Difference without Deference: An Individualistic Theory of Group Accommodation

Will Siegmund

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Difference without Deference: 
An Individualistic Theory of Group Accommodation

A thesis submitted in partial fulfillment of the requirement 
for the degree of Bachelor of Arts from 
The College of William and Mary

by

William M Siegmund

Accepted for ______Highest Honors________ (Honors, High Honors, Highest Honors)

Dr. Christopher Freiman, Director

Dr. M. Victoria Costa

Rebekah Sterling

Williamsburg, VA 
April 22nd, 2019
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Introduction

Since the 1960s, there has been a proliferation of social movements demanding recognition of their cultural, racial, and linguistic identities throughout the western world. Movements such as the Black Power Movement, the Chicano (and general Latinx) Movement, questions of Native American sovereignty, and questions of Quebecian sovereignty in Canada have all led philosophers to consider a series of interrelated questions about what role governmental institutions should play in acknowledging, fostering, and helping these movements’ claims of recognition. The demands for recognition by these groups have emerged for a few reasons. One of them is a sense of relative deprivation, i.e., the sense that relative to the cultural acceptance and hegemony of white, western, male institutional standards and cultural expectations, these social groups have been marginalized by western institutions. Another is to combat the harmful stereotypes and biases that surround their identities, which hinder both their economic mobility and sense of self-respect. Given the political influence of these movements and the fascinating questions the demands of these movements imply, it should be unsurprising that a rich political philosophy has emerged, expounding reasons for these identity movements. This political philosophy is multiculturalism, and though there is great variation within the tradition, both liberal and illiberal, the primary unifying belief is that governmental institutions should provide permanent, codified, group-differentiated rights to help protect and preserve the identities of those minority groups.

Multiculturalism most fundamentally contends that liberal individualism has failed to address the social and economic inequalities faced by racial, cultural, and sexual minorities in the western world. In particular, multicultural theorists often point toward two ways in which liberalism fails to properly accommodate minority groups. First, they attack the liberal view that individuals should act as the only unit of concern when thinking about justice. Multiculturalists
view this as too narrow a conception of the person. People define and orient themselves within groups they are born into, and therefore groups of people must also be accommodated as discrete units of concern. Underpinning this criticism is a view that society should consider the particular parts of our identities, e.g., one’s status as black or as Native American. When we give these particularities the normative import that multicultural theorists request, then group rights become essential to protecting and preserving those particular identities.

Intertwined with the use of group-differentiation to create a more complex view of equality is the issue of legal equality. Multicultural theorists challenge the liberal belief that laws and the pursuit of justice must be applied to all people with formal equality. They consider this view too rigid and instead advocate for laws that take account of as much cultural and historical context as possible when establishing judicial, legal, and political decision-making procedures. That process might well generate laws that treat groups of people differently, but such changes are justifiable so long as the outcomes are more equitable.

This thesis seeks to refute multiculturalism’s advocacy for group rights and offer a compromise on the issue of formal equality. I will do this by arguing that group rights will inevitably lead to intolerable injustices, and offer ways that liberal individualism can offer principled compromises to the concerns of multiculturalism through individual rights.

I grant that the liberalism, embodied in works such as John Rawls’ *A Theory of Justice*, has often been insufficiently attentive to many of the problems multiculturalism highlights, but it does not follow that the solutions multicultural theorists like Charles Taylor, Iris Marion Young and Will Kymlicka have suggested are necessary, much less desirable, to solve many of the problems they raise. Liberal individualism can do more to address their concerns than their theories credit. Though I hope to find compromise in some areas, there are several problems that substantial liberalism and multiculturalism fundamentally disagree on. I believe that
several problems, such as the debates over the existence of social goods and permanent group-differentiated rights, are irreconcilable and must be decided one way or the other. I will defend the liberal view in each of these cases. Thus, I contend that when multiculturalism conflicts with liberalism, liberalism can address the valid criticisms that multiculturalism advances, and when liberalism cannot acquiesce to its criticisms, liberalism should not.

I have divided this thesis into four sections. In the first section, I will explore the foundational ideas of the liberal egalitarian tradition to establish some principles that will serve as the basis for the solutions I advocate for in the final section. The liberal egalitarian principles I explicate will also establish the liberal principles that Charles Taylor, Iris Marion Young, and Will Kymlicka challenge. In the second section, I will explore their objections through their respective works, *Multiculturalism: Examining the Politics of Recognition* (1994), *Justice and the Politics of Difference* (1990), and *Multicultural Citizenship* (1995). The third section will put forth the problems inherent to their theories and of multiculturalism as a component in a theory of justice. I consider these objections to multiculturalism conclusive, and they together explain why the multicultural framework should be abandoned in favor of the revised liberal egalitarian framework I will propose and expound in the fourth section.
Section 1: The Liberal Egalitarian Framework

John Rawls’ political thought, expounded in *A Theory of Justice* (1971), will be my most immediate text when I say “liberal egalitarian”. The hope for this thesis, though, is that the outline I provide for what a liberal egalitarian believes is broad enough that all members of the liberal egalitarian genealogy who endorse substantial liberalism can find my proposal acceptable. For instance, my exegetical claims about liberal egalitarianism make no use of primary goods or the difference principle to explain the basic principles of justice, despite their central role in Rawls’ own theory.

There are three broad principles that most irreducibly define the liberal egalitarian paradigm, all stemming from a belief that the ultimate goal of justice is to create a society of free and equal citizens. They are to establish a political process which considers the every citizen within the creation of law, provide the means for individuals to pursue basic life plans, and to make as few state commitments to conceptions of the good as possible.

The first way these principles manifest is the belief that citizens of a polity are due equal consideration within the process of crafting legislation and the effects of that legislation are justifiable to all citizens. This belief is at the heart of Rawls’ entire project in *A Theory of Justice*. Rawls advocates for democracy because he believes it is the closest form of government one can get to achieving “the viewpoint of a suitably defined initial situation of equality,”¹ which to him is the original position; a thought experiment he devised in which individuals establish principles of justice from a position of pure political equality. Rawls secures this equality by placing the individuals drafting the principles of justice behind a “veil of ignorance”, behind which the members of the original positions have no knowledge of

his place in society, his class position or social status; nor does he know his fortune in the distribution of natural assets and abilities, his intelligence and strength, and the like. Nor, again, does anyone know his conception of the good, the particulars of his rational plan of life, or even the special features of his psychology such as his aversion to risk or liability to optimism or pessimism.²

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² Ibid, 118.
From behind the veil of ignorance, the individuals in the original position select principles of justice. Rawls explicitly connects the original position to democracy several times, both in *A Theory of Justice*, “The principle of participation transfers this notion [of equal representation] from the original position to the constitution as the highest-order system of social rules for making rules,” and in subsequent work, “The idea is to incorporate into the basic structure of society an effective political procedure which mirrors in that structure the fair representation of persons achieved by the original position.” As for political participation, Rawls argues that

the principle of liberty, when applied to the political procedure defined by the constitution, I shall refer to as the principle of (equal) participation. It requires that all citizens are to have an equal right to take part in, and to determine the outcome of the constitutional process that establishes the laws with which they are to comply.

To be a liberal egalitarian is to believe that everyone deserves equal consideration under the law and in its creation, the most obvious proxy to this principle being democratic government.

The second policy stemming from the liberal egalitarian desire for a society of free and equal citizens is that society, most commonly through the state, must mitigate economic inequalities. Philosophers have offered a number of reasons for such a policy, but the one most relevant to their commitment to equality also highlights the importance of respect. For instance, many claim that at a certain point, too much inequality undermines the equal respect and consideration owed to each in virtue of their citizenship, as unchecked capitalist economies by their nature allow the wealthy to buy undue influence and power over the political process. Thus, wealth inequality creates a *de facto* political inequality, which is unacceptable. Additionally, Rawls defends the difference principle -- his redistributive principle in which inequalities are considered justifiable *iff* they are to the greatest advantage of the least well off --

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3 Ibid, 195.
through its ability to combat certain social inequalities: “it provides an interpretation of the principle of fraternity... fraternity is held to represent a certain equality of social esteem manifest in various public considerations and in the absence of manners of deference and servility.”\(^6\) Though Rawls is referring specifically to the difference principle, a similar logic applies to other conceptions of wealth redistribution. That is, when inequality becomes too great, citizens of the same country begin experiencing egregiously different lives, which undermines a common sense of destiny that is so essential to the social and political life of a nation. How exactly a country should redistribute wealth is an issue I am deliberately remaining agnostic on for this thesis, as redistributive principles have manifested in innumerable ways throughout the liberal egalitarian tradition. The basic reasoning and moral impulse behind all of these principles, however, remains the same.

Lastly, liberal egalitarians believe that the state should, as far as possible, respect the varying conceptions of the good life that citizens forge. Rawls refers to justice creating a “procedural republic” as a result. This initially seems like a strange ideological belief to commit to, yet for the founders of the liberal egalitarian tradition -- Rawls and Ronald Dworkin -- it is an essential element of their political philosophy. The reason why they place so much emphasis on this doctrine derives again from the fundamental belief that justice is about creating a society of free and equal citizens. For that to occur, the state must demonstrate an equal level of respect to its citizens. If the state begins interfering in what people’s good lives entail, then the state is now claiming that some people’s conceptions of the good life are not worthy of equal respect. Rawls conceives of the state as “the association consisting of equal citizens. It [the state] does not concern itself with philosophical and religious doctrine but regulates individuals’ pursuit of their moral and spiritual interests...”\(^7\). Dworkin states the idea even more explicitly when he

\(^6\) Ibid, 90.

\(^7\) A Theory of Justice: Revised Edition, 186.
comments that, “Governments must treat those whom it governs with concern... that is, as human beings who are capable of forming and acting on intelligent conceptions of how their lives should be lived. ... It must not constrain liberty on the ground that one citizen’s conception of the good life of one group is nobler or superior than another’s.” If society is going to achieve a just institutional arrangement according to liberal egalitarian principles, then the state cannot interfere in people’s life plans. To do so is to show contempt for people’s abilities to lead their lives, implying a level of disrespect that undermines the claim that citizens are free and equal.

When we combine those three tenets together we can appreciate the socio-political architectonic that liberal egalitarianism has created. Because justice is about creating a society of free and equal citizens, everyone is due a chance to participate in the political process and is due equal consideration when laws and policies are crafted. This equal respect also restricts the government’s ability to interfere in someone’s conception of the good life provided that good life does not violate the liberties of someone else. However, economic redistribution is permissible, and perhaps even necessary, for two reasons. People’s conceptions of the good life require the resources to pursue that good life, and in a capitalist economy, there is no guarantee that people will have access to those resources even if they work full-time due to the nature of a labor market. Thus, redistribution is needed to guarantee that citizens are able to pursue their good life. Secondly, when the lives of the wealthy and poor are too disparate, it is impossible that they are given an equal level of respect because how inequality leads to fundamental divisions in the experiences of society, not to mention risk of corruption within a society in which money is such a dominant force.

Though they are advocates for redistribution and other more ‘collectivist’ economic programs, liberal egalitarians are still liberals in the tradition of Locke, Kant, and Mill. They are

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therefore committed to the sovereignty of the individual as the basis for social concern and to the good of autonomy as a social value. Although there are several different but plausible ways to conceive of what a commitment to individualism entails, for the purposes of this thesis the one worth expanding is substantial liberalism, which I am advocating for throughout the paper. The view holds for the supremacy of the individual as the basis of social concern, demanding that “rights must always attach to individuals: that human rights, as framed in our conventions and in law, should always be the rights of persons, not groups.” I believe the majority of liberal egalitarians are substantive liberals. For instance, Rawls’ substantial liberalism is an implicit result of the veil of ignorance stripping every individual of their collective identity and arguing principles of justice emerge from the rational self-interest of the individual alone.

Substantial liberalism has several compelling elements. First, the view, properly exemplified, sees each individual as the only entity capable of being an end in itself, eschewing any attempt to categorize individuals by means beyond their actions. It is thus an excellent principled rejection of several common forms of discrimination and racism, such as the desire to conflate the actions of one member of a group to the qualities of the entire group. Under substantial liberalism, one’s membership to a minority group should not indicate anything beyond the actions of that individual person. It is those actions that are then evaluated. This is not to deny the effects of racial biases, or the fact that we do often categorize and judge people for membership to groups. Rather, what substantial liberalism claims is that this is deeply wrong, and that the obligation to fight racial biases is precisely because these categorizations deprive individuals of their ability to be viewed as their own selves with their own conception of the good.

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Secondly, the view makes a great deal of common sense in that individuals are tangible, obviously discrete units of moral concern. I can see ten people and know that each one of them is an individual who deserves an equal amount of respect. More importantly for political philosophy, the government can easily identify individuals as citizens and thus base policies around these individuals. This does not mean that the government ignores the ways individuals are impacted as groups, but rather acknowledges how it is always the individuals within those groups who are experiencing whatever discrimination or benefit that group does. As I will develop in the third section, treating groups as a unit of concern in the same way individuals are treated under substantial liberalism is fraught with difficulty. Groups are comparatively amorphous and thus harder to define, especially when trying to determine who belongs in the group and what involvement in a group entitles one to. Under substantial liberalism, we can know easily who deserves legal rights and benefits -- each individual.

One implication from the liberal egalitarian architectonic, owing to its influence from Mill and Kant, is the value placed on autonomy. Because of the critical role the idea of autonomy places in the debates surrounding multiculturalism, I think it is worthwhile to quickly offer an idea of why autonomy can and should be considered a value worth prioritizing in a theory of justice. I have no ambition of solving the debates surrounding autonomy in this short section, because it has often been one of the most intractable since the contemporary explosion in political philosophy. What I want to weigh in on quickly is the communitarian criticism of liberal autonomy that some ends are so constitutive that they are beyond reflection and therefore revision.

Using the word autonomy in political philosophy often invokes what Kwame Anthony Appiah calls “strong autonomy”, which one can only achieve once that individual distances themself from social pressures, acts on principles only when they have critically reflected upon
them, and is immune, or at least resistant to social and cultural forces that deviate from their principles. This standard is of course far too high for what a society can reasonably expect ordinary people to practice in their daily life. It would require that every individual read extensively into the philosophical literature to expand the ends that they can strive for, every person would need to very carefully and deliberately analyze their biases and preferences to minimize the degree they are affecting their decisions. In a sense, strong autonomy seems to demand that we abstract ourselves away from our culture and institutions until we are no more than members of the original position. To expect such idealized rationality is far too strong, and the communitarians have correctly pushed against this conception of autonomy. For one, it does not acknowledge the way that our choices are framed and constrained by the social and cultural context we live in. As Alasdair MacIntyre notes, “behavior is only characterized adequately when we know what the longer and longest-term intentions invoked are and how the shorter-term intentions are related to the longer. Once again we are involved in writing a narrative history.” These “narrative histories” only make sense when we have access to the cultural and social context of the narrative in which that person is making their decisions. When something becomes a part of one’s conception of the good life, that necessarily entails a commitment to it that requires more investment from our sense of self and identity than strong autonomy can allow. To use Sandel’s concepts in *Liberalism and the Limits of Justice*, autonomy is not of paramount importance insofar as it keeps us permanently unencumbered selves who only ever possess our ends of life, “To imagine a person incapable of constitutive attachments such as these is not to imagine an ideally free and rational agent, but to imagine a person wholly without

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10 Appiah’s characterization of “strong autonomy” is found on pages 37-38 of *Ethics of Identity*.
character, without moral depth.”¹² MacIntyre echoes Sandel’s skepticism for the possibility of revising our ends,

Without those moral particularities to begin from there would never be anywhere to begin; but it is in moving forward from such particularity that the search for the good, for the universal, consists. ... What I am, therefore, is in key part what I inherit, a specific past that is present to some degree in my present. I find myself part of a history and that is generally to say, whether I like it or not, whether I recognize it or not, one of the bearers of a tradition.¹³

For the communitarian, the constitutive ends that we pursue are not just part of us, they are us. It is subsequently incoherent to think of needing the state to prioritize autonomy in order to revise one’s ends.

I agree with the communitarian that constitutive ends are an inevitable part of human attachment, and so any attempt to establish a grounding for autonomy has to respect this fact. We should be careful to note that liberal egalitarianism is not committed to strong autonomy or any view of the person who is somehow beyond the confines of their cultural context. The noted communitarian thinker Michael Walzer concedes this point readily: “contemporary liberals are not committed to a presocial self, but only to a self capable of reflecting critically on the values that have governed its socialization; and communitarian critics, who are doing exactly that, can hardly go on to claim that socialization is everything.”¹⁴ Thus, communitarians overextend their criticism of autonomy if they conflate someone defending the good of autonomy with the good of strong autonomy, i.e. if they conflate critical reflection of constitutive ends with the belief that people should only ever possess their ends. But once we uncouple those two forms of autonomy, their argument that our ends are beyond critical reflection is significantly weaker. Rational, reflective abilities capable of questioning one’s conception of the good are possible and

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¹³ *After Virtue*, 221.
necessary for people when revising their ends. The communitarian claim that some ends are beyond revision is false. Dworkin has correctly noted that the communitarians are making two separate claims: first, that people develop themselves and their identities within communities that set the boundaries of their imaginations, and secondly that these attachments are so important and constitutive that the individuals involved in them cannot revise them. The first claim I do not dispute (and no one should), but the second is false:

No doubt it is impossible for someone to detach himself from all associations and connections in considering what kind of life to lead. No one can think intelligibly about that question prescinding from every aspect of the context in which he lives. So no one can put everything about himself in question all at once. But it hardly follows that for each person there is some one connection or association so fundamental that it cannot be detached for inspection while holding others in place.\(^{15}\)

In light of these two contrasting visions of the self -- as free and autonomous and inextricably situated in a cultural context beyond revision -- Yael Tamir has advocated for a middle path between strong autonomy and communitarian ends. Tamir notes that if choosing one’s ends were not possible in the ways communitarians seem to imply, then the many ways that communities have often restricted individuals’ ability to leave those communities makes no sense.\(^{16}\) She also notes the ways that communal identities have gone out of existence or been repressed and then revived, or how groups have voluntarily assimilated upon immigrating.\(^{17}\) This is all to highlight the deep fluidity of culture and community, as well as exemplifying how even communities and cultures have acknowledged an individual’s ability to question and revise those facets of their life, which is at odds with the communitarian conception of the self and their subsequent rejection of autonomy as a good worth fostering. What Tamir develops is a nuanced conception of a person who “can reflect, evaluate, and choose his conception of the good, his ends, and his cultural and national affiliations, but is capable of such choices because

\(^{17}\) Ibid, 28.
he is situated in a particular social and cultural environment that offers him evaluative criteria.”

She calls this person a “contextual individual” and it is this contextualized mode of choice that autonomy is really designed to preserve.

What prioritizing autonomy is critical for in my view is maintaining the liberty of all citizens -- both when they are pursuing their ends as well as revising them. My defense of autonomy is a weaker, conditional claim than strong autonomy: If people choose to revise their ends, then the state should make no comment on what ends they should pursue. While we cannot expect people to always revise their ends, people are still able to do so. People change their religion, they leave their family or hometown, and some even abandon their country of birth. These revisions of ends are unusual in that those decisions often emerge out of painful necessity, but they do occur. Where the state’s neutrality on ends and preservation of autonomy is needed is to avoid hindering any person’s decision to abandon their constitutive ends. If the state and laws are designed to reinforce particular conceptions of the good life, then efforts to break away from those “ends”, if people want to, become even more challenging than the psychological challenges inherent in such a decision. The maintenance of autonomy is to assure that should people need or want to revise their ends, that such a decision is available to them. It is for that need, in order to always preserve the liberty of citizens, that autonomy must be viewed a good worth fostering. This is also an endorsement of the importance of education, which is almost always the best way to expand the field of options that individuals have to choose from when deciding upon what ends they wish to follow. The state must make education, and education of other cultures, available, both because it develops internationally-engaged citizens, and because it makes those citizens better able to imagine the possibilities of life beyond the conception of the good they are born into, and perhaps find another that suits them better.

18 Ibid, 33.
There are two implications from conceiving of people as “contextualized individuals” that matter for a debate about multiculturalism. First, the capacity for critical reflection about one’s ends precludes the communitarian and subsequently multicultural belief that cultural attachment is so necessary for human ends that autonomy is subordinate to those ends. The capacity to choose is possible, and when someone opts to exercise it, those choices create a meaningful and invaluable way for that person to have control over their life and have a sense of self. Community matters for developing a sense of self, but it matters just as much that the person have chosen that community because it is a reflection of the good life they want. Respecting autonomy is necessary for people if they have the realization that the ends they are pursuing are no longer worthwhile to them. Because individuals are capable of revising their ends, the challenge facing multiculturalism is how to maintain a minority group’s existence within a larger polity without restricting the freedom of the members in that minority society, both within the group and, if they so choose, to leave it. I will argue that multiculturalism has no answer to this challenge, though Will Kymlicka comes tantalizingly close. The second implication is more consequential for general political philosophy, namely that because our ends can be revised, they lose any status as necessary or nonnegotiable. The individual’s desire to maintain a conception of the good that creates injustice is not an acceptable reason to abnegate respect for one’s fellow person, and therefore individuals’ conceptions of the good are subordinate to the demands of a society that strives for free and equal citizens.
Section 2: Multicultural Dissent

The second section is purely an exegetical discussion of the three major multicultural views, which are, in order: Charles Taylor’s, Iris Marion Young’s, and Will Kymlicka’s. The form of multiculturalism that they each present is quite distinct from each other’s. I must unfortunately elide over many of these theoretical differences because I am more interested in the flaws they all share, rather than picking apart each of their theories. So their differences will not matter because it is their common features which I am skeptical of. My point is to show that even multicultural theories grounded on totally different bases -- communitarianism, postmodernism, and liberalism -- all share the same fundamental flaws, which I believe supports my basic suspicion that it is multiculturalism itself that has the problems I will outline in section 3, not just one specific theory.

Charles Taylor’s theory in “The Politics of Recognition” has exerted an enormous influence on the multicultural literature, and therefore I feel obligated to discuss it. However, I consider it the least plausible form of multiculturalism offered out of the three versions I am covering in this thesis because of its reliance on an idea Taylor calls “social goods”, which I will argue simply can not exist. I am therefore devoting time immediately after discussing his theory to critique it specifically. My discussion of Taylor is therefore significantly more self-contained than my discussions of Young and Kymlicka, who will reappear throughout the third and fourth sections.

Charles Taylor: “The Politics of Recognition”

Taylor begins his essay with two empirical claims about the nature of identity. The first is his thesis of recognition, and the second is his dialogical claim about identity formation. The thesis of recognition underpins his entire essay, stating that, “our identity is partly shaped by recognition or its absence, often by misrecognition of others, and so a person or group of people can suffer real damage, real distortion, if the people or society around them mirror back to them a confining or demeaning or contemptible picture of themselves.”19 This idea has strong empirical backing, as psychological studies have demonstrated how even the most independent people’s sense of self-worth is always dependent on what other people’s perception of them is.20 Taylor then advocates for a “dialogical” view of human identity, “We become full human agents, capable of understanding ourselves, and hence of defining our identity, through our acquisition

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20 For a particularly strong display of this: see Jonathan Haidt’s discussion of the way other people’s opinions affect us in The Righteous Mind, 77-78.
of rich human languages of expression.”21 Note that Taylor views the dialogical function of identity formation as a continual process. It is not merely at the “genesis” of identity formation, such as during childhood or when we first acquire language skills; dialogical feedback is a perpetually necessary condition for one’s identity to exist, “If some of the things I value most are accessible to me only in relation to the person I love, then that person becomes a part of my identity.”22

From these two claims, Taylor then contrasts liberalism’s universalist view of citizenship with the view he advocates for: the politics of difference, “what is established [by liberalism] is meant to be universally the same, and identical basket of rights and immunities; with the politics of difference, what we are asked to recognize is the unique identity of this individual or group, their distinctness from everyone else.”23 Every person needs an identity and each person’s identity is attached to particular cultural and linguistic contexts, and so the politics of recognition seeks to acknowledge the universal nature of identity, but that universality manifests as a particular set of needs and desires for differing cultural groups. When coupled with his prior two empirical claims, the logic entails that to ignore the distinct identities of groups is to deny those people’s existence in a meaningful sense. If I am of a cultural heritage outside the dominant majority culture, and I identify with that group, then for the state to refuse to acknowledge my group’s unique needs and desires is to deny that group’s existence in the harmful way he spells out with the thesis of recognition. Because different cultural groups have such varying demands and needs, and racial groups have such disparate experiences in society, the state will have to treat different groups with a flexibility that liberalism’s universal rights cannot allow for. The argument follows that, “we make these [cultural, linguistic, etc.]

21 “The Politics of Recognition”, 32
22 Ibid, 34
23 Ibid, 38
distinctions the basis for differential treatment. So members of aboriginal bands will get certain rights and powers not enjoyed by other Canadians if the demands for native self-government are finally agreed on, and certain minorities will get the right to exclude others in order to preserve their cultural integrity.”24 What the distinction of group needs entails is that the state must provide collective or group rights beyond the traditional liberal individual rights. When the state does so, these collective groups become bearers of rights in addition to individuals. The example Taylor provides is that of the French Canadian government’s policy of “survival”, in which they attempt to avoid the larger English Canadian culture and language from taking over their own. Here, the politics of recognition diverges starkly from the picture of liberalism I provided in the first section. The survival of French culture is not merely a convenient result of individual actions, but a good that is pursued by a collective body of French speakers. The most illustrative comment is this:

It is not just a matter of having the French language available for those who might choose it. But it also involves making sure that there is a community of people here in the future that will want to avail itself of the opportunity to use the French language. Politics aimed at survival actively seek to create members of the community, for instance, in their assuring that future generations continue to identify as French-speakers.25

Here Taylor exemplifies his theory of social goods. It is easy to confuse social goods with public goods, but they hold a critical difference. While enjoyed by every individual within a polity, and thereby acquiring a certain collective status, public goods are always things whose goodness is contingent upon the enjoyment of individuals in the public domain. For instance, clean water is only a good because it allows the individual people with a society to drink water without risk of contamination or illness. Social goods are beneficial for a society as an entity of its own, i.e. they are irreducible to the preferences and desires of the individuals in a polity. In a later essay, “Irreducible Social Goods,” Taylor argues for the existence of social goods by saying that culture

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24 Ibid, 39-40
25 Ibid, 58-59
Is not a mere instrument of the individual goods. It can’t be distinguished from them as their merely contingent condition, ... It [culture] is essentially linked to what we have identified as good. ... to say that a certain kind of self-giving heroism is good, or a certain quality of aesthetic experience, must be to judge the cultures in which this kind of heroism and that kind of experience are conceivable options as good cultures. If such virtue and experience are worth cultivating, then the cultures have to be worth fostering, not as contingent instruments, but for themselves.26

On this theory, the French language is a social good because it is the essential ingredient to French Canadian culture writ large. It is necessary for the survival and continuation of French Canadian society itself that the French language is continued, so the French Language becomes a social good for Quebeçois society, a good irreducible to the individuals within Quebeçois society. If the French speakers in Quebec province find the French language good, then they have a vested interest in ensuring the French language continues to exist for the future of that society, and for that society’s own sake.

The form of liberalism I endorsed cannot account for social goods, and therefore the conceptualization of difference that Taylor has, “it [substantial liberalism] can’t accomodate what the members of distinct societies really aspire to, which is survival. This is (b) a collective goal, which (a) almost inevitably will call for some variations in the kinds of law we deem permissible from one cultural context to another.”27 Once social goods are considered part of a society, they pose an irreconcilable problem for the liberal looking to achieve universal rights, for liberal rights are, contrary to Rawls’ and Dworkin’s aspirations, not an Archimedean point of view, but rather very much a doctrine derived from the western philosophical tradition.28 Taylor points to controversies like Salman Rushdie’s fatwa as an example of how the separation of church and state, either in the American context, or as the French laicite, is a distinctly western

27 “The Politics of Recognition”, 61
28 Philip Pettit makes this argument about the original position in a 1974 article entitled “A Theory of Justice?”.
construct. Liberalism is thus a “fighting creed” and cannot claim cultural neutrality. The point being that the idea of liberal universalism is itself a suspect idea, and so given its lack of true universality, there is no excuse for it to be able to crowd out other cultural views, however divergent. Taylor does acknowledge the potential room for minority groups to abuse the tolerance this views affords them in the sense that the group could commit acts western society finds abhorrent, but he does not offer any solution to this problem, ending the discussion with the claim that, “the challenge is to deal with their sense of marginalization without compromising our basic political principles.”

Taylor’s vision of multiculturalism has a second dimension. For Taylor, the issue is not just that a group’s existence is acknowledged, but that the group’s worth is acknowledged by society writ large. He offers several methods to foster a groups’ sense of worth. The first is to adopt Franz Fanon’s view of purging oppressive and demeaning views of previously subjugated minority, though Taylor thinks this is best done via education specific to a group’s cultural past rather than through violent overthrow of oppressors. The careful thing to note is that this is strictly a rehabilitative project for Taylor:

The reason for these proposed changes is not, or not mainly, that all students may be missing something important through the exclusion of a certain gender or certain races or cultures, but rather that women and students from excluded groups are given, either directly or by omission, a demeaning picture of themselves, as though all creativity and worth inhered in males of European provenance.

And so, for groups who have experienced a demeaning view of themselves, the only way to recognize their own worth is through programs that specifically teach the successes of their cultural groups. This is only the first step, however. The second comes as what he calls a “presumption” about cultural worth that he thinks should predicate any intergroup interaction.

The presumption is that, “all human cultures that have animated whole societies over some

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29 “The Politics of Recognition”, 63
30 Ibid, 65
considerable stretch of time have something important to say to all human beings.” The result for Taylor is achieving Gadamer’s fusion of horizons, in which the various cultural groups within a polity all have their senses of self-worth and new vocabularies to compare and contrast cultural groups are created to better incorporate their differences into a coherent, single political framework.

Before moving on to discussing Iris Marion Young’s account of multiculturalism, I want to further discuss Taylor’s theory of social goods and argue must it be false. Recall that his argument for culture as a social good makes the claim that culture “is essentially linked to what we have identified as good.” The problem with his argument is that the use of “we” in that sentence is unidentifiable. To illustrate this, imagine we are watching the 1953 Japanese film “Tokyo Story” and we see that the daughter-in-law, Noriko, cares for her parents-in-law while the rest of the aging parents’ children ignore them, even though the expectation in Japan at that time was that birth children would care for their parents. We admire Noriko’s selfless behavior. If our acknowledgment of Noriko’s behavior counts as seeing her actions as “good” in any normative sense, which I think it clearly does, then the “we” in Taylor’s claim can apply to people outside of the given culture. But if that’s the case, then as Appiah points out, “Taylor seems to be just wrong: one can recognize something as a good embedded in a certain culture without remotely mourning this culture’s passing.” I certainly don’t actively mourn the passing of post-war Japanese culture even as I admire Noriko’s actions, and even more firmly, I do not think any government would have had an obligation to preserve that culture so that people could socialize themselves in such an environment. So claiming that the “we” relates to people outside the culture is false. Confining the “we” to only those inside the culture offers no avail to Taylor either, “the fact that one values what one values isn’t an argument for anything, let alone for

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31 Ibid, 66
32 Ethics of Identity, 129
“fostering” some culture or other. Any form of life would be self-validating in that sense.”\textsuperscript{33} Since those two uses of “we” exhausts the possible list of cultural contexts it could exist within, Taylor’s argument for irreducible social goods is thus either false -- people can appreciate a cultural quality without needing to actively foster that culture -- or assuming the point he wants to prove.

Let us say the argument I just provided fails. Even if this were the case, social goods are still deeply implausible. Being a “good” that the state has an obligation to provide or maintain means that there is some benefit or reason for maintaining it. If that is true then social goods face the insuperable hurdle of determining who or what is benefitting from that good. The most intuitive answer is the citizens of that society, but such an answer devolves social goods into public goods, which while communal in effect, are justified based upon the benefits the specific citizens receive. If the citizens are not benefitting from a ‘good’ of some kind, then it is genuinely mysterious what entity is benefitting from the good preserved why that entity matters. But for the sake of argument, we can imagine that defenders of social goods can provide a plausible entity receiving that good, there is still an additional question facing it, and that is answering what moral status that entity with the social good has. Because social goods are good for that amorphous entity rather than reducible to the needs and wants of the citizens, there is a confounding question of how to adjudicate conflicts between citizens and the ‘thing’ that is the basis for that social good. If the majority of citizens want to do something, say, learn English in primary school in Montreal and Quebec, but that decision is bad for the social entity that is the basis of French language as a social good, then who wins out? Surely the citizens do. But if that is the case, then it seems any time citizens want to do something, the social good would simply lose out, meaning the entity receiving the social good has no real normative power or influence.

\textsuperscript{33} Ibid.
and if it has none, then I do not see how we can know it exists. What if the countries around the Mediterranean decide they want to reform the Roman Empire -- does the social good within all those nations have a moral status that would prohibit them from doing so? This is of course a fantastical example, but that is really my point -- the countries don’t do that because the individuals within the country don’t want to, not because there is some spectral non-human entity that informs or dictates their decisions. In this case, social goods seem to reduce to public goods.

**Iris Marion Young: Justice and the Politics of Difference**

The scope of Young’s book is vast and I will not be able to cover her entire theory. I am instead focusing on two of her five faces of oppression and the multicultural conclusions she argues emerges from them -- there are economic concerns she raises that I will not address. Young sought nothing less than the entire reorientation of political philosophy as it was conducted at the time of *Justice and the Politics of Difference’s* publication in 1990. She rejects the common use of ideal theory in western political philosophy (e.g. *A Theory of Justice* and *Anarchy, State, and Utopia*), by arguing that such idealizations are either too vague to meaningfully apply to contemporary and situated political institutions, or really a hidden reflection of the given society it was written in while pretending to offer universal values.³⁴ Secondly, she rejects what she calls the “distributive paradigm” of justice. This is the emphasis theorists since Rawls placed on finding the just distribution of resources and goods within a society. For instance, when Rawls argues wealth and income should be distributed according to his Difference Principle, he is creating a specific distributive criterion by which wealth and income must be distributed, and when that distribution is achieved, justice has occurred. Young finds this paradigm of thinking about justice lacking, as she argues it “tends to focus thinking

about social justice on the allocation of material goods such as thing, resources, income, and wealth...”35 while ignoring a broader set of issues like “decision making power and procedures, division of labor, and culture.”36 Distributive justice thus can not properly capture issues of justice like social relations or power imbalances well. There are two problems with applying the distributive paradigm to issues like power dynamics: “doing so reifies social relations and institutional rules. Something identifiable and assignable much be distributed,”37 it also, “must conceptualize all issues of justice in terms of patterns. It implies a static social ontology that ignores processes.”38 Her critique is ironically the same as Robert Nozick’s Wilt Chamberlain thought experiment, namely that looking strictly at the patterns of distributed goods is not going to answer the question of whether justice is realized.39 She argues that, instead of the distributive paradigm, theorists should analyze justice through a framework of domination and oppression. Taking a cue from Habermas’ communicative ethics, justice becomes in part a process in addition to a set of principles, “For a norm to be just, everyone who follows it must in principle have an effective voice in its consideration and be able to agree to it without coercion. For a social condition to be just, it must enable all to meet their needs and exercise their freedom; thus justice requires that all be able to express their needs.”40 Domination and oppression relate to her definition of justice insofar as they are restrictions on one’s ability to realize the process of justice and develop their capacities. Domination is “institutional constraint on self-determination”,41 thereby depriving people of their chance to input their voice into the democratic process, and oppression is the “institutional constraint on self-development,”42

36 Ibid.
37 Ibid, 27.
38 Ibid, 28.
39 For Nozick’s discussion of “patterned” principles of distribution, see Anarchy, State, and Utopia (Cornwall UK: Blackwell Publishing. 1974), 155-164.
40 Justice and the Politics of Difference, 34.
41 Ibid, 37.
42 Ibid.
thereby preventing people from realizing their capacities. Her domination and oppression paradigms are structural concepts, and go beyond the traditional conception of oppression as a direct tyranny, which had ruled the philosophical imagination since Hobbes. Oppression occurs when institutions place individuals or groups in that position, even if the system is not a paradigmatically oppressive regime.

The cornerstone of Young’s theory is her famous five faces of oppression, which are the more specific ways that people experience oppression. They are: exploitation, marginalization, powerlessness, cultural imperialism, and violence. I am not going to delve into the first three listed as, “these three categories refer to structural and institutional relations that delimit people’s material lives.” Thus, her arguments about them in the rest of the book do not pertain to the issue of cultural difference. Of course, exploitation, domination, and powerlessness disproportionately affect minority groups, but those concerns all fit cleanly into a liberal egalitarian theory. The remaining two faces, cultural imperialism and violence, perhaps fit less obviously in liberal egalitarian theories, and thus I want to further explicate them, because they are the two faces of oppression that lead her to believe group-differentiated rights are necessary for justice.

Cultural imperialism is “the universalization of a dominant group’s experience and culture, and its establishment as the norm.” Cultural imperialism emerges out of the dominant group’s control over resources and therefore the cultural production, which means that only, or at least predominantly, their ideas and views are expressed in mainstream culture. Young thinks that “those living under cultural imperialism find themselves defined from the outside, positioned, placed, by a network of dominant meanings they experience as arising from elsewhere, from those with whom they do not identify and who do not identify with them.”

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43 Ibid, 59.
44 Ibid.
identities of those suffering from cultural imperialism are defined by people who do not share their experiences, effectively silencing alternative views and interpretations that can emerge from minority experiences. Those oppressed by cultural imperialism do not have control over the cultural images that depict them within their own society. The result of cultural imperialism is double consciousness, “one finds oneself defined by two cultures: a dominant and a subordinate culture... while the subject desires recognition as human, capable of activity, full of hope and possibility, she receives from the dominant culture only the judgment that she is different, marked, or inferior.”45

The second face of oppression I want to explore is violence, which manifests as “random, unprovoked attacks on their persons or property, which have no motive but to damage.”46 Violence is not merely random individual attacks, for then violence would not be a face of oppression as almost everyone experiences at least the risk of violence. What makes violence a face of oppression is, “the social context surrounding them [acts of violence], which makes them possible and even acceptable. ... Violence is systemic because it is directed at members of a group simply because they are members of that groups.”47 Note that violence here is defined not merely as physical attacks, but also emotional degradation and social forms of harm such as harassment, intimidation, and stigmatization. The most obvious and characteristic example of violence is a hate crime like the Charleston South Carolina shooting. But even more generally, Christian Americans simply do not live in the same anxious fear of harassment or violence than Muslim Americans do.

Liberals of all kinds obviously oppose such terrible individual acts of violence, but it is not clear to Young that liberals can properly explore or root out the cultural and structural flaws

46 Ibid, 61.
that provide the foundation for both cultural imperialism and violence, especially of a non-physical kind. The result is that so long as we remain in the liberal paradigm of universality and individuality, we will never really liberate minority groups who need large, structural changes and a provided space within the cultural and political framework to celebrate and express their identities.

Young begins her case for multiculturalism by rejecting the paradigm of assimilation, which she conceives as, “equal social status for all persons requires treating everyone according to the same principles, rules, and standards.”\textsuperscript{48} She then contrasts this with the overarching ethos of the politics of difference, “equality as the participation and inclusion of all groups sometimes requires different treatment for oppressed or disadvantaged groups.”\textsuperscript{49}

Young has three arguments against the assimilationist ethic: first, assimilation forces minority groups to adjust to the social rules and settings of another group. The implication of such a demand is that minority groups are always, “coming into the game after it is already begun, after the rules and standards have been set.”\textsuperscript{50} Thus, the dominant groups are implicitly setting the rules for all to follow, and in doing so are severely disadvantaging minority groups from succeeding because naturally the dominant group will select rules that are best for them, unable to fully consider how those rules will affect others. Second, the assimilationist ethic perpetuates cultural imperialism, “by allowing norms expressing the point of view and experience of privileged groups to appear neutral and universal.”\textsuperscript{51} The result is that dominant groups continue to enjoy the illusion of their universality, while depriving minority groups of the same privilege. Lastly, because of the continued assumption that the dominant group is some

\textsuperscript{48} Ibid, 158.
\textsuperscript{49} Ibid.
\textsuperscript{50} Ibid, 164.
\textsuperscript{51} Ibid, 165.
neutral standard by which others must conform, participating in mainstream institutions, “means to accept and adopt an identity one is not.”\textsuperscript{52}

Even if the universalist adopts a “transformational” view, saying we must reform current standards to truly offer a more neutral institutional structure, Young still thinks that the denial of differential politics is still unjust. For Young the reasoning of difference is the realization of self-crafting one’s one image and liberating the self:

A politics that asserts the positivity of group differences is liberating and empowering. In the act of reclaiming the identity the dominant culture has taught them to despise, and affirming it as an identity to celebrate, the oppressed remove double consciousness. ... Not longer does one have the impossible project of trying to become something one is not under circumstances where the very trying reminds one of who one is. This politics [of difference] asserts that oppressed groups have distinct cultures, experiences, and perspectives on social life with humanly positive meaning...\textsuperscript{53}

Differential institutions are necessary to create the space that minority groups need to reimagine themselves and recraft their self-image without the constraints of cultural imperialism. Free to pursue political and cultural projects without the constant pressure of conforming to dominant groups, oppressed groups can escape double consciousness. The goal of her politics of difference is to create a heterogeneous political sphere and cultural industry, where groups can seize the formation of their own image. This requires not just the view of things like race and gender as normatively neutral ideas like how we treat eye-color, but the active belief in difference as a good thing that justice demands be cultivated, not just by individuals within those groups, but by the state as well. In her “heterogeneous public”, acknowledgment of group difference and group-conscious public policy is not merely a means to social equality, “but also as intrinsic to the ideal of social equality itself. Groups cannot be socially equal unless their specific experience, culture, and social contributions are publicly affirmed and recognized.”\textsuperscript{54} She therefore

\textsuperscript{52} Ibid.
\textsuperscript{53} Ibid, 166.
\textsuperscript{54} Ibid, 174.
reconceives of the idea of “difference” itself, in which difference is no longer defined or conceived as “deviant” or “other” in the objectifying sense, but rather difference comes to mean “specificity” or “variation”.

Most historical discriminations have been wrong not because they distinguished people according to group attributes, but because they aimed at or resulted in formally and explicitly restricting the actions and opportunities of group members. They have been wrong, that is, because they have contributed to and helped enforce oppression. If discrimination serves the purpose of undermining the oppression of a group, it may be not only permitted, but morally required.55

The final result for her theory is that a just society both addresses the economic and material oppressions, but also creates a kaleidoscopic public sphere in which different groups exist within their own space as discrete social entities, but still interacting on terms of equality. One of the most important ways to do that is to carve out space in representative politics for these groups. She therefore advocates for a legislative process that meets the following three criteria:

(1) self-organization of group members so that they achieve collective empowerment and a reflective understanding of their collective experience and interests in the context of the society; (2) group analysis and group generation of policy proposals in their institutionalized contexts where decisionmakers are obliged to show that their deliberations have taken group perspectives into consideration; and (3) group veto power regarding specific policies that affect a group directly, such as reproductive rights for women, or land use policy for Indian reservations.56

Thus, in the just society Young aspires for, differences between groups are factored into the democratic process, which allow the different groups to legislate the issues that matter most deeply to them, and to have the collective legislative power to ensure that their interests are not ignored or overridden in the democratic process.

Will Kymlicka: Multicultural Citizenship

The last theorist I will examine is Will Kymlicka, whose Multicultural Citizenship, offers one of the most interesting and original theories of multicultural rights, as the justifications for

55 Ibid, 197.
56 Ibid, 184.
establishing these rights is predicated entirely on three liberal egalitarian principles I espoused in the first section. He does this by arguing that when the principles of a free and equal society are applied with an acknowledge of the way cultural and racial differences have disadvantaged minority groups, then the need to redress them manifests as “universal rights, assigned to individuals regardless of group membership, and certain group-differentiated rights or ‘special status’ for minority cultures.” Kymlicka’s use of “culture” differs slightly from Taylor and Young’s usages. For him there are distinctions to make between ethnic minorities, “immigrants who have left their national community to enter another society,” (American blacks are the major exception to the immigrant stipulation) national minorities, “distinct and potentially self-governing societies incorporated into a larger society,” and new social movements like radical feminism, the disabled, and sexual minorities. Kymlicka wants to focus on justifying multicultural rights for the first two groups.

One of the most important ways that Kymlicka liberalizes his theory of multiculturalism is by making a distinction between what he calls “external protections” and “internal restrictions”. The former is “intended to protect the group from the impact of external decisions (e.g. the economic or political decisions of the larger society).”, while the latter is “intended to protect the group from destabilizing impact of internal dissent (e.g. the decision of individual members not to follow traditional practices or customs...” This distinction is critical to a liberal theory of multiculturalism because Kymlicka believes liberal states can only allow for external protections, “in so far as they promote equality between groups, by rectifying disadvantages or vulnerabilities suffered by the members of a particular group. In short, a liberal view requires

58 Ibid, 19.
59 Ibid.
60 Ibid, 35.
61 Ibid.
freedom within the minority group, and equality between the minority and majority groups.”62

One objection someone might raise is that his distinction between external protections and internal restrictions breaks down quickly and often. He admits to this problem and solves the dilemma by arguing that a liberal society must reject any external protection if it also leads to internal restrictions, “In some cases, measures to protect cultural membership may be unnecessary, or come at too high a price in terms of other liberal goals. If measures to protect minority cultures are unnecessary or too costly, then a policy of ‘benign neglect’ may be justified in certain circumstance.”63 He revises this slightly in chapter 8 by saying that internal restrictions are justifiable for national, but not ethnic minorities, because imposing liberal values on national minorities is as inefficacious and unfair as imposing them on foreign countries.64

Kymlicka provides three arguments for why liberals should adopt a framework of multicultural rights in the sixth chapter. I will only be looking at one, the equality argument. It is by far the strongest argument I think any multicultural theory has offered for group-differentiated rights, and the one most original to his theory.

The equality argument is a direct refutation of the common liberal argument that, “If a culture is worth saving... the members of the culture will sustain it through their own choices. If the culture is decaying, it must be because some people no longer find it worthy of their allegiance.”65 This view is often known as ‘benign neglect’, because it seeks to treat cultural membership as a negative right, neither actively fostering nor dissuading people from participating for belonging to any group, just like how the state treats any religious organization.

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62 Ibid, 152.
63 Ibid, 106.
64 Ibid, 167.
Defenders of benign neglect often make a comparison between the state’s neutrality on religion, saying we can treat cultures just the same. Kymlicka calls this view incoherent.

Government decisions on languages, internal boundaries, public holidays, and state symbols unavoidably involve recognizing, accommodating, and supporting the needs and identities of particular ethnic and national groups. The state unavoidably promotes certain cultural identities, and thereby disadvantages others. ... The state cannot help but give at least partial establishment to a culture when it decides which language is to be used in public schooling, or in the provision of state services. The state can (and should) replace religious oaths in courts with secular oaths, but it cannot replace the use of English in courts with no language.66

For Kymlicka the inevitability of these state endorsements means that liberals must shift the question debate from one of how to achieve the most neutral outcomes to one of “what is a fair way to recognize languages, draw boundaries, and distribute powers?”67 The answer, he argues, is that “we should aim at ensuring that all national groups have the opportunity to maintain themselves as a distinct culture, if they so choose.”68 Thus Kymlicka is endorsing a form of non-distributive luck egalitarianism as the basis for his equality argument. He thinks multicultural external protections, “such as territorial autonomy, veto powers, guaranteed representation in central institutions, land claims, and language rights,”69 is the best way to eliminate unfair inequalities by better insulating minority cultural groups from the whims and demands of dominant groups. The equality argument is not a carte blanche argument for any kind of multicultural policy however. It both precludes internal restrictions, as well as defending multicultural rights only, “if there is an actual disadvantage with respect to cultural membership, and if the rights actually serve to rectify the disadvantage.”70 What Kymlicka is looking to do here is turn liberal neutrality from a theory of results (i.e. attempting to have the

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66 Ibid, 108 ... 111.
67 Ibid, 113.
68 Ibid.
70 Ibid, 109-110.
state be neutral between results of human action) into a theory of justification, in which the state would instead offer neutral rationales for acting.

I will return to the equality argument in the fourth section, but for now, I will say that I consider it the single strongest argument for multiculturalism, and that substantial liberalism will not offer a completely satisfying response to it. That said, substantial liberalism is not as inept on this issue as Kymlicka portrays it to be.
Section 3: Rejecting Permanent Group Rights

I will now turn to the objections I will lodge against multicultural theory. Before I begin, I first want to note an implication latent within multicultural theory that matters a great deal for this section. Multiculturalism assumes that every person has a positive right to culture. By positive right to culture, I am referring to a state’s theoretical obligation to preserve, foster, and maintain the cultural groups that each theorist deems worthy. This positive right to culture is in opposition to liberalism’s claim that culture is only a negative right, that is, the government of course cannot actively attempt to remove cultures from existence, but that the state has no obligation to help a culture continue its existence through non-universal rights. As we shall see, this distinction makes a tremendous difference. The objections I lodge in this section are, in order, “The Division Problem”, “Multiculturalism is not Liberating”, “No De Re Obligation”, and “The Deflation Argument”.

The Division Problem: Having a positive liberty to permanent group-specific rights runs into a constant challenge I will refer to as the division problem, which occurs whenever a government attempts to decide which groups will receive group-specific rights. The division problem manifests in two ways. The first problem is that it is impossible to non-arbitrarily decide which groups within a polyethnic, multinational nation will receive multicultural protections. This is because there is an enormous diversity of views and beliefs within any given group. There could be sharp divisions with a single group which are difficult to capture or know about unless one were in that group. We must remember that governments are not omniscient entities perfectly responsive to the needs and demands of its citizens, particularly a small subsect of them. There is a very real risk that the government will accidentally pick a “winner” in some debate within a group by providing protections and rights based upon that subsect’s desires and beliefs.

Ironically, attempting to solve that dilemma just runs into an even deeper division problem. Namely, it is impossible to divide groups in ways that will not also exclude the legitimate preferences of members of that group, which could then entitle the subdivision of that group to their own set of group rights. For example, let us imagine that anti-semitic sentiments reach such a degree that the government, sympathetic with multiculturalism, seeks to establish laws and rights unique to the Jewish community. The first obvious question is what conception
of Judaism are the rights predicated upon; Orthodox Jews might as well be another religion in their cultural customs and attitudes compared to liberal sects of Reformists, and yet they both suffer from the same antisemitism. Let us say the United States, sensitive to the concern I just raised, then splits up Jewish rights into two subdivisions: Orthodox protections and Reformist protections. The problem of course is that even within those two factions, there is legitimate and substantive disagreement that should then entitle each sect of the subset of Judaism to their own group specific needs. Of course there is variety within those sects as well, which might well entitle subsects of the subsects a legitimate entitlement to certain group rights. Repeat this process enough, and you will arrive back at individual rights.

Young dismisses this objection as one that all political philosophy faces, but she is wrong. It is a unique problem for multiculturalism because the theory demands that groups be specially represented in politics or receive protections of some kind. It is only when institutions move beyond concern for individuals that this problem occurs. Kymlicka argues that the division problem is not a uniquely formidable problem for multiculturalism because, “the problem of identifying disadvantaged groups is not unique to issues of political representation, and it may not be avoidable in a country committed to redressing injustice.” This seems only partially true. As I will argue in the fourth section, Tommie Shelby’s theory of pragmatic solidarity gives substantial liberalism reason good reason to think that it can properly redress injustice without suffering from a division problem, at the very least one as acute as multiculturalism suffers.

The multicultural theorist does have on potentially satisfying reply to this objection, namely, that while it is true that multicultural policies would not perfectly delineate all the factions within a minority group, it is still true that this policy would improve attention given to these groups within politics. Much as a country must make arbitrary delineations between

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71 Justice and the Politics of Difference, 190.
72 Multicultural Citizenship, 146.
citizens eligible and ineligible for social security, or of those eligible for disability benefits, the state could make similar distinctions for minority cultural groups. Such a reply is a Pyrrhic victory for multiculturalism, for the rejoinder reveals the way that multiculturalism inevitably makes claims about who counts as a “true” or “authentic” member of a given minority group. The reason is simple: if the state makes protections for a group, then the interests and demands of that group are subsumed into the current power structure within that group. This leads to my second criticism.

**Multiculturalism is not Liberating:** One of the major arguments all three theorists provide for multicultural rights is that the ability to form codified communities outside the straight, white, male centered institutions of western society is that they provide a means of liberation for the minority groups. Thus, multiculturalism is often predicated on the believe that group differentiated rights will provide a form of liberation for oppressed groups. For instance, Young claims that the “assertion of a positive sense of group difference by these groups is emancipatory because it reclaims the definition of the group by the group, as a creation and construction, rather than a given essence.” However we should be highly skeptical of multicultural optimism on this topic. The first reason is because of what Kwame Anthony Appiah calls “collective scripts” (and later the “Medusa Syndrome”). In speaking of a collective identity to protect or preserve, institutions are necessarily going to make a claim about what the authentic identity being preserved looks like, “The large collective identities that calls for recognition come with notions of how a proper person of that kind behaves: it is not that there is one way that gays or blacks should behave, but there are gay and black modes of behavior”. This claim might seem too strong, but the existence of these “modes of behavior” is the best explanation for what

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73 *The Politics of Difference*, 172
multiculturalism is accomplishing. If there is no authentic way of being black or of being gay, what is worth preserving or protecting? These are inherently confining expectations for behavior; these are the scripts. They come at a cost that is ignored by the multicultural literature.

Demanding respect for people as blacks and gays requires that there are some scripts that go with being an African-American or having same-sex desires. There will be proper ways of being black and gay, there will be expectations to be met, demands will be made. It is at this point that someone who takes autonomy seriously will ask whether we have not replaced one kind of tyranny with another.75

What Appiah is highlighting are two critical, but unattractive, features of a multicultural policy. The first is that permanent group rights permanently turn features of people into political features, i.e. being part of X minority group automatically turns the features of that group being preserved, or used as the basis for multicultural protections, into qualities open for political discussion and involvement. This is an enormous burden on the individuals who the policies are supposed to help and “emancipate”. While politicizing features of people which are politicized by the dominant institutions might be a useful or even necessary strategy in contemporary society for political equality, there are surely members of minority groups who do not envision a just society where their physiological features are politically laden attributes forever.

Appiah’s second insight is that politicizing a feature of a group will necessarily essentialize that quality. To be black and so to be worthy of multicultural protections for being black necessitates that the person meet a set of criteria for what it is to be black. Young tries to avoid this conclusion by stating that, “membership in a social group is a function not of satisfying some objective criteria, but of a subjective affirmation of affinity with that group, the affirmation of that affinity by other members of the group, and the attribution of membership in that group by persons identifying with other groups,”76 but as both Appiah and Tommie Shelby

75 "Identity, Authenticity, Survival", 162-163
76 Justice and the Politics of Difference, 172.
have insisted, that is still making essentializing claims about who belongs to X group, it just lets the group in question determine the essentialized features. Such a fate is better than if the dominant group is imposing their own standards of group membership, but her standard is hardly the “emancipatory” politics Young envisions it to be. Her proposal is still a form of cultural essentialist gatekeeping for who is allowed to qualify as a member of X group. As we shall see in the fourth section, liberalism can also account for collective political solidarity, and without making essentializing claims about what it means to be X group. There is a critical difference between acknowledging that cultural norms and institutions currently do treat people as ‘others’ and thinking that this ‘otherness’ is a feature worth continuing; multiculturalism subscribes to both these beliefs, liberalism only the former.

Young would reply here that I am conceiving of ‘otherness’ in the traditional way of “bad” or “deviant”, but that we can instead conceptualize “other” as merely different.\(^7\) This reply ignores critical sociological and psychological facts of how people form identities and view “other” groups. Namely, that any attempt to cast others as “different” will certainly come with a stigmatized perception of that ‘other’. Viewing a group as mere variation, when turned into a politically acknowledged and codified difference, is highly unlikely. Robert Putnam’s paper, “E Pluribus Unum” explicitly states this: social trust and social capital decrease as diversity increases or is accentuated.\(^8\) There is also the famous “Robbers Cave Experiment” run by Muzafar Sherif to consider. The experimenters took twenty-two boys who had never met before and arbitrarily split them up into two groups. These groups quickly coalesced with their own cultures and expectations, and even more notably, when introduced to each other, immediately

\(^7\) Ibid, 171.

came into conflict that turned so violent that the experimenters had to intervene. The two groups of boys only came together when a larger threat was introduced by the experimenters.\textsuperscript{79}

There are two notable takeaways from Putnam’s paper and the Robbers Cave Experiment for our purposes. The first is that the division into groups developed into sets of expectations for how one was supposed to act within those groups (one group of the boys made a virtue of intelligence, the other of toughness). These are the scripts Appiah warns will come with the increased divisions of multiculturalism. While they will occur somewhat in any cultural context because of culture setting the bounds for our actions, multiculturalism exacerbates those confines dramatically by reifying and regulating the actions of all the various groups within a multicultural state. The Robbers Cave Experiment corroborates Putnam’s work; when differences are accentuated, the result is far more intergroup conflict than when similarities are highlighted. The idea that we can create difference without any negative normative supervenience onto those groups is untenable. Difference is going to cause othering, which is going to lead to friction and distrust. There seems to be an legitimate ought-implies-can limitation here that Young is not accounting for. I am not claiming that we should coalesce into communitarian hiveminds even if that would maximize social capital, but rather am highlighting the ways codifying difference is the exact opposite approach the state should take when aspiring to create a polity of equals, especially when the challenge is that there are groups within that polity who are treated as different and therefore unequal.

There is a second way that multiculturalism is not a liberating politics. The imposition of unjust norms does not solely come from outside groups but from within groups as well. A nuanced point to take away from Susan Okin’s essay, “Is Multiculturalism Bad for Women?” is that multiculturalism is not a panacea of equality. In fact, it can institutionalize and codify

\textsuperscript{79} For two discussions of this experiment, see The Righteous Mind, 138-139 and The Ethics of Identity, 62-64.
hierarchies or practices that if protected by the western dominant-group institutions, would rightly receive accusations of sexism and other forms of discrimination. Anne Phillips makes this point all the more explicit in her discussion of the issue:

There is a large and growing body of feminist writing exploring the damage that can be done to women in minority groups when the societies they live in adopt multiculturalism, the main contention being that multicultural politics shore up the power base of the older men within the community and encourage the public authorities to tolerate practices that undermine women’s equality. ... groups can oppress their own internal minorities -- which might be women, but also be children, homosexuals, or the poor... policies of multiculturalism will reinforce the inequalities of power.\footnote{Anne Phillips, \textit{Multiculturalism without Culture}. (Princeton University Press. 2007, Princeton NJ): 12. She cites this survey of the literature on this topic: Avigail Eisenberg and Jeff Spinner-Halev, eds., \textit{Minorities within Minorities: Equality, Rights, and Diversity} (Cambridge: Cambridge University Press, 2005).}

This reality seemed to have blindsided the more ardent multicultural advocates, but it should have surprised no one. Patriarchal societies, when reified through law, will maintain their patriarchal standards. This is true of western and non-western societies equally. But because multiculturalism fragments a society and puts certain institutions and cultural practices out of reach of the central state in some ways, one of the best means of enforcing equality -- legislation like Title IX in the United States -- is lost. Multiculturalism exacerbates the gender or sex inequality because of how it subdivides each of the patriarchal societies within a polity with discrete laws that make it all the more difficult to legally enforce discrimination laws. If members of that group’s LGBTQ+ are persecuted by a religious minority, and that religious minority is given rights separate from those of the country, this becomes its own nightmare to prosecute or even enforce the country’s legal protections.

The prior two arguments are good reasons to think that multiculturalism will not deliver on its promise of helping minority groups achieve status as free and equal people. I think for those reasons alone, we should abandon multicultural theory. However, I consider these mere instrumental failures of multiculturalism. What I am even more opposed to are the conceptual failures of multiculturalism. Multiculturalism simply offers a untenable view of culture and its relation to normative obligations of the state, as well as misunderstanding what the importance of culture is. Remember throughout this discussion that I am specifically referring the what obligations the state has towards culture, not what individuals might feel about their culture.
**No De Re Obligation:** As Taylor, Young, and Kymlicka argued earlier, the basis for group rights is that the individuals who comprise a group all gain their their identity, and therefore sense of self, from belonging to their cultural or religious groups. However, their claim, while true, does not provide an actual basis for the preservationist ethic that they all endorse, much less the group protections they want to institute. The reason is that individuals will latch onto any culture. Culture is, as John Tomasi wryly noted, like oxygen.⁸¹ To say that the government must foster a culture because people need culture is to make a trivial claim. Culture is unavoidable and a natural byproduct of human interaction. The problem for multiculturalism is that even if the argument for culture as the basis of identity formation was perfectly sound, their argument does not prove that specific cultures, languages, etc. are themselves good, only that the languages and cultures they want to preserve happen to fulfill that role. But any specific language or culture could. Just like how oxygen from anywhere in the world will perform cellular respiration, any culture will provide the necessary framework for individuals to form their sense of self. We form our identities in relation to whatever culture we happen to grow up in. So what multicultural theorists have shown is that French Canadian Culture is a *de dicto* necessary feature of an individual’s identity. But that does not mean that the state now has an obligation to its citizens to specifically preserve French Canadian culture. In order for that to be true, French Canadian culture would have to function as a *de re* good for the people who grow up in it, i.e. that there is something specific and unique to the French language that is fulfilling a capacity that no other language or culture could fulfill for the formation of an identity of the individuals born in French Canada. That claim would be clearly false. You could take all the children born in French Canada and move them to Russia and they would form their identities around the Russian language and culture just as if they had never left French Canada. So all that

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needs to occur for the proper formation of identities is that there is a culture for someone to
grow up in. Any culture will perform that role. We do not have a \textit{de re} obligation to any such
culture and therefore have no obligation to preserve a culture for the sake of providing a cultural
framework for someone to form their sense of self within. To put this another way, for the
government to have a positive moral obligation to provide a good, as multiculturalism believes is
the case for culture, that specific thing needs to be in some sense irreplaceable.

Someone might object and say that such a definition would mean the government has no
obligation to feed people or provide shelter for those without it because “any food will do” or
“any roof will do.” This objection fails because food and roofs are not an inevitable and necessary
component of human life. There is a constant possibility that someone will not have food or
shelter. Conversely, culture exists regardless of any action people take. If ten people were
stranded on a desert island together, a set of norms and customs that provide the basis for
culture would emerge. What multiculturalism is claiming is that “this specific culture deserves to
exist via governmental intervention”, which would be the equivalent of saying that the
government has an obligation to give someone a specific roof over their head or a specific type of
food to eat, and obviously they do not.

I am not claiming that we can get rid of any culture we please because in 200 years no
one would know the difference. That would be an attempted justification for genocide, which is
an absurd result for any political philosophy. What I am questioning is the notion that people
have a positive right to the preservation of specific cultural identities. In order for them to have a
positive right to a specific culture, that culture would have to uniquely perform a function for the
formation of an identity for those individuals. There is no such culture that does accomplishes
that, and we subsequently should reject any view that implies that such a culture does exist.
The immediate reply to claiming that cultures are only *de dicto* good, while they need to be *de re* good for a positive right to apply, is that this misses the universality of the cultural preservationist impulse. Will Kymlicka makes this point when he compares foregoing one’s native culture to choosing to live on bare subsistence: “Liberals rightly assume that the desire for non subsistence resources is so normal... that people cannot reasonably be expected to go without such resources, even if a few people voluntarily choose to do so. ... we should treat access to one’s culture as something that people can be expected to want...”82 People want to preserve their own culture that they grew up in and want their children to also grow up in that tradition. This desire is so consistent and so universal that to deprive groups of that opportunity is to in some way go against a basic human desire.

There are two reasons to reject this response. The first is that Kymlicka’s analogy fails. “Subsistence” is a vague term much in the same way that “culture” is. So being guaranteed above subsistence carries no implication about what above subsistence looks like. So if we take his analogy as a one-to-one obligation, then an institutional guarantee that people have access to a culture carries no implication about what culture institutions must provide. The second reason to reject Kymlicka’s analogy is that we should be skeptical of his implicit claim that institutions are obligated to guarantee someone above the subsistence level. The reason is that if institutions must guarantee people goods above the subsistence level, then that creates a luck-egalitarian style dilemma about what goods people are entitled to above the subsistence level. I believe such a dilemma is useless for theorizing about justice, and furthermore demands too much of institutions. If institutions were obligated to guarantee more than subsistence, institutions would have deprived me of something if I do not get the exact goods I want above subsistence. I do not see how anyone could be entitled to such demands of institutions. What institutions more

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82 *Multicultural Citizenship*, 86.
plausibly have is an obligation to prevent anyone from falling under subsistence (with things like food stamps or rent assistance), as well as an obligation to provide reasonable and dignified means for individuals to get above subsistence (both indirectly, with high quality, free/subsidized education, good public transportation, etc. and more directly like assistance professionalizing job applications). Non-able-bodied people, i.e. those who are incapable of staying above the subsistence line without further institutional assistance, are an exception to this general claim. If my hypothesis for what institutions owe people sounds more plausible than the implied one Kymlicka offers, then his analogy is unsound for that reason as well.

**Deflation Argument:** Though Taylor and Young treat it as an unexamined given, Will Kymlicka acknowledges some of the strange elements of the human obsession with culture, especially their own. In particular, how it obfuscates the arbitrary nature of so many different practices we perform in daily life: how we dress, what we eat (beyond geographical determination), the language we speak, etc. None of these things carry any normative value of course -- there is nothing better about English, French, Korean, or Igbo, no normative value to western vs. traditional African or eastern clothing, and nothing better about Japanese food compared to German. However, Kymlicka, along with Taylor and Young, comes to the wrong conclusion about what this arbitrariness indicates. They think that, because of all the importance people place in their culture, that justice should then acquiesce to these desires. I believe this is deeply mistaken, and that instead this obsequiousness to culture is a critical flaw in multiculturalism.

Multiculturalism’s contention that culture is a positive right places it in a dynamic with morality that does not stand up to scrutiny. Namely, as a positive right, culture would have the ability to override some basic moral concerns when the two are in tension. When something does not have this ability, it exists merely as a negative right. For instance, having a positive
right to water seems to offer a basis for the government to take steps that might well violate property rights to access clean drinking water, or to restrict people’s liberty if people’s actions would deprive people of access to water. Such a right does not exist for culture, and the claim that it does, which again is implicit in having a positive right to something, overextends the nature of culture and what role it may play in a normative theory.

It is deeply tempting to think that there is something good about the society we grew up in, the language we speak, the food we eat, etc. Kymlicka offers a compelling list of potential reasons, beginning with his striking turn of phrase, “familiarity with a culture determines the boundaries of the imaginable.” As Kymlicka notes though, this would only generate a negative right to culture. As for why specific cultures must be preserved, he cites several other arguments, starting with Yael Tamir’s in *Liberal Nationalism*, “When they [citizens] are able to identify their culture in the political framework, when the political institutions reflect familiar traditions, historical interpretations, and norms of behaviour, individuals come to perceive themselves as the creators, at least the carriers, or a valuable set of beliefs.” Benedict Anderson offers another compelling explanation in his outstanding book, *Imagined Communities*:

> The century of enlightenment, of rationalist secularism, brought with it its own modern darkness. With the ebbing of religious belief, the suffering which belief in part composed did not disappear. ... What then was required was a secular transformation of fatality into continuity, contingency into meaning. ... If nation-states are widely conceded to be ‘new’ and ‘historical,’ the nations to which they give political expression always loom out of an immemorial past, and, still more important, glide into a limitless culture. It is the magic of nationalism to turn chance into destiny.

Anderson’s point here is that the continuity of culture and nation is a form of amelioration of the world’s suffering, as people know that even if their own lives are ephemeral and meaningless, they can act with meaning and purpose through living on in the

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83 *Multicultural Citizenship*, 89.
84 *Liberal Nationalism*, 72
continuation of a tradition that one has wrapped their sense of self into. This view is at least in part corroborated by recent psychological work by Jonathan Haidt. His analysis of the psychological foundations for morality and politics reveals that we are evolved to have a faculty that treats tradition as normatively good.\(^{86}\) Not just that, as ultrasocial creatures, we have a psychological drive to “defend a shared nest”.\(^{87}\) And as different groups fought for limited resources, especially in pre-agrarian and pre-industrial times, a sense of connectedness through shared cultural norms was necessary to create the social cohesion needed to fight rival groups.

The groups that figured out (or stumbled upon) cultural innovations that helped them cooperate and cohere in groups larger than the family tended to win those competitions. Among the most important such innovations is the human love of using symbolic markers to show our group memberships. ... groups that built on it [shared cultural signifiers] and invented more permanent markers found a way to forge a sense of “we” that extended beyond kinship.\(^{88}\)

Thus the tribalism that multiculturalism is a modern and far more benign manifestation of seems to be a deeply ingrained intuition in our social psychology. I expound on all of these interrelated theories on the value of culture and tradition to convey that I am more sympathetic to all of the overlapping desires multicultural theorists have for wishing to preserve culture than I have suggested. I also hope it shows that as I criticize multiculturalism, that I am not endorsing an “atomistic” theory of justice. But we cannot ignore that none of these explanations of the value of culture generate any basis for a normative theory of justice to make culture a positive right. For instance, Benedict Anderson also believes nationalism contains three innate paradoxes, and notes its, “philosophical poverty and even incoherence,”\(^{89}\) and Haidt explicitly states that, “My definition of morality was designed to be a descriptive definition; it cannot stand alone as a normative definition.”\(^{90}\) The point being that despite the appeal of the intuition

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\(^{86}\) The Righteous Mind, 149
\(^{87}\) Ibid, 202.
\(^{88}\) Ibid, 210.
\(^{89}\) Imagined Communities, 5.
\(^{90}\) The Righteous Mind, 271.
that leads us to thinking culture has the same status as a normative theory of ethics, we must reject this intuition when crafting a theory of justice. Cultural traditions can only ever tell us what has been. They are in essence anthropological and sociological. They can never tell us about the questions that political philosophy wants to know: what institutions should do, what society should look like. Treating cultural traditions and cultural affinity as belonging on the same level of influence over institutional design as normative theory just misunderstands the relationship between normativity and the present. Cultural traditions are nothing more than the patterns of social actions have done in the past, and they will never tell us what those social patterns should look like in the future. There is no more obvious and straightforward gap between is and ought than ‘cultural tradition’ and ‘justice’. There is nothing morally good about arbitrary features of the world like culture and tradition outside of what it does for people going forward. There is nothing good about the fact I happened to grow up in the United States beyond the morally good things that the United States might have instilled in me for the future -- plenty of other societies could have taught me that no person is inherently more worthy of respect or concern in public policy. Cultures are completely neutral beyond their capacity to achieve a just society, otherwise there is no better or worse culture from the normative standpoint, which is the one that matters for questions of politics.

I thus far have refrained from explicitly stating what “ethics” we should concern ourselves with and and which receive such vaunted status in our institutions. I will now answer that question. The two things that any just society will predicate itself upon are a Millian harm principle (I am leaving the enormous question of what actions specifically count as a “harm” open somewhat -- a harm is generally something that deprives someone of their status as a free and equal person in some way), and a respect for the choices people make when refraining from violating the harm principle, i.e. a roughly Kantian respect for autonomy.
These two innovations in western ethics, when followed without the racist norms of Kant and Mill’s days, have provided the normative bedrock for the freest societies we have yet known. Western nations have generally led the charge on the fronts of gender, sexual, and racial equality, and the best explanation for why that has been comes from the west’s adoption of those two principles. It is easy to see how these two principles translate to liberating previously oppressed minority groups, as neither women nor members of the LGBTQ+ community harm anyone, quite the opposite, and therefore those groups deserve the same status, freedom, and respect as dominant groups. The west’s general harm principle and devotion to Kantian autonomy have been the bedrocks for liberating minority groups, and multiculturalism seeks to undermine that bedrock by placing cultural membership on the same level of priority. Rejecting that culture is a positive right, and therefore at the same level of importance as the harm principle and Kantian autonomy, does not mean culture is worthless, but it does prevent multiculturalism from getting its theory off the ground.

It is important to note that adopting these two principles does not require adopting Utilitarianism or Deontology, nor even the ethos of capitalist liberal democracies -- though liberal democracies have often been the best exercisers of those principles. Rather, my claim is that any left-of-center movement that wants to challenge the hierarchies that cultural norms erect is going to appeal to at least one of these two principles. Without them as the cornerstone of a movement, it is unclear on what moral basis they would challenge the tradition on and believe they have the moral high ground. Every liberation movement must reject the dominant norms of its time, and so if cultural preservation and tradition are given the weight multicultural theorists want them to have, then the justification for those movements is on far more precarious theoretical grounding than if culture and tradition are not normative goods. Factoring in cultural norms as a good runs the real risk of turning arguments for liberation ad
hoc, for the liberation movement quickly loses its ability to offer a principled basis for determining whether tradition matters over the harm principle in any given political context. Without the lexicographical priority of the harm principle and Kantian autonomy over cultural considerations, there is always the risk that people weighing those two principles will decide to favor their tradition instead of the liberation of an oppressed group.

One objection to my claim could run along these lines: Although it is true that cultures are not good in and of themselves, and that any culture could fulfill Taylor’s dialogical process, it is still a fact that French Canadian culture exists and so for members of French Canada to lose that culture would harm them because it would unmoor those people from their identities, therefore people do deserve a positive right to their culture for the harm it would do to those people who lose their culture. Even this attitude goes too far. Let us consider a culture that I would deem “inferior” because it resulted in a deeply unjust society: southern slave culture. I acknowledge that southern slave culture is an almost cartoonish example, and I do not think either Taylor or Young endorses any view defending this culture, but its lengthy existence fulfills Taylor “presumption” and also illustrates just how detached cultural norms are from moral considerations. It was not just a passing “fad” the way fascism in the early 20th century could be construed; southern slave culture animated society and survived for hundreds of years, with no sign of ending if not for northern military intervention. For any meaningful definition of a culture, it qualifies. And so, if we are to buy the argument that cultural identifiers are so important that they are good by their mere existence, then something bad is occurring if a culture is lost. Even if it is overall overwhelmingly good that southern slave culture was lost, the view of culture as a positive right entails there is something normatively bad that a culture was lost for its unmooring effect on the people who lost those shared norm, and further that this badness should have been a normative consideration if we were deciding whether or not to
oppose or reject southern slave culture. I am not referring to the liberation of enslaved blacks when I say something “bad occurred”, obviously the end of southern slave culture was wholly positive for them. What I am implying the rejoinder indicates is that for the white slave owners or other non-enslaved people in that culture, for culture to be a good worthy of the same kind of consideration ethics is worthy of, then for those white citizens, their loss of culture was bad for them because they lost something they had a positive right to. I think this is simply false. There is nothing normatively bad about southern slave culture disappearing for anyone.

I do not meant these considerations to say there is only one set of just laws, but rather that just laws are going to embody essential principles that multiculturalism cannot allow if they want to protect and preserve certain minority cultural identity. This is a tension at the foundation of Young’s theory, in which she both opposes very specific forms of societal organization through her five faces of oppression, but is also accepting of self-segregating cultural groups. One could could infer what she has in mind to resolve the ethics/culture tension in multiculturalism from her defense of ethnocultural segregation in a later book, Democracy and Inclusion:

As long as members of this group also participate on an equal basis in the process of forging democratic inclusive democratic institutions, and support measures to bring equal opportunity and economic development to historically oppressed people, and so on, a desire on the part of some of them to retain a sense of group affinity is not morally objectionable in itself.91 But the problem with this kind of defense for multiculturalism is that it conflates group self-selection, which liberalism approves of, with government sanctioned, protected, and codified group protection from outside forces, which liberals do not approve of. These two policies are wildly different in their demands and implications. In addition to the return of the concern about scripts, I do not know what she expects from self-segregating groups other than

91 Iris Marion Young, Democracy and Inclusion (Oxford UK: Oxford University Press, 2000), 216.
divergent moral codes and a sense of othering between different groups, both of which will inevitably run afoul of the five faces or the stipulations she places in that passage. Taylor is even worse about the tension between culture and ethics. He simply gives up on the idea that ethics should prioritize over culture, saying that liberalism is a distinctly western idea and therefore can’t truly recognize difference in the way needed. His pointing to the fatwa placed on Rushdie is deeply troubling. The best defense he thinks westerners can muster for not killing Rushdie is, “This reply [this is how we do things here] must be made in cases like the Rushdie controversy, where “how we do things” covers issues such as the right to life and to freedom of speech.”

Could any just society emerge out of a theocracy that kills ‘blasphemous’ writers? If the answer to that question is yes, then it is difficult to see why it isn’t also mere custom that the United States and western Europe do not burn gay people, red-haired people, left handed people, heretics, and others at the stake anymore. This might seem hyperbolic, but if it is appropriate under Taylor’s theory that an Islamic theocracy kill a man who wrote a novel “disrespecting” their religion, I cannot find any principled line to draw between that and all the abominable actions I listed above. Taylor is simply wrong here. It is not mere custom, but a humble recognition of the increasingly weak place non-falsifiable ideas such as religion should have in dictating our ethics. We recognize the enormous diversity and irreconcilability of religious doctrines, and seeing that they are all non-falsifiable, i.e. that we can’t prove any of them correct, we instead have come to predicate ethics on things we do know: the harm principle being one of the most important.

In saying that ethical concerns receive a lexicographical priority over cultural concerns, and linking those ethical judgments with a distinctly western ethics, a defender of multiculturalism could reasonably object that I am attempting to paint western societies as

morally good, while depicting non-western societies as distinctly bad. This is the critique that Susan Okin received for her essay, “Is Multiculturalism Bad for Women?” in which she highlighted the tension between respect for culture and a slide into moral relativism that harms the progress toward equal status and treatment that women in western societies have made. This objection is not unreasonable, for historically western hubris has caused a great deal of international suffering, and there are legitimate questions about the fraught relationships liberalism has had with the feminist movement during the 19th and early 20th centuries.93 Theorists like Azizah Y. Al-Hibri, Homi Bhabha, and Bhikhu Parekh have persuasively argued that the exact kind of argument I just made can create a distinctive “othering” between western norms and every other non-western group in which the successes of equality in the west are celebrated and highlighted while its innumerable failures are dismissed as deviations from an otherwise steady march toward equality. Meanwhile, the successes of non-western cultures are ignored, while their failures are highlighted and expatiated upon. Additionally, views like the one I just espoused can lead to the misconception that westerners are independent and free individuals, who are mildly influenced by their culture, while the actions of those within minority groups are imagined as causally determined by their norms. In light of these considerations, they all argue that we should be far more skeptical of liberalism’s liberating potential than Okin and I are, and that a much more democratic dialogue with minority groups is needed to truly understand their wants and needs.94

I do not think my argument succumbs to their objections for a few reasons. The first is that I am not making an unique judgment about the goodness of western culture. What I am

really extolling are the use of the harm principle and Kantian ethics as a normative bedrock for any attempt to create a society of free and equal people. My claim is that any culture, western or not, is going to have to use these two principles to liberate minority of groups of any kind. The only alternative I know of is using ad hoc principles. Moral inconsistency has rarely stopped anyone in the real world from acting, but if we want a coherent theory of justice, then we do not have such a luxury and must therefore rely on those two principles to ground any attempt at equality. Secondly, I do not exculpate western society for the atrocities it has committed across centuries, and the oppression it continues to impose, such as through interventionist foreign policy. My claim is really that when we have applied the harm principle and Kantian autonomy, western societies have achieved the freest societies we have yet known. Most of the resistance to many of social movements that the harm principles and Kantian Autonomy were the normative bedrock for, e.g. the feminist or LGBTQ+ movement, came from members of western societies who have rejected these two pillars of morality, instead arguing that homosexuality is a sin, or disgraceful to god. I am just as impatient with that distinctly western appeal to cultural norms and traditions to resist equality as I am with multiculturalism, for again, both simply misunderstand the relation between social custom and normativity. You can apply the harm principle and Kantian autonomy to any society, and while I think western individualism is particularly conducive to adopting principles of justice like them, any society could endorse them within their cultural context. They will have to if they want to deconstruct many of the patriarchal or unjust hierarchies within their own social structures.

To repeat, I am not exculpating the United States, Canada, or other European countries for their atrocities which they have committed, especially against Native Americans and blacks, and the harm they continue to exhibit against those groups as well as women and various other racial, ethnic, and sexual minorities. I emphatically believe that we have to demand better from
mainstream western society in regard to how we treat minority groups, but I expect and demand the same from any other cultural minority under the purview of a western government that adopts the harm principle and Kantian autonomy as the basis for the government’s decision making. If we want equality for women, we can’t separate minority groups out from western institutions and then only hold the western institutions to the demands of those two principles.\textsuperscript{95} It is difficult to see how multiculturalism can hold those groups accountable without subscribing to the harm principle and Kantian autonomy as well. That does not deny the central role activists within a given minority group are going to play when creating change, but argues that the codification of rights that multiculturalism favors is not going to help those activists at all. It will instead allow for dominant members of that society to maintain their power and expel dissidents from the group for demanding reforms that will likely lead that group down into the realm of adopting the harm principle and Kantian autonomy. We should establish laws and institutions that demand every citizen of a country follow them from the beginning.

I have proposed the harm principle and the good of autonomy as the two pillars of my entire proposal. Aside from Kymlicka, multiculturalism has been silent on how to adjudicate the tension the harm principle and Kantian autonomy create with cultural traditions. For Young, her domination/oppression paradigm should provide the theoretical grounding, but she makes no effort to unpack the inherent tensions that multiculturalism will create between letting groups who would seek to enforce various forms of oppression and her rightful conviction that oppression is a universal wrong.\textsuperscript{96} But the second we take the removal of oppressions as a universal moral quality, then the entire impetus for group differentiated right dissolves, it just

\textsuperscript{95} One might reasonably fear that this would lead to a bellicose foreign policy. I do not believe so. Only western polities apply because I strictly denounce a foreign interventionist policy; liberal institutions, even if they are more just, only work if the people want them. And more fundamentally, countries have no right to undermine the sovereignty of other nations.

\textsuperscript{96} She seems to indicate this in the epilogue of Justice and the Politics of Difference, see page 258.
becomes a rather sophisticated form of liberal egalitarian theory where we tolerate groups only insofar as they do not oppress others. In the fourth section, this is precisely what I will argue we should do with her five faces, but Young has no obvious route out of this conundrum like I do because she wants cultural affinity to matter just as much as “bourgeois” liberal rights. Under her theory, and any that espouses culture as a positive right, groups receive their multicultural protections irrespective of whether the group has just beliefs, like equal respect for women and LGBTQ+. This is a fundamental, inherent flaw in multiculturalism as a theory, and we must reject it because of this.
Section 4: Substantial Liberal Solutions

Thus far, I have solely focused on criticisms of multiculturalism and what I believe to be its untenable but intrinsic flaws. However, I have not offered any reason to think substantial liberalism can provide meaningful solutions to the problems that multiculturalism was developed to address. Detailing the ways liberalism can will comprise the remainder of this thesis. Before I begin, I want to clarify that I do not think that substantial liberalism perfectly solves the issues multiculturalism seeks to. What I am instead arguing is that substantial liberalism can address the concerns of multiculturalism well enough that, given all the flaws I demonstrated multiculturalism to have, we should adopt substantial liberalism instead of multiculturalism.

To begin offering a meaningful alternative proposal, the liberal egalitarian movement needs to do two things: abandon the distributive paradigm as the only basis for justice, and, at least for non-distributive questions, abandon ideal theory. My rejection of the distributive paradigm are for the same reasons that Young provides, which I detailed in her exegesis. The essence of her critique is that there are simply some issues that seem to pertain to justice -- particularly culture issues such as a sense of respect each person feels for fellow citizens -- that are unquantifiable and therefore unable to be “distributed” in any meaningful sense. It is unclear what distributive justice can tell us about how to solve the proclivity of the police to racially profile blacks or end hate crimes against Muslim Americans. Justice must also account for how cultural norms prevent people from becoming free and equal citizens. The moment we take an interest in fighting the ways cultural norms play a role in continuing oppression, we think justice accounts for issues outside the distribution of things and therefore have left the distributive paradigm.
The second reason, rejecting ideal theory, is just as important. Rawls, for instance, avoids the problems that multiculturalism seeks to engage in -- how institutions should treat minority groups, how to rectify past injustices, how to deal with social and cultural biases against minority groups -- through his use of ideal theory. Rawls assumes a relatively homogenous state in *A Theory of Justice* in which there were no racially motivated injustices, but that is of no use for us because the United States, and increasingly Europe, is not homogenous, and such injustices did occur. Anyone who wants to contribute productive philosophical theory about how to best remedy previous injustices must grapple with these fundamentally nonideal problem. Charles W. Mills offers the most stark expression of the problem with using ideal theory to wrestle with the questions multiculturalism raises. Mills argues that ideal theory makes Rawls' work useless when thinking about major issues in racial justice:

So the ideal Rawlsian Society will not be a racist one, and its “basic structure” will not have been founded on racial exclusion... in this framework then, there is no need for affirmative action, reparations, or other measures of corrective racial justice because no racial group will have been discriminated against in the first place. But this will obviously be of scant comfort and little guidance to those members of groups who in the actual, non-ideal world have been discriminated against. ... Prescriptions for remedial justice in a racist social order are not the same as prescriptions for ideal justice in a non-racist social order, nor can they be straightforwardly extracted from them by, say, the invocation of “justice as fairness” since the very question at issue, obviously, is exactly what fairness demands of us in this situation.97

Note though, that Mills does not say that theorists should abandon liberalism or the Rawlsian theory writ large. Rather the solution he offers is simply a revision of Rawls’ hypothetical contract to derive principles between individuals who do not know their race but who do know they could have been disadvantaged by it in the society they are devising their principles of justice for.98 He likes the Rawlsian idea that we should strive for a society based upon Kantian

98 Ibid, 118-132.
respect for persons and thereby create a society of free and equal persons. His objection is that racially disadvantaged groups continue to lose out on their fair share of social and distributive goods which a fair hypothetical contract would arrive at because of “discriminatory practices wrong by mainstream standards, and their cumulative outcome over decades.” So just stipulating the problem of racial and cultural injustice away because it runs contrary to the principles a hypothetical contract would ideally create only obfuscates a major social problem and renders that theory useless for solving it. I agree entirely with Mills here. Rawls’ idealized methodology in A Theory of Justice is insufficient for questions of rectification and cultural identity, but that doesn’t mean that the end goals of the text are not still worth aspiring for. How we can use nonideal means to arrive at the powerful vision of society that Rawls offers as ideal is what I hope to provide for the rest of this section.

So with those two problems in mind, the basis for my proposed solution comes from Elizabeth Anderson’s paper “What is the Point of Equality?”. The paper introduced her theory of “relational equality”, which steps outside the distributive paradigm to argue that equality should be measured, not by how goods are divided, but by how equal social relationships between individuals are. Thus, liberal egalitarians who adopt a relational view of equality, as I do, believe the following:

[relational equality] repudiates distinctions of moral worth based on birth or social identity -- on family membership, inherited social status, race, ethnicity, gender, or genes. There are no natural slaves, plebeians, or aristocrats.... all competent adults are equally moral agents: everyone equally has the power to develop and exercise moral responsibility, to cooperate with others according to principles of justice, to shape and fulfill a conception of their good.  

What separates relational equality from any form of libertarianism is the belief that the state has an obligation to involve itself in the process of creating these equal persons, mainly through

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99 Ibid, 129.
100 Elizabeth Anderson, “What is the Point of Equality?” Ethics 109, no. 3. 1999: 312.
redistribution of income and improving, upholding, and enforcing anti-discrimination law. There are some modern libertarians would would not oppose many of the positions of relational equality, and I highly encourage them to pursue as much of the picture I present here as possible. In her paper, Anderson explicitly invokes Young’s five faces of oppression as the standard by which we can evaluate whether a society is living up to the standard of relational equality. I agree. It might sound strange that I am adopting the five faces of oppression for a liberal framework of rights, but I actually think this is quite natural. Eliminating the five faces achieves a society of free and equal persons. Each of the five faces is a restriction on the liberty of the affected individuals in a polity. The best way to secure a social arrangement that mirrors Rawls’ liberty principle in a nonideal world where racial discrimination defines our social institutions and continues to influence society is to target the structural bases for those ideas, and the five faces of oppression is thus far the best metric for evaluating those institutions. As Anderson puts it, “equality is a cultural norm, not only a legal status.” The result of doing this, when comparing the ideal theory in A Theory of Justice to nonideal theory in Justice and the Politics of Difference, will look very similar. There will be minor differences however. The biggest difference comes in that a substantial liberal theory rejects Young’s multicultural impulses. This is because of a critical schism between how substantial liberalism and Young see the nature of “difference”. She sees “difference” as a normative good worth fostering. Relational equality views difference as neither good nor bad, but that because minority groups are adversely affected for those normatively irrelevant qualities, that institutions must take steps to eliminate the unjust disadvantages that harm them. Young seeks a “community of

101 I’m thinking here of many Arizona style neoclassical libertarians who oppose many of the social oppressions present in the relational stance, and maybe even favor some redistributive policies, while still maintaining skepticism about public/nationalized features of the economy (like public transportation or public schools). I don’t think much of the proposal I offer here is antithetical to many of their beliefs.
102 “What is the Point of Equality?”, 312.
communities”, while liberalism aspires for a series of social relations between individuals who voluntarily work together in pursuit of a more just society. What the difference means concretely is that any collective movement is strictly pragmatic, and that oppressed members of the society must integrate into the majority society.

What Anderson achieves in “What is the Point of Equality?” is the realization of a theory that respects the dignity and rights of minority groups without acquiescing to multicultural demands that threaten the value placed on the individual autonomy and liberty which makes a society of free and equal persons possible. If we are serious about eradicating the forms of oppression that the five faces highlight, then we must believe ethical norms supersede cultural norms. We simply cannot tolerate groups who seek to create unjust hierarchies, much less arrange codified group differences that allow them to forgo the individual rights and protections that western societies have fought for, and which are so overwhelmingly beneficial to realizing racial and sexual equality.

Despite using the five faces of oppression as the basis for justice, relational equality is firmly a liberal theory of justice. The state is not imprisoning or fining people for making comments even if those comments do hamper relational equality, nor does a just society dictate how someone must vote. But while it respects individual’s rights to make those decisions, it relentlessly pursues institutional changes that do affirm the equality of all the members of a polity, and is perfectly willing to prosecute any acts of violence that are inflicted upon vulnerable groups. The state cannot allow any group to abnegate their responsibility in creating a society of free and equal persons through multicultural protections of intragroup injustices, but neither does it ignore the vulnerability of minority groups. If a group is imposing or tolerating one of the five faces of oppression, then they may not hide behind religious conviction or cultural ignorance (unless they could somehow prove there was a legitimate ought-implies-can
restriction on their knowledge). Those groups are violating the ability for individuals to live free of oppression, and that fundamentally violates the status of people as free and equal. One of the more distinctive ways relational equality embodies the liberal tradition is the belief that central to eliminating the five faces of oppression is ending the suppression of an individual’s ability to pursue the ends or identity that they choose. Relational equality rejects any notion that there is some way to “be” a member of any group, and so it takes the issue of groups repressing individuality seriously. This is one of the primary ways it differs from Young’s theory -- she lacks this dimension of individual freedom from groups -- and it is because of this that she sees no problem with multicultural policies. Relational equality sees multiculturalism, and the scripts it produces, as another manifestation of oppression.

What emerges from relational equality for our purposes is two proposals: integrationism and pragmatic collective solidarity. To Young and other multicultural theorists, the idea that justice demands minority groups integrate into a larger society to become free and equal citizens might sound paradoxical, but I argue it is not so long as it is understood that relational equality demands more than just respect for individual rights from each member of the polity. I believe I can assuage this concern by fleshing out what integration entails and the steps it takes to respect the cultural and ethnic identities that individuals within those groups value.

Integration is the liberal egalitarian explanation for how minority groups can become part of a society of free and equal persons without sacrificing individual integrity and dignity. My main inspiration for what integrationism demands derives from Anderson’s book *The Imperative of Integration*, which analyzes the way she believes black members of society can best achieve relational equality. There are several substantive differences between integration and assimilation. The largest difference is a cultural one,

Unlike the ideal of assimilation, integration does not view the disadvantaged communities as the only ones that need to change. Integration aims to transform the habits of the dominant groups. It is a tool for breaking down stigmatization, stereotypes,
and discrimination. Most important, it aims at constructing a superordinate group identity through which its members regard one another as equals, pool the local knowledge that they have acquired in more parochial settings to solve shared problems, and hold one another to account.\textsuperscript{104}

Note how integration fits into all the different themes that liberal egalitarians aspire for: Autonomy for the individual is preserved and achieved it seeks to create a society in which people are able to pursue their aims and goals without prejudice so long as they respect that same right for everyone else; the individuality of each person in an integrationist model is respected and maintained, for one’s identity is never dependent upon adherence to an essentializing set of laws that determine which group someone fits into; and lastly it elevates equal social relations between individuals to be the most fundamental priority of institutional design. In other words, it preserves justice as the first virtue of social institutions.

And yet, integration is still a meaningful platform for liberals to adopt to tackle discrimination. It requires challenging and question the norms that members of the dominant group take for granted, acknowledging the way that implicit bias plays such an extensive role in our society,\textsuperscript{105} and furthermore accepting and appreciating the ways in which minority groups’ cultures improve and enhance our societies. Integration is a cultural shift in addition to a platform of institutional changes. These cultural changes are just as necessary as institutional reforms because, as Anderson puts it, “Even when people observe antidiscrimination laws, and so avoid ‘discrimination by contract,’ they may still practice ‘discrimination by contact,’ which often involves shunning of marginalized groups by avoiding neighborly, collegial, or friendly relationships with them.”\textsuperscript{106} Thus, integration requires that we

\textsuperscript{104} The Imperative of Integration, 115-6
\textsuperscript{105} For two powerful discussions of the ways biases and intuitions control our thinking, see the first section of Jonathan Haidt’s The Righteous Mind, and Daniel Kahneman’s entire book Thinking Fast and Slow. Both explore how the conscious thoughts we have are dependent upon many unconscious and intuition based judgments that we often are not even aware of.
\textsuperscript{106} The Imperative of Integration, 116.
work towards diminishing bias within a society. Anderson offers remedies for this challenge in section 6.3-4. She also offers a model of affirmative action in chapter seven predicated upon Dworkin’s instrumentalist defense of the practice.\textsuperscript{107} These measures are necessary, though at times undesirable, because they create two of the most important elements of true integration: the destigmatization of minority groups, and the capacity to cooperate despite differences. In other words, integration is key to teaching people how to work together despite substantive differences in cultural background and conceptions of the good that would otherwise cause great social strain. Measures like affirmative action are steps both to redress inequalities that violate reasonable principles of justice and to provide members of deprived groups opportunities, even if through government intervention, which will produce better and more just social outcomes in the long term. Those who accuse affirmative action of violating the liberal individuality of an applicant ignore the enormous value a diversity of views offers for any institution in the same way any other innate and undeserved attribute, like intelligence, provides.

I now turn to the second component of relational equality: pragmatic collective solidarity. My primary inspiration for the idea comes from Tommie Shelby’s work \textit{We Who Are Dark}, and his exploration of how members of the black community can best become a politically efficacious group for black needs without falling victim to the threat of scripts. Shelby rejects the essentializing model of “classical black nationalism” that was the basis for the Black Power Movement in the late 1960s and has dominated public conceptions of black solidarity since its inception.

In place of classical black nationalism, Shelby offers pragmatic solidarity as a modified conception of political solidarity. Pragmatic solidarity is the liberal explanation for how society attempts to address the five faces of oppression, which are difficult to address at a purely

\textsuperscript{107} For Dworkin’s defense see, “Reverse Discrimination” in \textit{Taking Rights Seriously}, 223-240.
individualistic level because of each face’s largely social nature, while still respecting individual autonomy and rights. Ideally, the government would take an active role in understanding and helping minority groups end their oppression, but more realistically, government action will come through activism. So the question is then how should groups organize themselves to advance their needs in government. In attempting to answer this, we are then faced with two choices, exemplified by classical and pragmatic nationalism. So although Shelby uses these terms to specifically discuss types of black solidarity, these concepts can fairly easily apply to the social movements of other oppressed racial or cultural minorities. Shelby describes the two forms of solidarity thusly:

According to classical nationalism, black solidarity and voluntary separation under conditions of equality and self-determination is a worthwhile end in itself. On this account, blacks should unite and work together because they are a people with their own distinctive ethnoracial identity; and as a cohesive national group, blacks have interests that are best pursued by their seeking group autonomy within some relatively independent institutional framework. However, according to pragmatic nationalism, blacks should unite and work together because they suffer a common oppression; and given the current political climate they can make progress in overcoming or ameliorating their shared condition only if they embrace black solidarity. Here, black unity is merely a contingent strategy for creating greater freedom and equality for blacks.108

Classical nationalism is based upon an “ethnocultural” conception of solidarity, which argues that members of the black community have an obligation to “embrace and preserve their distinctive ethnic or cultural identity.”109 But if members of the black community adhere to this ethnocultural view, then we have returned right back to scripts, for note how that classical nationalism is predicated upon the idea that there is some quality about blacks that makes their separation from society both possible and worthwhile. If belonging to the black community is to belong to a specific cultural identity that is beyond one’s choice, then that means there are modes of “authentic” blackness that members of the community must adhere to or else they are

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109 Ibid, 217.
in some sense betraying their community. Any view that results in someone’s preferences becoming a type of betrayal is deeply disrespectful to the individuals whose preferences deviate from the cultural norms.

The pragmatic solidarity model has several advantages over the classical nationalist attitude that supports a multicultural theory. The first is that this form of social solidarity is entirely volitional, i.e. while it is undoubtedly prudent for oppressed groups to join together, if they do not wish to do so, then they do not have to. An individual’s physiological features are only as explicitly politicized by the oppressed person as one wishes them to be. In many cases, society’s implicit politicization will understandably compel people to seek demands of justice, but members of an oppressed class should not be forced into that position if they for whatever reason deem this undesirable or unnecessary. This volitional component avoids both any concerns about the division problem I referenced in section 3 -- for the groups are only as divided as they choose to be -- and any worry about creating scripts. The only basis for pragmatic solidarity is the majority society’s denial of full rights for minority groups, which they as citizens are legitimately entitled to. This means that solidarity is predicated on a guaranteed shared experience, those who do not feel compelled to join a solidarity movement because they do not think they suffer from enough oppression to warrant such action face no requirement to join the movement. There is no claim about what form of activism is demanded of someone if they happen to belong to an oppressed group.

The third advantage pragmatic solidarity has over classical solidarity is that it better matches the latest work on the social ontology of race, notably the dominant theory of social constructionism. Aaron Griffith defines social constructionism by saying,

race is real but has a social reality rather than a biological one. Race is real for the constructionist because it is causally efficacious, it figures in social scientific inductions, inferences, predictions, and explanations, and because it normatively structures our lived experience. Race is social, on the other hand, because it is a product of human
social interaction. For the social constructionist, race is something like the social significance of morphology (skin color, hair type, eye shape, etc.) and ancestry.\textsuperscript{110}

The pragmatic model thus acknowledges that race or ethnicity or gender currently causes the individuals with those qualities to suffer from oppressions, but it also sees how arbitrary these features are, and the ways in which they confine people and their actions. Pragmatic solidarity therefore has a better account for both sides of the social constructionist coin. It acknowledges the causal efficacy of race and offers solutions that do not place white people in a superior position, but it also rejects any notion that a just society would maintain that social construction of race when it bears no relation to how members of that race want to pursue a conception of the good.

What I have just related is the way that relational equality can answer the theoretical concerns and issues surrounding multiculturalism, but there is a legitimate question as to how the principles of integrationism and pragmatic solidarity would play out across various issues Taylor, Young, and Kymlicka raise. To provide a somewhat clearer picture of what I envision, I will look at Taylor’s multicultural theory of education and then finally offer a reply to Kymlicka’s equality argument that I think will mitigate much of the power it ostensibly has against a theory of institutional benign neglect.

Taylor argued that multiculturalism demands that minority groups are deliberately educated through teaching their specific cultural achievements to realize a form of cognitive emancipation from the demeaning and oppressive images they have frequently received of themselves by the pedagogy of dominant groups. Relational equality recognizes that only ever learning about the intellectual accomplishments of a single demographic distorts the self-respect the members of a polity outside the represented demographic internalize. So relational equality is much in favor of an educational program that better incorporates the myriad

\textsuperscript{110} Aaron Griffith, “Realizing Race,” \textit{Philosophical Studies}. Published Online March 30, 2019
accomplishments of those outside the western canon. The difference between Taylor and relational equality comes in that while Taylor believes the state should customize each minority group’s educational program to achieve the liberation of each group, relational equality views a shared education as a powerful opportunity to further both a sense of commonality among citizens and a better sense of empathy between groups. When white students read Toni Morrison or ZZ Packer, they enter the perspective of those authors who in important ways have lived disparate lives from those white students. *Midnight's Children, 100 Years of Solitude,* and *Things Fall Apart* have all quickly and enthusiastically entered the literary canon, and so for students to read them is to appreciate the ways the masterpieces of literature have expanded beyond Homer, Shakespeare, Cervantes, and Joyce. This in turns helps everyone appreciate the literary, artistic, and cultural contributions of those minority groups, not just those groups themselves. Creating the opportunity for everyone to appreciate those cultural contributions is a critical step to achieving a society where each person view everyone else, regardless of race or cultural heritage, as equals. Members of the dominant group need the chance in their own education to recognize and appreciate the contributions of oppressed minorities for a true equality to emerge, and limiting education of a group’s contribution just to that group prevents the necessary step of other groups recognizing an oppressed group’s achievements.

This picture of education might seem overly romantic both in its scope and efficacy, and indeed in practice it would fall far short of the justification I provided, but all the state can ever guarantee is the creation of opportunities for students, and citizens generally, to appreciate the artistic and cultural contributions of oppressed groups. No one can force someone to empathize with someone else or appreciate the achievements of people outside their own group, but what the state can do is end an overemphasis on the western canon. Over time, this will help change the conception many people have of other groups through helping overcome the “see it to
believe it” hurdle, i.e. that it is more difficult for someone to believe a black woman can be a
great artist until that person sees a great black, female artist.

The generalizable principle from this example is that we need to think about how to help
both dominant groups and minority groups move to a situation of relational equality. Relational
equality has no disagreement with helping oppressed groups escape a marginalizing view of
themselves, but just as critical to the success of relational equality is that dominant groups shift
their attitudes toward oppressed groups. This latter challenge will come primarily through
creating shared avenues of experience, of which education is one major way. Multiculturalism
fails to acknowledge how those shared spaces and experiences are necessary for equality within
a society, and instead myopically seeks only to help minority groups shake oppressed views of
themselves. This is a valuable and essential step, but will never complete the task of creating a
society of equals.

I now return to Kymlicka’s equality argument. I acknowledge that Kymlicka is correct
that denying group difference in the way benign neglect and substantial liberalism endorse will
disadvantage minority groups in some circumstances. So while limited in scope, the equality
argument believes that it has advocated for multicultural rights on liberalism’s own terms, and if
there are some multicultural rights possible under liberal individualism and desire for fairness,
then we should adopt Kymlicka’s multicultural policies instead of substantial liberalism. It is this
last apodosis that I am rejecting, because while this is a bullet that substantial liberalism must
partially bite, substantial liberalism is not nearly as incompetent at accommodating difference as
Kymlicka suggests, and also has none of the disadvantages I discussed in section 3.

Take, for instance, his example of a courthouse not being able to be neutral among
languages. I take his point -- native english speakers do have a built in advantage. The
problem is that I am not sure what he realistically offers as an alternative. What would it mean in this context for there to be equality in the courts? Should we have courthouses speaking different languages within the United States? If so, how would we ever determine which languages are ubiquitous enough in a region or district to deserve their own courthouse? These kinds of questions plague the public policy component of Kymlicka’s argument. Far more plausible than multicultural rights in this case would be the belief that someone who cannot speak whatever language is used in the courthouse -- and it should be the dominant group’s for simplicity and efficiency -- should be guaranteed a translator. That does not violate the benign neglect model, because you have a positive right to a fair trial, and that involves knowing what is occurring in your own trial. Providing a translator fulfills the requirements of relational equality as well, for it respects the fact that the defendant cannot just learn the majority language. So the defendant is provided all the resources by the state needed to receive a fair trial under the benign neglect model. It is unclear what multiculturalism could demand further, unless the implication for the equality argument is truly that the state has an obligation to undergo the massive enterprise of constructing a large number of new courthouses, hire a large number of judges able to speak the relevant foreign languages, and somehow fit this into the federal and state court structure. Even ignoring the issues of what would happen in the appeal circuits, this idea is absurd.

Kymlicka’s argument overstates what benign neglect entails the government cannot do, for positive universal rights will overlap with many of the issues that multiculturalism wants to create particularist rights for. Benign neglect does not entail that the state takes no interest in guaranteeing its citizens rights universal rights through a varied context of what it might take to achieve those rights. Having a positive right to something entails that the government take steps
to guarantee that those rights are accessible to its citizens. In saying that there are positive universal rights, relational equality acknowledges the way minority groups are disadvantaged in various institutional contexts, and therefore believes that steps must be made to integrate those minority groups into those institutional and legal structures for them to receive their universal rights.

In my rejection of group rights, there is one exception I think must be recognized, and it is for Native American Tribes. It is only because of egregious injustices that the tribes today are stuck on reservations and at the mercy of American law. Furthermore, these tribes are still discrete groups. That is, they are easily identifiable groups who grant tribal status in the same way that the United States or Canada may grant citizenship. When both these facts are combined, there is a moral impetus for the United States or Canada to respect and maintain these tribes’ sovereignty, both because it never should have been restricted in the first place, and because we can still clearly identify the members of those tribes (avoiding the Division Problem). They thus share the same status that sovereign foreign nations do in relation to liberal countries, *i.e.* they stand outside the bounds of a liberal government’s right to enforce policies of relational equality. Other groups Kymlicka identifies as non-anglophone nations within America and Canada, such as French Canada and Puerto Rico, have no such rights. French Canada was itself a colonizing force and therefore has no right claim that they shouldn’t have been conquered, imposed upon, or confined to reservations the way the Native Americans do. I would argue Puerto Rico, because of its clear preference to become a state in the United States,\(^{111}\) is not due the reparations the way Native American tribes. They clearly want to belong to institutions which at least nominally support liberal rights and therefore are forfeiting any claim to maintain

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external protections. To become a state in the United States is to be incorporated into its larger federal structure and the principles lying beneath it.

What happens if dominant groups refuse the terms of “relational equality”? This is perhaps the most vexing question facing both modern center-left organizations and theories of justice that both engage in non-ideal theory and dare assume any good intentions from people. The corruption of power -- even in the cases of gender, sexual, and racial privileges enjoyed by dominant groups in western societies -- are things that have proven difficult to dispel. I do remain guardedly optimistic in the sense that the United States, despite the regressions it is currently undergoing, has largely moved forward in the past sixty years. I have no solution for how to quickly convince people that they must give up the social powers and privileges they have, but I will say that any solution must appeal to commonality. The battle for achieving a society of free and equal people in the United States is especially uphill because of the tensions that result from our flawed human preferences for people who look and sound like us.112 The cost of a racial and culturally pluralist society is, therefore, the need for unity in other areas of society. The idea that we can achieve social equality by only emphasizing difference is only ever going to exacerbate social divisions, and barring deeply undemocratic shifts in power, only further entrench the powers of the dominant group, which at least for now constitutes the numerical majority of people. My point is not that we should ignore differences and the ways those difference result in injustices -- that is the fundamental problem with how liberalism has functioned -- but rather that the only chance oppressed groups have of convincing dominant groups to give up their privileges and accept terms of equality is by appealing to common features or traits. Multiculturalism ignores this reality; relational equality does not.

112 The Righteous Mind, 210; as well as footnote 69 on page 359 for further sources.
**Conclusion:** What I hoped to have achieved in this mere overview of the major multicultural literature is threefold. First, establish that even the softest and most lenient forms of multiculturalism will inexorably impose an unacceptable cost on individuals trying to live their lives. Second, that the ways people lead they lives within cultural groups requires a kind of respect that codifying and thereby reifying group identity does not allow for. And third, that substantial liberalism captures the proper conception of the relation between normativity and culture, *i.e.* that the normative demands justice places on individuals receives a lexicographical priority over our cultural sentiments. This is not to deny the critical importance of culture in forming our identity, but that we must also respect the ways in which culture is conceptually separate from questions of justice, even if our culture confines our “boundaries of the imaginable”.

Despite primarily focusing my criticisms on multiculturalism, I also hope to have conveyed the many ways that substantial liberalism must improve its own concern for non-distributive social inequalities. The first major prescription is to abandon ideal theory for such concerns. I do think ideal theory can help answer some questions, but Young and Anderson have put to rest any conceit that the questions of justice end there. The second prescription is that liberalism must move beyond the distributive paradigm. Questions about the nature of identity and culture are outside the confines of distributive justice, and so if liberalism continues to pursue only distributive questions, it will continue to appear unable to answer important questions about the relationship between justice and identity. Liberalism’s “contextual individual” represents an incredible synthesis of debates about our capacity to choose, and the grounding that cultural norms provide for that capacity. This cautious individualism is liberalism’s greatest strength, for belief in individual rights, the good of autonomy, and respecting a Millian style harm principle, when combined with a relational theory of justice, is
the best way to answer the challenges multiculturalism poses to liberalism while setting definitive bounds on tolerable actions. The integrationist ethic I explored in the fourth section explores how individualism can integrate minority groups into the polity while respecting many of the cultural qualities they deserve to have respected. Integration, as opposed to assimilation, recognizes the failures and flaws in the dominant culture, and seeks to change oppressive biases and norms. If we want a society of free and equal persons, then we must acknowledge that western society has disadvantaged minority groups, even in the present day. Our society has consistently failed to live up to the ideals that we have proclaimed are the foundation of our institutions, and we therefore have a strong and exigent obligation to eliminate the failures that our institutions and cultural norms have created. Our institutions continue to cause minority groups enormous harm through the stigmatization and alienation our society creates, and it is something we must redress in order to realize the promise of a just society based upon the robust moral foundation of the harm principle and Kantian autonomy.
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