing practices and norms [34]. The image that Tully provides is not one of participants in an imaginary constitutional convention forging consensus on general terms which are then applied to particular cases, but rather of the particular circumstances’ playing a much greater role in determining what kind political norms or rules are appropriate for coordinating the exercise of political power in the first place. Thus a greater emphasis is placed on the process and practice of deliberation and dialogue generating legitimating conditions from the bottom up.

But this model raises some difficult questions of its own. ‘Living practices’ of negotiation and dialogue can be warped, partial and shot through with inequality. Particular groups within these practices can suffer from exclusion and discrimination, and the outcomes of particular deliberations might affect outsiders in morally objectionable ways. So how do we judge if the conventions that emerge are acceptable to the parties involved? And even if they are, what if they are deeply unjust in other ways? Appealing to consent may be a necessary condition of acceptability, but it can’t be a sufficient one, since the conditions in which people consent to a set of norms or rules are themselves not something they can consent to, and yet they often exercise enormous influence over the range of opportunities and options actually available to them. But in a way, this is precisely Tully’s point. Just because it is impossible to transcend partiality and relations of power in any form of human practice — even (perhaps especially) the abstract, principled kind associated with liberal constitutionalism — the sense and reference of our basic concepts and regulative principles must remain open to
contestation. But why should grasping the ambiguity of rule-following lead not merely to toleration, but to mutual recognition and respect, as Tully clearly thinks it can? What keeps the parties not merely talking, but talking in the right way — that is, with mutual respect and with a view to finding reasons they can share (at least about the exercise of political power)?

This touches on a deep and familiar debate about the relation between liberal and democratic foundations. Is there a way of breaking out of what appears to be an infinite regress with regard to the authorization of the grounds of democratic self-rule? Tully locates legitimation in the collective activity of ongoing deliberation, rather than in prior established moral principles or constitutional rules. He thinks we can find normativity immanent in ‘the reciprocal conditions of dialogue’ itself, although there is one basic rule — ‘perhaps the only universalizable principle of democratic deliberation’ — which is ‘always listen to the other side’ [35]. So the practice of democratic dialogue is rule-governed after all, but the rules and norms emerge from the practice itself, as opposed to being deduced from a priori principles of morality. However, note that even if the norms are emergent in this sense, they will still have to be elaborated and interpreted in various ways, which means drawing on more abstract forms of reasoning and formulating them in general ways. Practical public reason is never purely practical.

Does this vision of dialogical liberalism suffer from the kinds of moralism outlined above? On the one hand, it seems primed to various realities on the ground, since it avoids overly abstract assumptions about the kind of consensus that can be sought between different people (especially amongst those who share a history of historical injustice). It presupposes reasonable disagreement as opposed to reasonable agreement. On the other hand, isn’t it also at the same time a very demanding ideal? Certainly the kind of ‘vigorous public discussion’ [36] Tully favours, and upon which the ideal of democratic legitimation depends, suggests an active and engaged citizenry, something modern political life makes difficult to sustain. Moreover, the very practices of contestation he so eloquently champions — of diverse citizens deliberating freely together over their shared and contested rules of recognition, distribution and coordination — if they are also to generate new forms of democratic solidarity, will require participants who possess (or develop) a particular set of skills or virtues. They will have to be capable of explaining their views to others, listening to others, empathizing with them, and synthesize or accommodate alternative views to their own [37]. And they will have to learn to live with ongoing disagreement and demands for revisiting previously settled disputes. In other words, they will have to develop the virtues of deliberative rhetoric, in the classical sense of appealing to one another — through both logos and pathos — in ways that support ongoing, productive deliberation about ‘public things’ rather than undermine it [38]. And this is no easy task, given the conditions of mass democracies, and especially the deeply unequal character of modern public spheres, structured as they are by powerful corporate and commercial interests, tabloid media, and a public with a very short attention-span.

However, one thing this model of citizenship helps us see is that pluralism is not only a social fact, as Rawls emphasizes, but also a resource [39]. What do I mean? There might be certain kinds of political disagreements, and ways of handling them, that can help build political community rather than undermine it, by contributing to more robust and fine-grained processes of legitimation. In societies where citizens have freedom of speech and association, and the disparities of wealth are not too great (not
inconsiderable conditions, to be sure), people learn through a combination of bargaining and arguing, to manage the conflicts thrown up by the inequalities and asymmetries which inevitably accompany modern market societies. Moreover, such conflicts are not ‘managed’ in the sense of being pacified, but produce demands for corrective action and reform (based on both self-interest and a concern for the common good) that can generate new arrangements and potentially new self-understandings on the part of citizens [40]. The ‘positive residue’ of disagreement left behind is the experience of living in a society that learns to cope with its conflicts peacefully. Social cohesion becomes a byproduct of certain kinds of conflict and disagreement, and of the on-going processes of managing and dealing with these disagreements inclusively and democratically. There will be limits to these possibilities, to be sure. Such societal learning is hardly linear and not always resilient. The potential for any positive residue to emerge or be sustained might be overwhelmed by the persistence of historical and contemporary injustice. And it’s important to understand how and in what ways injustice (and perceptions of injustice) persist in our political disagreements in order to have any hope of finding satisfactory ways of dealing with them [41]. Resentment, or at least frustration, can accompany the exercise of both illegitimate and legitimate authority. We should aim to take these reactions seriously, since they can be manipulated in harmful ways, but also because they might signal ongoing problems of legitimation.

One of the difficulties with this argument is that it involves achieving insight that seems post-hoc rather than a priori. How do we know which conflicts will produce these positive residues — effects which the participants themselves are possibly not even aware of? And what if we’re wrong? Aren’t some forms of conflict better left off the political agenda, lest they deepen social and cultural cleavages that end up leaving everyone worse off? [42] This is one justification for liberal constitutionalism and the ‘gag rules’ which aim to keep religious or ethnic conflict, for example, out of debates about constitutional essentials [43]. More deliberation and contestation is a fine idea, so the argument goes, but it isn’t an unambiguous good; at times it can poison mutual relations as much as improve them. There are strategic and psychological versions of this objection. According to the latter, in some circumstances, incessant deliberation might lead citizens to harden their attitudes towards others, especially if there are prevailing incentives to deliberate mainly with people you already identify with. At the very least, if pluralism and disagreement are as pervasive as pluralists say they are, more deliberation does not necessarily entail a higher probability of resolution. According to the strategic objection, removing limits on the politicization of political and cultural differences not only makes political deliberation more difficult, but risks opening up the exercise of political power to capture by moral and cultural zealots — as Barry points out [44].

These are powerful objections, and they return us to some of the original problems with abstract and excessive moralism with which we began. But they also reinforce the importance of the democratic antidote to moralism. First, why assume that underlying interests and identities remain static, or at least self-contained, when confronted with each other? Politics, and the arguing and bargaining which it entails, can help to reshape those interests, which is a necessary (though hardly sufficient) step in moving the parties to a different and possibly more just equilibrium point. But there are no guarantees. As Cass Sunstein points out, deliberative enclaves made up of like-minded people will emerge in large, heterogeneous societies, because of limited argument pools.

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and parochial influences [45]. And they can move in extreme directions. But they are even more likely to fester and do harm the less opportunity there is for cross-cutting and inclusive forms of political deliberation. Does that mean re-opening debates about the nature of slavery, for example, just because a small coterie of white supremacists still denies that equal respect and concern is owed to all, whatever their race? [46] To begin with, the very basis of the white supremacist argument violates the egalitarian premise at the heart of both the foundationalist and democratic models of public reason, and stands condemned from within either approach. But there might also be good Millian reasons for thinking that, in order for our most cherished beliefs not to become dead dogma, they should remain open in principle to the challenge of other beliefs — even false beliefs — that force us to re-articulate their rationale once again, we breathe life into our democratic practices. The value and effectiveness of basic rights, for example, ultimately depend on their being enforced, and this requires us (as citizens) to understand, apply and re-craft these rights to meet new circumstances and conditions, as required. And this might indeed mean revisiting old debates previously thought closed, if only because there is always a chance that new forms of the injustice identified in those older debates are recurring in ways about which we (as a majority or powerful minority) may be unaware. Or that the rights, and our understanding of those rights, that emerged from those older debates no longer effectively address conditions now.

Moralism is an inherent risk in politics and the risk of moralism in arguments about the nature of multiculturalism is no different. But the risk cuts both ways. Defenders of the inclusive logic of struggles over multicultural rights risk overestimating the capacities and virtues of citizens called upon to live with the tumults and disagreement caused by these debates. And they risk underestimating the psychological, institutional and social preconditions required for living with ongoing, reasonable disagreement. But equally, liberal constitutionalists who insist that a whole range of basic principles are not up for negotiation, because already settled, risk overlooking the importance of democratic practices to constitutionalism. Constitutional moralism is as undesirable as democratic moralism [47].

Duncan Ivison, University of Sydney and Department of Political Science, University of Toronto, 100 George Street, Toronto ON, M5S 3G3 Canada. duncan.ivison@utoronto.ca

NOTES
[3] For the purposes of this essay, by 'multiculturalism' I include what are often (rightly) distinguished as multinational claims or policies, that is, stemming from groups who conceive of themselves as self-determining peoples.
[4] It’s important to note that supporting one does not automatically entail supporting the other.

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[13] Barry, op. cit., note 5, p. 326; also p. 21: “the [politics of difference] rewards the group that can most effectively mobilize to make claims on the polity, or at any rate rewards ethnopolitical entrepreneurs who can exploit its potential for their own ends by mobilizing a constituency around a set of sectional demands”.
[18] K. Banting and W. Kymlicka (2003) ‘Do Multiculturalism policies erode the welfare state?’ unpublished paper pp. 31, 36 (cited with permission); for the criteria according to which multicultural policies are considered strong, weak or modest see pp. 19–23, 25–30. A shorter version of this paper appeared as (2003) Multiculturalism and welfare, Disent 50, 4 pp. 59–66. One example of a strong commitment to social welfare combined with only ‘modest’ multiculturalism is the Netherlands. At least when compared with the USA and Germany, the Netherlands performs best according to social-democratic criteria to do with maximizing equality and minimizing poverty (along with maximizing income growth and minimizing family breakdown); see R. Gooden et al. (1999) The Real Worlds of Welfare Capitalism (Cambridge, Cambridge University Press). But it is hard to draw any strong conclusions from this correlation; see Banting and Kymlicka, op. cit., pp. 26–7. The historical legacy of slavery and the politics of race in general have played a central role in American attitudes to the welfare state and its reform. But the relationship between race and multicultural policies (which came long after race became relevant here) is complex and deserves separate treatment. There is certainly no easy analogy between attitudes towards race and affirmative action and multiculturalist policies and the welfare state.
[22] I am referring here to the rise of ‘One Nation’ in Australia in the late 1990s. For a recent example from New Zealand see Clark in Maori mire, The Australian, 26 February 2004. The article reads, in part: ‘A revolt against special privilege for Maori has begun across NZ, led by bold new Opposition Leader Don Brash and fuelled by years of simmering resentment among white Kiwis about welfare, land claims and political correctness . . . The vast majority of Kiwis are saying they want one law applied equally to white and brown, according to a new survey by Massey University social policy researcher Phil Gendall. “There is a sudden outpouring of emotion all over the country,” Gendall says. In his survey, 85% of New Zealanders want the same rights for Maori and white, an increase of 25% since the same survey in 1996’.
[28] This criticism is less effective against Habermas and his followers, since he is explicit that, aside from certain very general preconditions, the outcome of moral and political communication is supposed to be radically open-ended.


[39] This idea has been emphasized recently by I. YOUNG (2000) Inclusion and Democracy (Oxford, Oxford University Press).

[40] Arguments about the benefits of conflict have a long lineage in the history of political thought, but perhaps one of the best known is MACHIAVELLI, especially in his History of Florence, and the Discourses; for more discussion see D. IVISON (1997) The Self at Liberty: Political Argument and the Arts of Government (Ithaca, Cornell University Press), chp. 3; J. P. MCCORMICK (2001) Machiavellian democracy: controlling elites with ferocious populism, American Political Science Review 95, 2, pp. 301–3.


[42] More engagement with people you disagree with does not necessarily lead to greater understanding or reconciliation; see D. FORBES (1997) Ethnic Conflict: Commerce, Culture and the Contact Hypothesis (New Haven, Yale University Press).


[46] See the exchange between Tully, Blake and Wenar in MACEDO, S. and WILLIAMS, M. S. eds. (2005), op. cit., note 31, pp. 232–6, 246, 254–5. Note that the debate is not between having a constitution or not having one, but rather between different forms of constitutionalism, and more importantly, different modes of understanding what a constitution does, or should do.

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