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CHANDRAN KUKATHAS

CONTEXTUALISM RECONSIDERED: SOME SKEPTICAL
REFLECTIONS

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ABSTRACT. A number of theorists have touted the merits of the contextual approach to political theory, arguing that a close examination of real-world cases is more likely to yield both theoretical insight and practical solutions to pressing problems. This is particularly evident, it is argued, in the field of multiculturalism in political theory. The present paper offers some skeptical reflections on this view, arguing the merits of a view of political theory which sees the contextual approach as less distinctive than its proponents imagine, and less useful than many would suggest. It maintains that there are serious limits to what political theorists can achieve, even if political theory is not without its uses if we value social criticism.

KEY WORDS: abstraction, contextualism, headscarves, Joseph Carens, multiculturalism, political theory

Is there such a thing as a contextual approach to political theory? Joseph Carens for one thinks there is, for he devotes his paper to outlining its virtues (as well as its deficiencies), and to arguing that its worth has been underappreciated. And indeed, the very presence of this volume suggests that contextualism in political theory is alive and well—or at least in tolerable health—since it is certainly being practiced, even if some do harbor doubts about its promise when it comes to resolving pressing issues in public debate. Nonetheless, I would like to offer some skeptical reflections about the practice, and for that matter, about the very idea, of contextualism in political theory.

Over the past 30 years, as political theorists have begun to engage more and more with issues of public policy, there has emerged a growing sense that political theory might do better if it came down from the hilltops to gain a better appreciation of how life goes in particular communities, as they confront questions not in the abstract but in the concrete. Certainly, political theorists dealing with questions of multiculturalism seem to have taken this lesson very much to heart as they have focused ever more sharply on concrete particulars (from problems of headscarves to questions of schooling for religious minorities) rather than abstract principle. Much of the political theory of multiculturalism seems to be of the contextual variety.

Nonetheless, I wish to suggest, contrary to this partly-received wisdom, that the contextual approach is not a particularly distinctive approach in

political theory; that to the extent that it is distinctive it is not particularly theoretical; and that to the extent that it is theoretical it is not particularly useful. To assert all of this, of course, may be to overstate my case. But since that is precisely what theorists are supposed to do, in my view, this is completely in keeping with the point I wish to make.

Let me say at the outset, however, first, that some of my best friends are contextualists; and second, that none of what follows is intended to disparage their contributions either to public debate or to our understanding of the human condition more generally. My interest is not so much in saying something about what we should be doing (or how we should be doing it) as in saying something about what I think we are doing when we do political theory. I will do this by commenting on the contributions to political theory offered in this volume, though I begin with some more general reflections about the nature of political theory.

1. WHAT DO POLITICAL THEORISTS DO?

Political theorists try to describe the political world, or aspects of it; or, to the extent that they are normative theorists, try to describe what it should look like if it conformed fully to particular values, such as a conception of individual liberty, or a conception of community, or a view of human rights, or a vision of justice. Sometimes they also assert that the world will inevitably see the development of a particular kind of society, in which certain values will become manifest, and there is no shortage of theories of this type. Tocqueville, Hegel and Marx developed influential theories of this kind in the nineteenth century, while Francis Fukuyama has developed an interesting variant in the twentieth. But whether they offer historical accounts or attend to normative questions about what kind of regime or institutions or laws are desirable in a good political society, theorists distance themselves from what is actual. They view society from a distance. Sometimes that distance is temporal, as they imagine some predicted future state, or see in the present the development of ideas whose significance is under-appreciated. On other occasions, the distance is philosophical and imaginative as they envision a world in which one of the most striking things about the human world has vanished: inconsistency.

What is the use of such an enterprise? Are political theorists at all useful? It is tempting to be candid and admit at once that the answers to these questions are: “none” and “no”. But these answers would be misleading to the extent that they suggest that political theory is without point; and it is not. Its point is precisely to bring us to a better understanding of those values or ideals we often claim to cherish, or to which we appeal, or whose claims we wish to assert in one context or another. Its point is to help us

see better what the defense or assertion of particular values entails for our various concerns—and indeed for the concerns of others. It helps us see some ideas—and ideals—in relation to others. Political theory does this because it is a theoretical enterprise, not because it is a practical one. In fact, it is not a very practical enterprise at all. It may be useful in helping us understand some things better; but except in the most indirect way, it cannot be of any practical use in helping us decide how we should live.

The reason I say this is not because I wish to make a point about the fact/value distinction, to suggest that about values no rational discussion is possible. That is not my point. My point is rather that, in the actual world—the political world—how we live is not only shaped by a single theory, but also cannot be given concrete expression by a single theory. The reason, I think, is not so much that all values are not perfectly compatible, as Isaiah Berlin saw—though this seems true enough—than that we are a variable and inconstant species who not only want different things, but also change their minds. All too often we want, both individually and collectively, different things that are mutually incompatible or unachievable. As life has to go on, decisions are nonetheless taken about what is to be sought or attempted or implemented. We are, unquestionably, a practical species. Although theoretical reflection may sometimes precede practical action, it is seldom more than just another input in the process that leads to decision. Power, vanity, whimsy, inertia, and a shortage of time will also have their influence. Reason has its part to play; but even to claim that it is *primus inter pares* may be to claim too much for it.

In this way of viewing matters, the most that the theorist can do is help us assess, and criticize, the claims of those who present their practical proposals or solutions as theoretical products—as offerings possessing a consistency with a range of desirable ends. But the theorist cannot take us further—at least, not *qua* theorist. There is, of course, nothing to stop a person who is a theorist from also being an advocate; but to the extent that he is an advocate, he is not a theorist. Many advocates have turned out really to be fine political theorists; and many political theorists have turned out to be rather poor advocates.

Now all this in a way runs counter to Joseph Carens's view that there are many ways of doing political theory, one of which is what he calls the contextual approach. There is much that I agree with in Carens's account of how political theory can be done. In particular, I agree with him about the value of examples to illustrate theoretical formulations, about the importance of looking for examples that are challenging to one's own position, and about the virtue of looking at a wide range of cases, and of looking for cases that are unfamiliar and illuminating because of their unfamiliarity. But in the end, I wonder whether the root of this agreement lies in my acceptance of the contextualist approach which Carens recommends, or in the

fact that many of his suggestions are sound even though what is presented as distinctive of the contextual approach is really not distinctive at all.

In Carens's account, examples are useful because, for one thing, they "perform a crucial clarifying function for theory." They do this even better, he thinks, when they come from real cases rather than from the imagination of the theorist adept at inventing hypothetical examples. "Real cases are richer, more complex, and ultimately more illuminating." But a number of things need to be said here. First, the use of examples, even actual cases, does not seem to be something particularly new, or a practice peculiar to certain kinds of theorists. If we consider the history of modern political theory, there is no shortage of thinkers, from Vitoria and Grotius to David Hume and John Stuart Mill to F.A. Hayek and Ronald Dworkin, who draw on real examples to illustrate or clarify philosophical points. All (except, perhaps, Hume whose approach to philosophy is in important ways different from these others) wished to defend abstract principles, but also thought it necessary to discuss real cases to do so.

Second, real world examples also have serious disadvantages for the theorist precisely because they are rich and complex. This sometimes makes them less a source of illumination than a cause of confusion. For example, if we consider the problem of rectification of past injustice in the case of aboriginal peoples whose ancestors were dispossessed, real cases often do not help the theorist trying to establish a general principle because actual circumstances reveal how great is the range of considerations that come into play. Some theorists have in fact concluded that so complex are these cases that the very idea of trying to address historical injustice is implausible, and normative theory, and public policy, should simply look forward—and not backward—when trying to assess claims of justice. It is not surprising that theorists sometimes invent hypothetical examples and illustrate their principles instead of drawing on real cases.

Now, it might be argued that this is precisely the point of contextualism: to force (or at least encourage) theorists to "explore actual cases where the fundamental concerns of the theory are in play". This would surely be all to the good? Yet once again I am inclined to ask: is this so far from what most theorists do? And to the extent that it is not, is there not good reason for it? Let me explain. Although a lot of academic political theorizing takes off from abstract theoretical puzzles in the literature, much of it really has its roots in a concern with issues or questions generated by political life. Much theoretical modern reflection on political obligation has its roots in public debates about the justifiability of civil disobedience, when governments pursue foreign policies that are questionable. A good deal of American debate about equality has its origins in modern discussions about how to redress injustices caused by slavery and perpetuated by laws and institutions that discriminated against African Americans. In these

cases, debate has begun with the exploration of concrete issues, but as participants in the debate have been pressed to explain why one proposal or another truly meets the right standard of justice, or equality, or freedom, or respect for individual rights, so have they been forced to come up with independent reasons or arguments why their theories are more coherent and more attractive than hitherto recognized. This has necessarily forced such participants away from the task of exploring issues in the concrete; but it has not in any way made their contributions less pertinent to the understanding of those issues which gave rise to abstract exploration in the first place. To be sure, theorists can sometimes become so engrossed in their constructions and the demands of philosophical consistency, that they end up creating theories and vocabularies that simply fail to connect with anything we might recognize as the real world. This is certainly a danger one should guard against, just as one should guard against the fear of making any generalization because every case is, in some way, different from every other.

My general point here is that contextualism, as Joseph Carens has presented it, seems right to the extent that it offers us some commonsensical suggestions about how to do political theory well, but wrong to the extent that it is offered as a distinctive approach. But this is all by way of prolegomenon to my larger point: that while abstraction has its virtues, practical utility is not one of them. Let me turn to this matter, which I will address through some reflections on the other papers in this volume.

2. THE VIRTUE OF ABSTRACTION

For some, even the advance (or is it a retreat?) to contextualism is not enough. Theory must not only operate within its context but also work with a greater appreciation of the social dimensions of the theorizing process itself.

This seems to be the nub of Jan van der Stoep's complaint against Carens, and also against the theorizing of Rawls, Habermas, and others. We need to acknowledge not only the cultural condition of minorities struggling for rights and recognition, and the particular nature of their needs, but also the disadvantages under which they labor because they cannot readily speak up as equals when the mode of discourse that dominates thinking and discussion itself biases matters in a particular way. In van der Stoep's view, even a theorist like Michael Walzer, who is wellknown for his criticisms of abstract philosophizing, is held "insufficiently aware of the fact that differences in wealth, language of competences, social networks and education cause unequal control over the production and reproduction of public opinion". This is revealed in Walzer's appeal to the will of the people to resolve

disputes in moral reasoning, when in fact this appeal amounts to just another illustration of the arbitrariness of moral reason. All discourse seems to be tarnished.

For van der Stoep, even contextualist philosophers such as Kymlicka, Carens and Charles Taylor, no less than Walzer, have failed to appreciate that “group identities, social institutions and public ethos are closely linked with class positions, power relationships, stigmatization and socialization.” In this account, the answer is to take on board some lessons to be drawn from Bourdieu, and push contextual moral philosophy in a more sociological direction.

I must confess that I do not understand what precisely this recommendation amounts to. Van der Stoep suggests that we must recognize that in the public sphere, strategic and communicative action are thoroughly entangled with each other, and that we need to understand the complex and often obscure motives and reasons of peoples. But why exactly we should take this sociological turn is unclear. In the end, it is perfectly true to say that not only institutions but also agents and arguments are shaped by the interests and powers that have influenced the development of everything. Liberal academics do indeed operate with particular social and cultural biases—no less than do other scholars or writers. We ignore this fact about society and about ourselves at our peril. But it is no less perilous to make too much of this; for, taken too far, a preoccupation with hidden motives and the underlying structure of power can be completely debilitating, making it impossible to say or do anything. What then is to be done?

Two things need to be done. The first, less important, thing is that we present our arguments with an awareness that others may well challenge them as unconvincing because they are simply particularistic or self-interested claims masquerading as general propositions. Second, and far more importantly, we do what we can to sustain a regime under which criticism is possible—indeed, encouraged. If criticism is not possible because it is suppressed masqueraders can never be unmasked.

This point about the importance of criticism is quite commonplace, and I claim no originality for it. It has been made again and again by writers of all kinds of philosophical disposition—and clearly it is a point with which van der Stoep and Bourdieu, no less than Rawls and Kymlicka would have considerable sympathy. But we should note one important thing about the very point of a regime of criticism. What it does is to enable—dare I say, empower—everyone within it to put forward claims, theoretical or otherwise, without having to go through the most elaborate self-examination to demonstrate that such claims are free of hidden motives, or that they are not the product of a person beholden to particular powers, or shaped by a particular history. They are empowered to do this because it is clear that under a regime of criticism there is a strong possibility

of being unmasked, and there is no point wasting time protesting about one's credentials. If one's arguments are self-serving, the chances are that someone will say so, and show so.

If we do live under a regime of freedom of criticism, I suggest that, what we do is to present our theories without too much reflection on their genealogies or on our own deeper motives. Present them as objective claims, and challenge the world to show that they are not coherent, or that they serve only particular interests, or are *merely* the product of a particular cultural or social milieu. The onus will then be on the critic to say something critical—and something more interesting and challenging than the mundane observation that everything is the product of a particular social milieu. To be sure, in the public sphere “strategic and communicative action are thoroughly entangled with each other”. The ultimate point, however, is not to try to disentangle it, or detect hidden reasons and motives. The point is to examine and consider the claims that are being communicated. If they are merely self-interested, they should be criticized as such and rejected. If they are self-interested but nonetheless defensible, they should be accepted.

This brings me to the more general point I wish to make. One important way of proceeding when matters are in dispute, and when the disputants come from different perspectives or have different interests, is to try to find some principles or perspectives that abstract from particular attachments and have more general, or possibly universal, applicability. When we disagree about concrete issues we seek a little critical distance, hoping that even if we cannot see things from the point of view of those with whom we disagree, we might be able to see matters from a perspective that is not peculiarly our own. We try to abstract from our own concerns and put forward arguments or theories, or simply accounts that we think might appeal to others more generally. In doing this we in effect say to others: we need to take matters out of context, at least for a while, because what characterizes the context is disagreement. We need, to put it another way, to find some common ground from which we can begin discussion anew, perhaps so as to make some progress.

The point of this move, however, is to be able to say when some abstract matter is agreed upon: good; and this case is precisely analogous to the matter we were debating before we decided to abstract from it. Of course, this is never straightforward. Even those convinced by arguments of abstract principle will often hesitate when confronted by the possibility that they would have to review the commitments they defended before the resort to abstraction. But this problem cannot be avoided.

Nor can we avoid the process of abstraction. Political theory is, above all, about abstraction, for it is about abstracting from the particular and the concrete to establish what holds more generally. The reason it is of this nature is that political theory is born of the realization that, if the many

are to live together, each cannot claim that his own perspective on the world, and on the way collective life is best organized, is the one all should accept for no other reason than that it is his. Political theory's development bespeaks a realization that even the fact that some, or many, hold to a particular perspective does not settle matters or establish that one way of doing things is better than others. Political theory is, at least in part, an effort to escape the tyranny of context.

In this regard, Paul van den Berg's attempt to begin to develop a 'contextual ethics of cultural identity' is of special interest. On the one hand, his paper 'Be prestige-resilient' is concerned to examine the nature of cultural identity by exploring its manifestation in a particular context. Only a fine-grained analysis of behaviours at the local level is capable of yielding the insights he offers into the shape of identities that are created in the interaction of immigrants from different cultures. Yet on the other hand it is worth remarking that, in this analysis, the insight is generated by the development of abstract concepts to describe or account for what is seen. The crucial notion here is 'prestige-resilience', which in van den Berg's hands is used to draw comparisons between different cultural groups and persons, and so to identify features of the world that might otherwise be missed—not because they are not "seen" but because they are not noticed.

For political theorists, or social theorists more generally, to generate insights they must often abandon contexts and look for conceptual tools that allow them to look at contexts in a fresh light. In many, if not most, cases, this means looking at the world from a distance, perhaps with altogether different lenses than the ones favoured by those operating close to their subjects.

3. THE TROUBLE WITH ABSTRACTION

While abstraction is an important, and inevitable, part of any kind of discourse, however, it suffers from significant limitations. One of these is that in most forms of public discourse, as Marcel Maussen notes, "normative considerations exist alongside other considerations". Indeed, Maussen, echoing sentiments expressed by Bhikhu Parekh, suggests that perhaps "theorists should stop inventing ideal models in the abstract" and start studying the real dilemmas multicultural societies have faced. There is much in this complaint that is important, and it is important to recognize the limitations of the process of abstraction. What I want to do now is acknowledge the limitations of theory, though this does not mean at all that theorists should stop inventing ideal models. Unfortunately, theorists, qua theorists, are not good for much else. The problem with political theory, insofar as it attempts to say something about public policy, and particularly

when it looks to make recommendations about public policy, is that public policy takes very little account of political theory. Public policy, particularly in democratic states, is the outcome of public interaction among interested persons and groups. These persons and groups are “interested” both in the sense that they may be not “disinterested” and also not “uninterested”. To put it another way, they may be interested because they are themselves affected by the outcome, or they may be interested because they are not impartial observers, but care (say, for ethical or ideological reasons) about the kind of policy that is made. When policy is made numerous kinds of considerations may therefore turn out to be pertinent: is the policy feasible (say, in the sense of ‘affordable’)?; is it consistent with other laws?; will it offend some communities?; is it fair (to current or to later generations)?; will it worsen relations between communities, or provoke public disorder?; is it just?; will it put powerful groups offside and make other public policies more difficult to pursue?; what will it symbolize?; and what effect will it have on the loyalties of the members of different political parties?

On only a few of these questions might a political theorist have anything of any interest to contribute. In the making of public policy, abstract theory is a good with very little cash value. This is not to say that argument is not important. Far from it, as Marcel Maussen’s study of “Normative Theory and Policy Discourses on the Establishment of Mosques in the Netherlands” makes clear. Argument, debate, and the analysis of meaning are central to the process of policy-formation, if we consider the issue of the establishment of mosques in Rotterdam. Maussen’s paper demonstrates clearly how complex is the network of issues and debates that surround the question of mosque establishment. It is not simply a matter of determining whether to allow the construction of a house of worship or where to permit them on the basis of abstract considerations of freedom of religion or national identity. Questions of urban planning contend with issues of symbolism and “community representation” as authorities attempt to work out how to serve the city and its diverse inhabitants, including particular interests pressing for recognition. But while argument is central to the process of establishing policy, abstract theory has a relatively small part to play—if, indeed, it has any part to play at all in this instance.

My suggestion, which may in the end be an unwelcome one in the academy, is that the political theorist is by and large not really welcome in public discourse when he speaks as a theorist. People immersed in the politics of an issue are not altogether interested in abstract theories or conceptual analysis. They have little time for the recommendations of those who are above the fray and are able to look with a skeptical eye at the goings-on below. All too often, they are more interested in whether outsiders are willing to enter the fray—and on their side. But this is precisely what the theorist does not do to the extent that he remains a theorist, rather than an

advocate for one view or another. This does not mean that an advocate for a position can never do so on the basis of a sound theoretical understanding. But it is not common, and his success as an advocate in no way depends upon theoretical sophistication. The more the theorist is a theorist, the less useful he is in political life. He is about as welcome there as an ethnomusicologist at a jazz festival.

4. CONTEXTUALITY ONCE MORE

Yet perhaps all this is overstating matters. The contextualist's claims, it might be argued, are more modest than this, for all contextualism asserts is that fine-grained analysis of particular issues from a perspective that is close to the problem at hand might yield better insights and even practical solutions than reflection from afar. This is the claim of Eric Mitnick, who recommends a contextual or "constitutive" approach as one which adopts "a less instrumental, less linear, more complex and multidirectional, view of social causality." In particular, he contends that "adopting a constitutive and contextual approach will enable us better to appreciate and evaluate the moral issues raised by differentiated citizenship policies."

While there is no doubt that a change of perspective or of theoretical emphasis can lead to different conclusions, however, it is not clear that the adoption of a contextual approach leads to the improved understanding Mitnick anticipates. His point in "Differentiated Citizenship and Contextualized Morality" is that approaches such as that of liberal theorists like Brian Barry, emphasizing as they do the virtues of formal equality, are unable to appreciate certain subtle virtues of differentiated citizenship which are likely to be lost if formal equality is imposed. While equality might benefit some persons who are subordinated by the law by enhancing their capacity for self-invention, formal equality might harm other groups seeking accommodation of unpopular practices by making them sacrifice that capacity. Serving both groups may require differentiated citizenship. And only a contextual approach is likely to bring us to an appreciation of this.

The lesson to be learned here, Mitnick avers, is that we should be less enamoured of "satisfyingly tidy solutions to critical questions". Contextual approaches will yield complicated inferences and provisional results rather than order and certainty. And, in the end, not only must logic submit to the corrective of fact but also political theory must make a place for the nonideal, the historically contingent, the concrete. Contextual theory will give us untidier solutions, but they will be better theories for that.

Paradoxically, perhaps, I think this is mistaken because it has an unrealistic view of what theory can accomplish both practically and analytically. I have already suggested why I think political theory can make little

contribution to practical life. Let me now suggest that there is a serious limit to what theory can do to present political life, as it is or as it might be, in a single construction that serves a wide range of divergent values. What political theorists can do is offer a critique of existing or proposed arrangements from the perspective of one particular mix of values—say, for example, a theory of equality—and show systematically how those arrangements are inconsistent with that mix of values or that ideal. In reality, however, any existing society and its members are going to reject not only the recommended theory but also even the demand of consistency. Societies are going to change policy, or adopt contradictory ones, or serve particular interests for a time and others at another. The virtue of theory is not that it brings order into practice, for it does not. Nor is it that it will fully describe practice, for practice is too full of contingency to be properly captured. Theory's virtue is that it provides a lens through which to view the world, so that we might better understand what is constant and what is variable, and so we can better understand what must be sacrificed if some things are to be gained—so that we can better appreciate why all things are not possible.

In this respect, it seems to me, the move toward contextualism does not promise better theory. There may be good reason sometimes to look at matters up close rather than from a distance. But this is, in the end, an anti-theoretical move. There are times when it may pay us to be less theoretically inclined, but not because this will give us better theory.

In this regard, I think the lessons drawn by Odile Verhaar and Sawitri Saharso are salutary. In their examination of the issue of headscarves in Holland they concluded that that contextual approaches to discourse did not result in any greater convergence of different positions. Nor did it yield conclusions that were more open to the claims of minority culture. And in the end, it seems that the contextual approach, to the extent that it was at all distinctive, came with the disadvantage that it made social criticism more difficult, since it pushed discussion inwards, suggesting that matters should be left to be argued out by those who belonged to the context.

To be a social critic one must, in the end, step out of the context and proclaim one's independence. The theorist is not the only one who is capable of this. But at least that is the one thing the theorist is good for.

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