



## **Multiculturalism and the democratic turn: a classical liberal critique**

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**Queen Mary, University of London**

*Multiculturalism and the Democratic Turn: A Classical Liberal Critique*

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A thesis submitted to the Department of Politics and International Relations at Queen Mary, University of London for the degree of Doctor of Philosophy

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## Abstract

The increasing prominence of multiculturalism and moral diversity over the past few decades has coincided with a theoretical expansion of the democratic project. In particular, so-called ‘deliberative’ and ‘strong’ theories of democracy have been offered and expanded as solutions to the various moral and political problems that have arisen. However, while democrats disagree in the literature about what form a strongly participative democracy should take, there has been little circumspection about the *wisdom* of expanding democratic mechanisms. This thesis attempts to fill this lacuna by examining the merits of the various democratic theories on offer. By analysing the dilemmas posed by diversity and multiculturalism, it shows that the efficacy of deliberative democracy rests upon its epistemic virtues. If a stronger democracy is to overcome the problems of pluralism, it needs to greatly improve the flow of information around society.

The principal argument offered is that, in practice, strong theories of democracy would not be able to deliver the epistemic outcomes necessary to provide a desirable alternative to modern liberal democracy. Multiculturalists and strong democrats do offer compelling reasons to reject modern liberalism, but the various democratic positions they advance rest upon *prima facie* controversial assumptions about the good society. By presuming both the means and the end of social life, deliberative democracy would likely close down rather than increase the flow of information between social actors, to the detriment of those already marginalised by the liberal democratic system. As such, it is contended on pragmatic grounds that we would do better to return to a classical, ‘Austrian’ form of liberalism to find a theory of multicultural accommodation. Since we cannot know in advance how we should live our lives, our best response to pluralism would be to renounce the political management of society in order to strengthen those social mechanisms which help us learn about and adapt to one another.

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## Contents

Title	1
Abstract	2
Acknowledgements	3
Contents	4
List of Figures	7
<b>Chapter 1 Introduction: Politics as a Problem</b>	<b>8</b>
<hr/>	
The nature of the problem	15
Individualism and multicultural order	20
Conclusion	24
<b>Chapter 2 Critical Literature Review</b>	<b>26</b>
<hr/>	
Overview	26
Procedural individualism	30
<i>John Stuart Mill</i>	31
<i>John Rawls</i>	34
<i>Beyond liberalism</i>	39
Substantive individualism	39
<i>Seyla Benhabib</i>	40
<i>John Dryzek</i>	44
<i>Towards an alternative deliberative democracy</i>	48
Procedural communitarianism	48
<i>Amy Gutmann and Dennis Thompson</i>	49
<i>Iris Young</i>	53
Substantive communitarianism	57
<i>Michael Sandel</i>	57
<i>Sheldon Wolin</i>	61

	<i>The limits of democracy</i>	64
	Democrats and reasonable pluralism: a fatal conceit	64
<b>Chapter 3</b>	<b>Classical Liberalism</b>	<b>66</b>
<hr/>		
	What's so 'classical' about classical liberalism?	66
	Market failures and the 'credit crunch'	69
	Austrian economics and spontaneous order	76
	Positive liberty and the case for fairness	81
	Inter-temporal knowledge and spontaneous order	84
	<i>The ghost of knowledge past</i>	87
	<i>The ghost of knowledge present</i>	90
	<i>The ghost of knowledge yet to come</i>	94
	Conclusion	97
<b>Chapter 4</b>	<b>Procedural Individualism: The Wolf in Sheep's Clothing</b>	<b>99</b>
<hr/>		
	The status quo: liberalism as impartiality	99
	Impartiality's egalitarian edge	102
	The cultural critique	107
	The fatal attraction of acceptability	112
	The forgotten benefits of foregone freedoms	118
	Conclusion	123
<b>Chapter 5</b>	<b>Substantive Individualism and the Social Capital Zeitgeist</b>	<b>124</b>
<hr/>		
	The need for social capital	124
	Deliberation, social capital and civil society	127
	Associational democracy	132
	The epistemic problems with decentralised deliberation	140
	The continuing relevance of civil society	145
	Conclusion	147

<b>Chapter 6</b>	<b>Procedural Communitarianism and the Philosopher's Stone</b>	<b>149</b>
	A realistic deliberative democracy	149
	Legitimacy as truth	152
	The battle against scale	157
	Public choice and the problem of implementation	163
	The epistemic appeal of classical liberalism	168
	Conclusion	172
<b>Chapter 7</b>	<b>Substantive Communitarianism and the Movement to Markets</b>	<b>173</b>
	The agonistic anti-solution	173
	Politics as an open system	176
	Agonism and direct democracy	182
	The weakness of strong democracy	187
	Agonistic capitalism	194
	Conclusion	197
<b>Chapter 8</b>	<b>Conclusion: Liberalism and Pragmatism</b>	<b>199</b>
	The argument so far	199
	Pragmatism	203
	John Dewey and deliberative democracy	208
	Richard Rorty's liberal democracy	214
	Liberalism as pragmatism	219
	Why democrats should be liberals too	233
	References and bibliography	238

## List of Figures

Figure 2.1: The four unique democratic solutions to the dilemmas of equality and ontology



## 1. Introduction: Politics as a Problem

*'Politics is the art of looking for trouble, finding it whether it exists or not, diagnosing it incorrectly and applying the wrong remedy.'* - Sir Ernest Benn<sup>1</sup>

Students of politics have a unique if largely unremarked responsibility. By engaging variously with the institutions, activities and ideas which it takes to be its subject matter, political science effects an irrevocable change upon the world which is unparalleled within the academy. This is because the language of politics reconstitutes even the most self-evidently stable and harmless private phenomena as manifestations of the universal problems of justice, legitimacy and power. Under this political 'observer effect', ever-more features of human behaviour are brought by the sometimes obscure theories and studies which fill the politics literature into the eternal court of public opinion, forced to justify their own existence on terms imposed from without. As the guardians of this process, political scientists are significant and powerful political actors themselves, and yet very few questions are asked of them. Following the academy's own example, it therefore seems apt to ask whether this creeping and seemingly irreversible politicisation of the social world is *itself* legitimate.

It is of course true that any academic activity might have political ramifications. The physical sciences in particular continually erode at settled ideas of what we want to achieve as a species. Similarly, there is undoubtedly much political science which has a negligible impact on real-world politics, this very dissertation providing perhaps the most immediate example. Yet academic politics is notable because *all* political studies hold the potential – and many of them the explicit intent – to initiate political debates and influence their outcomes. In Friedrich Hayek's (1949: 424)

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<sup>1</sup> This quote is commonly attributed to Benn, but it is not possible to identify the original source. Personal correspondence with the chairman of the Society for Individual Freedom suggests that the quote originated in a meeting of the then-named 'Society for Individualists' in 1948.

terms, political scientists, philosophers and economists are significant because they are responsible for creating and disseminating many of the ‘fashions and catchwords’ which shape the ‘climate of [public] opinion’. Thus, while the physical sciences hold the distinction of creating genuinely new knowledge, it is only after this knowledge has passed the intellectual and ethical gauntlets created and shaped within politics departments that it can effect real world change.

Accordingly, it is important to bear in mind the caveat that any problem that might be identified and bewailed in real-world politics might also plague the pursuit of political scholarship. As Ernest Benn’s somewhat flippant criticism suggests, we should expect politicians to do more harm than good when operating under both the competitive pressures and epistemological challenges of modern, complex democratic politics. His observation counsels us to be sceptical of any politician who claims to have surmounted these limitations and to have discovered a ‘truth’, to which we must all become subject. Now, since western universities face increasing national and international competition for both scarce funds and demanding students – competition which has only become more fierce in recent years – it is highly likely that politics departments face these same pressures to exert a high-profile and discernible influence on political debates. Furthermore, political scientists concern themselves with the same immensely complex social and political phenomena. Since they too are limited by their own particular spatial and socio-political contexts, academic ‘politicians’ must face just as wide a margin of error as their professional counterparts (though without the possibility of being voted out of office for egregious error).

Certainly, this does not entail a thoroughgoing critique of the entire field. Political science is not in and of itself either misguided or malevolent, and neither can we cast broad aspersions about its accuracy. Yet there can be no objection to testing this critique pragmatically, on a case by case basis. Intuitively, the most appropriate cases to examine are those which are highly significant, both in terms of their prospective political impact on society and their temporal relevance. Just such a significant and salient case is the attention given in some quarters to the increase in ethnic, religious

and moral diversity amongst modern democratic populations. The very nature of this attention is notable enough, for it inevitably problematises what would otherwise be seen as at most a fascinating late-modern development. What truly stands out, however, is how similar the numerous reactions to this ‘multiculturalism’ are. Despite encompassing a number of somewhat inconsistent and contradictory arguments, the majority of commentators on the so-called ‘politics of difference’ share a similar critique of the efficacy and justice of traditional liberal democratism.<sup>2</sup> Existing democratic institutions, they argue, must be both deepened and widened in order to better realise the democratic goals of equality and autonomy in our new, more diverse societies.

The politics of difference is particularly interesting because it is not simply a transient political project, but a modern application and expression of the politics of the left. On Amy Gutmann and Dennis Thompson’s (1996) influential argument, for example, multiculturalism is treated simply as another manifestation of the wider challenge towards inequality in late-modern society. On this argument, the claims of feminists, American civil rights activists and the new social movements have been just as significant in challenging the white, middle class Christian monopoly of power as those of heterogeneous cultural and ethnic groups. Moreover, as Baumeister (2000) shows, this social turn is itself an extension of the general challenge to liberal capitalism which has occupied much of the academy in one way or another since the Second World War. As such, it is likely that the politics of difference will be subject to the very same problems that plagued left-wing politics during the twentieth century and which motivated Benn’s opening remark. And since these new arguments seek to politicise and problematise our private and moral lives even further, it seems only prudent to make an assessment of their utility and veracity.

Before this can be done, however, it is first necessary to understand the aims of the

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<sup>2</sup> The term ‘politics of difference’ was popularised by Steele (1990) and Young (1990), who both used it to discuss and describe the way minority groups seek the expression and affirmation of their differences while retaining the right to equal respect and treatment. For a succinct discussion of the paradigm, see Baumeister (2000: ch. 2).

modern social democratic project. These aims are somewhat complicated by the uncertain relation between the politics of difference and the traditional socialist commitment to a class-driven economic revolution. For some writers (such as Phillips, 1996 and Butler, 1998), the former is seen as a useful reformulation and expansion of the long-standing but flawed accounts of structural marginalisation. Instead of seeking to educate and mobilise downtrodden classes, they suggest that the left should seek to realise genuinely fair and respectful relations between society's various and sometimes conflicting ethnic, cultural and religious groups. For others (most notably Fraser, 1997), however, this position too readily throws the materialist baby out with the Marxist bathwater. In order to achieve fairness and respect, this opposing argument suggests, it is still necessary first of all to realise economic equality between individuals.

The principle challenge for the contemporary left is thus to offer a conception of 'equality' which is relevant to morally diverse modern societies. Traditional socialist egalitarianism seems quite inappropriate because it assumes a form of ontological universality, whereby 'difference' pertains only to ultimately superficial characteristics. Socialism seeks to deny or suppress the political significance of cultural or moral differences in order to focus attention on the universal features of humanity. In our increasingly religiously and morally divided societies, however, it seems both neglectful and inappropriate to ignore the subjective beliefs people hold about themselves. To truly respect our multiculturalism, we ought to treat our cultural and religious differences as ontologically significant. But it follows from this that interpersonal differences may provide both a rationale and a justification for differential or affirmative treatment. The modern left thus faces a dilemma between seeking to realise its traditional but somewhat simplistic aim of universal equality, and respecting the wishes and demands of many of the most disadvantaged to *exacerbate* inequality by pursuing dissimilar and divergent ends.

A corollary of this dilemma is a second, less obvious choice, concerning who exactly should be the focus of calls for equality. Traditional arguments, based upon concerns over economic exploitation, suggest that the relevant ontological unit is, ultimately,

the individual. Since unconstrained activity is seen as having negative-sum implications, all unequal outcomes between individuals must be addressed to avoid wider social harms. Multiculturalism, however, departs from this analysis by calling attention to the non-economic inequalities faced by minorities in societies dominated by a majority culture. Unconstrained activity is seen on this account as having zero-sum implications, for cultural and ethnic groups primarily seek to benefit and consolidate their positions at the expense of one another. As such, it is only by attending to the needs of socially and culturally defined groups that multiculturalists feel systemic injustices and inequities can be addressed.

These problems are especially significant because they offer the individual an uncertain future. If it is indeed the case that on-going inequalities (however defined) still pose the greatest challenge for societies in the twenty-first century, then the solution can only be to undermine individual agency. Thus, while a progressive form of redistribution would *recognise* the individual, it would severely curtail her freedoms by taxing whatever is defined as her excessive earnings and preventing her from following any way of life which threatens her status as an 'equal'. Yet recognising the diversity of personal and moral ends is equally harmful, because it leads to the construction of individuals as merely members of 'groups', defined by their arbitrary ethnic or religious characteristics. The individual, in this instance, is still subject to invasive redistributions and the curtailment of her freedoms, but these are to serve the interests of the group, rather than society as a whole. It follows, then, that the individual's freedom and well-being under any progressive political system would not depend upon any specific principle, but rather on how contingently similar their own ends are to those imposed upon them by the political process.

Another way of putting this is to say that if differences *are* politically significant, then it is not at all clear *which* differences matter between *whom*. For any attempt to rectify one set of differences is bound to create another set. To some extent, some level or type of difference must therefore be desirable (otherwise no state of affairs can be desirable). The problem posed by modernity for the left is thus essentially epistemological, as the central requirement for justice and fairness is to discover

which pattern of outcomes should be realised. As such, it is perhaps unsurprising that the turn towards the politics of difference has coincided with a turn towards arguments for stronger and more decentralised democratic institutions. Democratic processes which promote deliberation and participation promise to mobilise and make sense of the mass of information pertaining to individual needs inherent in society. And they promise to distribute that information, both around society to direct and encourage individual behaviour towards positive-sum, socially beneficial outcomes, and upwards towards political institutions and policy-makers. Deliberative democracies, in short, are seen as the solution to both the left's epistemological and ontological problems.

It is the aim of this dissertation to assess this 'democratic turn'. It is the principle task of the remainder of this chapter to explore the dilemmas a deliberative democracy must overcome if it is to take diversity and pluralism seriously. By exploring the exemplary arguments of Nancy Fraser and Charles Taylor, it is shown that democratic institutions must first provide both substantively and procedurally equal opportunities to all if it is to meet its aim of abolishing undesirable inequalities. But it must also satisfy the needs of endangered groups whilst protecting individual freedoms, if it is to uphold its promise to protect those at risk in society. By way of illustrating the argument of this dissertation, it is shown that these are dilemmas which simply cannot be overcome. The desire to politicise everything for everyone is *bound* to lead to some individuals and groups being systematically harmed and exploited. Because it must inevitably rest upon a contradiction of its very own aims, it is concluded that the progressive political project can claim little *prima facie* moral authority.

On this basis, chapter two presents a review of the various democratic arguments which seek to address diversity and difference. Starting with the liberal democratic orthodoxy, from which the politics of difference departs, the four different possible conceptual responses to the multicultural dilemmas are immanently and critically examined. It is shown that they each construct the problem of modernity in differing but nonetheless equally flawed ways. As such, none of the four approaches can

overcome its dilemmas. Moreover, as chapter three shows, they rely on tenuous epistemological assumptions. By exploring the Austrian approach to political economy which underpins the *classical* liberal position, it is shown that democratic institutions simply could not mobilise the kinds of information necessary to politically solve the kinds of problems thrown up by diversity. Instead, we should think of politics as being a realm of irreducible and unavoidable ignorance. As such, it is contended that to fully understand the likely failures of democratically ordered but radically diverse societies, it is especially important to consider the four democratic positions from the classically liberal, epistemic point of view.

This is done in chapters four through seven. To deliver on the dissertation's aim of pragmatically assessing the deliberative turn in political, these chapters move beyond the immanent critique of chapter two to explore each approach in more detail. In particular, they look at the practical issues raised by their real-world applications. In each case, the philosophy and aims of the position are examined, in order to illustrate how these aims might be realised in practice. These chapters have a critical tone, to be sure. But it is important to note that they each identify clearly the valuable insights and methods offered by the various democratic theorists. Deliberative democracy is shown to be a generally flawed idea, but it is suggestive of the kind of society we must move towards if we genuinely wish to respect and embrace diversity. Thus, each chapter ends by offering an alternative, more efficacious approach to the initial aims of the position under examination.

In chapter eight, the final chapter, these liberal suggestions are brought together and expanded to provide a thoroughgoing Austrian solution to the epistemological and moral dilemmas posed by diversity. Drawing on and expanding the pragmatic theme which is implicit until this point, it is argued that, to the extent that we are increasingly being confronted by unavoidable differences, we must adapt to accommodate them, rather than seek to 'solve' them. Differences, that is, cannot be eradicated *or* rationalised. This is not to say that social harmony doesn't necessitate agreement and compromise, of course, but rather that *the terms of these agreements cannot be known in advance*. Instead, they can only be discovered by real people

through the institutions and practices of a civil, liberal society. Accordingly, the dissertation concludes by arguing that, in order to achieve their own goals, modern liberals and multiculturalists ought to take a step back from their problematic, interventionist positions and endorse the more traditional, agnostic and pragmatic position offered herein.

### **The nature of the problem**

As the twentieth century drew to a close, the political left faced what Francis Fukuyama (1992) called the 'end of history'. The fall of the Berlin Wall and the collapse of Soviet socialism signalled the triumph of liberal democracy, leaving socialism with little more than the hope of militating for a fairer distribution of the proceeds of capitalism. As Fukuyama was at pains to point out, however, liberalism is by no means certainly able to sustain itself into the future. In particular, the decline of trust and social connectivity in our increasingly international and pluralistic world threatens to undermine the social and political cohesion necessary to make liberalism work. By and large, it is to this challenge which the left has now addressed itself. Turning its attention towards the claims of feminists and other disadvantaged and marginalised groups, it has sought to highlight how liberalism is not merely blind towards class stratification, but towards *all* forms of difference (Phillips, 1996: 139). Accordingly, recent scholarship from the left has focused upon the need for a loosely defined equality of status and esteem, based upon the celebration of difference (see Benhabib, 1996b).

Yet, as Fraser (1998, see also Fraser, 1997; 2000) has instructively argued, this movement towards a socially liberal 'politics of recognition' both legitimates structural inequalities and undermines the coherence of the traditional critique of exploitation. Thus, the uncertainty over which inequalities need to be addressed in society gives those who benefit from economic abuse a ready-made defence with which to excuse themselves from the claims of justice. Moreover, policies of recognition could also end up being counterproductive because of their potential to mistakenly reify simplistic and restrictive ideas of cultural identities (Fraser, 2000:



108-109). As such, it is necessary to take a more nuanced approach to the interconnections between cultural and economic forms of oppression. ‘Social justice today’, in Fraser’s (1998: 149, original italics) words, ‘requires *both* redistribution *and* recognition; neither alone will suffice’. The problem for the modern left, however, is that these aims are mutually inconsistent and possibly even contradictory (Fraser, 1997: 16).

To solve this dilemma, Fraser (*ibid.* 23) introduces a telling distinction between political aims which allows recognition and redistribution to be mutually supportive. On Fraser’s account, the conflict between recognition and redistribution arises because these concepts are often seen as ends in themselves. But redistribution and recognition are in fact *instruments* to address injustices and social problems, and must be embedded within a wider *strategy* which can either affirm or transform a social identity structure. Analytically, this combined approach has the advantage of fixing attention on the way the mechanisms of cultural and economic marginalisation often operate in tandem. According to Fraser (2000: 113-116), processes of economic and cultural marginalisation are the joint result of prejudicial or stereotypical institutional structures, such as those of marriage (which underpins the traditional gendered, heterosexual dynamic in familial relationships) and motherhood (which tends to define the woman’s role in that dynamic) which prevent individuals from treating and understanding one another as equals. As such, the answer to both cultural and structural inequalities seems to be to change our attitudes and behaviours in order to evince wider, progressive structural changes.

On closer inspection, however, this impetus for general change (which leaves the dilemma between policy aims open) rests upon a particular view of what changes are desirable. As Fraser (1997: 27-31) shows, it would be unacceptable for any group to become dependent upon state affirmation in the long run. This would itself indicate that the institutional causes of both economic and cultural oppression were still operative, and it would necessitate iterative resource redistributions (such as long-term positive discrimination) in order to prevent the group from falling behind. Accordingly, to help this group, the state would need to eventually abandon the

democratic tenet of equal treatment for all, which would only serve to emphasise the group's differences and cause social resentment. To avoid these consequences, the state would therefore need to address the affected group's social position, by strengthening its self-sufficiency and esteem, and instilling within the wider polity a sense of respect and fairness. To culturally and economically emancipate an oppressed group, in short, the state would need to *transform* social relations.

This apparently whole-hearted support for transformation makes it difficult to understand precisely why Fraser sees a dilemma between redistribution and recognition for the left. Even when it *is* necessary to affirm a group's identity, it is the requisite economic redistributions which do all the work to promote equality. Of course, it might be objected that the necessary transformative strategy itself depends upon recognising the moral significance of individual differences so that they can confidently take advantage of redistributed economic and cultural resources (Fraser, 2000). But this objection glosses over the contradiction between the long-term effects of these aims. Recognition cannot work as part of a long-term strategy of affirmation because it reifies an arbitrary identity and leaves structures of economic oppression untouched. In contrast, when the goal is a permanent transformation, there can be no intention to genuinely offer recognition to the identity at all. 'Recognition' in this sense refers simply to the massaging of social institutions so that individual differences do not systematically disadvantage anyone, leaving *all* possible individuals with broadly equal and coterminous cultural and economic opportunities.

The upshot of Fraser's nuanced redefinition, then, is that the wider dilemma between recognition and redistribution is left very much intact. Though they seek to bring together the two sides of the dilemma, her arguments are underpinned by the concern to avoid reifying and essentialising identities and to protect individuals from top-down pressures for consistency (see Fraser, 2000: 112). But from this it follows that the only inequality which can be addressed is socio-economic, *even if the members of oppressed groups do not appreciate this*. Thus, against Iris Young's (1990) similar

marriage of recognition and redistribution, for example, Fraser (1997: 196) argues that Young still ‘implicitly privileges the culture-based social group’. As such,

in settling on such a conception, [Young] has succeeded in her professed aim of articulating the implicit theories of such groups. At the same time, however, *to the extent that these movements may have misunderstood themselves*, she risks reproducing their misunderstandings (*ibid.* my italics).

The question of those who actually *want* recognition of their uniqueness and value, in other words, should be brushed aside. Since marginalised individuals are likely to misunderstand the causes of their marginalisation, it is up to the benign state to address their problems. The only choice for those who disagree with this analysis, therefore, is to reject it in favour of a procedural form of equality.

The reasoning and implications of such a rejection are illustrated well by Taylor’s contrarian ‘Multiculturalism’. Taylor (1994: 52-61) explicitly contrasts his politics of recognition with what he sees as the ‘Kantian’ conception of universal equality. On Taylor’s argument, this does not mean that the politics of recognition rejects equality. Both positions are based upon the same thing – a respect for the ‘universal human potential’ (*ibid.* 41). However, while the politics of recognition extends this respect to the ‘actually evolved’ cultural manifestations of this potential, Kantian universalism restricts itself purely to respecting the *concept* of the human agent and her metaphysical potential (*ibid.* 42). By concentrating on the ideal of autonomy, then, a politics of substantive transformation such as Fraser’s would neglect the very freedoms and goods which individuals value.

The appeal of this argument extends beyond contingent consequentialism, however. Appealing to Hegel, Taylor (*ibid.* 66) bases his communitarianism on the contention that ‘recognition forges identity’. Just as a King’s status depends upon his subjects recognising his title, the integrity of one’s identity relies on others treating them in the same discursive terms as they understand themselves. The problem for Taylor, however, is that institutions which used to structure and influence societal discourses

and, consequently, our identities (such as the Church or feudal fiefdoms) have now withered or ceased to exist. Individuals in modern and diverse societies must look to the numerous, disparate and conflicting institutions around them to form their identities. Individuals, in other words, have more power than ever before to influence and shape one another's identities. As such, the left's concern with socio-economic justice must be expanded to recognise that decentralised and unregulated cultural freedoms are as divisive and damaging as decentralised and unregulated economic freedoms.

This expansion of the left, Taylor argues, must move beyond impersonal or impartial understandings of equality. After all, the discursive structures of a procedurally equal society can only construct individuals as equals. But this would be to offend and destabilise those whose self-esteem depends upon their own perceived uniqueness. Moreover, such an impartial form of fairness can hide oppressive power structures. If what makes individuals unique is excluded from the political realm, the universal image of the individual, 'what constitutes a proper person, a true individual', will simply be a reflection of the hegemonic ideal of humanity (Baumeister, 2000: 20). In place of a misguided universalism, therefore, the state should seek to allow at least enough variation in laws and rights to ensure the survival of those groups threatened by the hegemonic culture (Taylor, 1994: 61). Governments, that is, should seek to foster an equality of respect between different groups based upon the procedural presumption that they are each as culturally valuable and morally rewarding as one other (*ibid.* 66-71).

In a similar fashion to Fraser's, Taylor's politics therefore ultimately aim to address inequalities through the transformation of social relations and institutions. Equality would pertain when all cultural groups, underwritten by public recognition and protection, face the future with the same stability and confidence. Even though the test of time might prove that some cultures are worthless, we cannot know in advance which cultures this might be true of (*ibid.*). For, as encultured individuals, we cannot make external judgements about other cultures. Yet this does not commit Taylor to cultural relativism, because it is based upon the role those cultures play in

providing a stable basis for human identity and agency. All cultures ought to be treated as equally socially valuable *in their current form* because there are individuals in the present who rely upon them. Once they cease to provide useful and meaningful identities, and once they become a poor guide of and basis for agency, these individuals must surely be free to either adapt or modify them. As such, and like Fraser, Taylor's equality is fundamentally an equality of autonomy.

The problem for Taylor is that this argument poses a dilemma similar to Fraser's re-worked recognition-redistribution dilemma. If all groups are to survive into the future there needs to be some form of automatic group recognition and substantive protection. However, if cultures are to underpin individual autonomy, they must be procedurally free to adapt and interact with *other* cultures, so that individuals can be aware of and learn from changing social norms and values. These two outcomes are in tension insofar as the state guarantee underlining cultural action can only insulate those cultures from wider society, making them less responsive to societal pressures and more prone to act in ways which would make their cultures less likely to survive in the absence of government assistance. The substance of cultural protectionism, in short, is antithetical to the procedural equality of agency Taylor aims for. Yet while Fraser constructs this as a simple problem of policy choice, Taylor seems to implicitly acknowledge that helping afflicted minorities requires both transformation *and* affirmation. Consequently, he cannot escape his own theoretical predicament. As it is shown below, this gives us a valuable insight into the constraints within which the politics of difference must operate.

### **Individualism and multicultural order**

It would thus appear that redistribution and recognition do pose a dilemma for the left, in so far as they both imply inconsistent but equally plausible conceptions of equality and are each, alone, insufficient to ground a progressive politics in our multicultural age. Significantly, the source of this dilemma can be shown to lie within the left's neglect of individual differences. In the first instance, these differences obviously lead to diverse and unequal immediate outcomes across the

populace. In turn, at a higher level, individuals then go on to form different culturally-mediated opinions and wants about their first order outcomes. The traditional socialist response to these differences is to circumscribe our first order wants in order to pursue the second order goal of material equality which is ostensibly required by justice. The trouble with multiculturalism, however, is that it overtly politicises second order differences. Disagreement over what justice requires can no longer simply be wished away, because this would undermine the left's political and moral relevance to irreverent and diverse societies. The challenge for progressivism, then, is to realise some form of equality at the second order level (so that individuals are not marginalised because of their backgrounds or beliefs) without this leading to unacceptable inequality at the first order level. It must, in short, address the question of precisely what level of individual freedom is compatible with multicultural justice.

As the analysis above shows, this question is poorly treated by the focus on redistribution and recognition. On the redistribution side, to repeat, Fraser is suspicious of liberty because of the possibility that individual acts are based in misapprehension. Yet this leads her to be sceptical of the basic freedom of defining one's own identity. Despite starting from an appreciation of the political complexity of the difficulties faced by different groups, she assumes a position that broadly rejects any diversity which might underpin and produce inequalities in either ambitions or prospects. Take, for example, her explanation of gender equality. Societies, Fraser (1996: 235-236) contends, are not only harmed by the express differences in well-being between men and women, but by the intentions of individuals to continue reproducing these differences. 'The key to achieving gender equity', she therefore argues, 'is to make women's current life patterns the norm for everyone' (*ibid.*). Individuals, in other words, should *all* have the same expectations and ambitions, so that social structures can offer everyone the same opportunities.

Such a form of equality seems quite unsuitable, however, for individuals conceived in less paternalistic terms. Like Taylor, Fraser (2000: 109) accepts the Hegelian understanding of human identities. Because of their weakness in the face of

hegemonic discourses, she pessimistically assumes that downtrodden minorities can only achieve well-being and self-respect by passively accepting external valorisation. But since this valorisation will only reinforce their marginalisation, it must ultimately be abandoned in favour of transformation. There seems here to be some confusion between the individual and the group, however. Individuals *do* have the ability to react against and actively subvert prejudices, even if they cannot control those prejudices in the first place. Moreover, as Fraser's fear of essentialism recognises, different individuals have different identities, even within the same cultural groups. Those who require 'group' valorisation must therefore be those whose identities depend upon the stable identities of others (such as community leaders or patriarchs). Since Fraser's egalitarianism cannot give these generic 'others' equality-defying first order freedoms, her only alternative to valorisation is to break down cultural divides to leave them as equal members of a second order meta-group.

Fraser's account thus seems unsatisfactory because it offers an insufficient treatment of actual individual interests. She seems to see herself as a leader who knows best for her community, when it is likely that differently situated individuals would disagree with her assessment. Yet Taylor's politics of recognition fares little better, for perhaps now obvious reasons. To be sure, it does seem to offer a more considered appreciation of individual agency. Taylor's inter-subjective ontology, for instance, requires that members of different cultural groups have access to open and constructive dialogical exchanges, so that they can discover and attempt to extend the boundaries of their identities. Individuals, Taylor (1994: 35) asserts, attempt to 'win' their identities 'through [dialogical] exchange, and the attempt can fail'. It seems to follow from this that failure is as constructive for the individual as success. But Taylor does not actually see it like this, because of the importance he invests in cultural stability. As such, he extends cultural protections which seem to undermine the very agency he champions.

As Milstein (2003) argues, cultural protections close cultures off from the very dialogues that they are supposed to be constructed from. Even within cultural groups, difference and conflict is intrinsic to individual action. Every person will have a

different spatial, temporal and moral understanding of their identity, and it is through the interplay of these understandings that people learn and grow. Thus, it is indeed important to move beyond the neutrality and legalistic impartiality of liberal democratism to free individual growth from the latter's biased restrictions. But, by condoning policies which protect from stagnation common cultural goods (such as the French language in Québec), Taylor imposes a set of equally restrictive *external* cultural boundaries (*ibid.*). Of course, different cultures will require different levels of protection. But what is protected will always be what is held to be sacred, that which in a dialogical exchange would invite the most comment (often for very good reasons), and which would therefore most enhance self-learning and development.

As such, Taylor's argument inevitably privileges the future survival of the group *over and above* the well-being of its members. His argument implies a form of coerced equality between second order perspectives, to the detriment of first order freedoms. Consider, for instance, his requirement that we consistently approach each culture with positive expectations. 'On examination', Taylor (1994: 69) concedes, 'either we will find something of value in culture C, or we will not'. But we should not act upon these judgements, because our perspectives are geo-politically situated and subjectively grounded (*ibid.* 71). This is of course right, but it points to an irrelevant truism. Regardless of our initial beliefs, we can only expand our cultural horizons if we can freely appraise and act upon what is of value in other cultures as others appraise our own. And this requires making fundamental moral judgements. But it is precisely *this* freedom that would be circumscribed by group rights, which do not so much nurture inter-cultural dialogue as demand inter-cultural deference (McBride, 2005: 502).

In the same fashion as Fraser's, Taylor's argument thus precludes the very agency it aims to ensure. Recognising the danger posed by the former's acultural emasculation of first order freedoms from second order desires, he seeks to privilege the stable, second order group membership as the basis of autonomy. Yet his communitarianism itself risks ossifying cultural forms, making it likely that individuals would become trapped in path-dependent first order structures. The mutual inconsistency of Fraser



and Taylor's respective redistribution and recognition therefore points to a second multicultural dilemma, between the freedom of the individual and the coherence and cohesion of the group. In order to act autonomously as cultural and moral beings, it is necessary for individuals to have equally stable cultural and social bases to work from and fall back upon. Yet free, autonomous behaviour is likely to lead to divergent and unruly outcomes which would *undermine* those egalitarian bases, causing harm for others and, potentially, individuals themselves. Circumscribing these actions, however, would contradict the very aim of group stability. As such, it is fundamentally unclear whether the benevolent hand of the state should seek to realise our first order individual agency or our second order group interests.

## **Conclusion**

Under the pressures of multiculturalism, the progressive left seems less able than ever before to provide a germane and authoritative vision of justice. As this chapter has shown, it is afflicted by two dilemmas, between the substantive equality Fraser and Taylor seek variously to provide, and the procedural equality their accounts intuitively require, and between the autonomy of the groups they both privilege, and the freedoms individuals would need to have in order to benefit from group membership. The modern response to these dilemmas has been to turn away from *a priori* reasoning towards democratic institutions which promise to deliver on social egalitarian and multicultural goals. It is the aim of this dissertation, however, to show that this turn towards democracy is counter-productive.

In the first instance, as it is shown in the next chapter, the different types of democratic reasoning pertinent to multiculturalism are themselves undermined by the two central multicultural dilemmas. Moreover, as the dissertation illustrates more generally, such forms of democracy have the potential only to politicise further the inevitable differences between individuals and to exacerbate the destabilisation of society. This is perhaps predictable; by their very nature these dilemmas are not easily solved without a rhetorical sleight of hand. But participative and deliberative democratic institutions seem particularly poorly placed to address them, because of

their epistemological flaws. We therefore have no way of knowing in advance how to go about solving the problems of multiculturalism. As such, any viable solution must surely be one that does not specify any outcome as always and everywhere better than any other. Given the pace of social, cultural and demographic change, as this dissertation shows, we would do far better to rely upon the discovery processes of a classically liberal society to elucidate and realise the best outcome for any given culturally and socially diverse population.

## 2. Critical Literature Review

The politics of difference is by no means a fully coherent or consistent paradigm. Nonetheless, on balance, the benefits of conceptualising ‘multiculturalism’ in a unitary fashion do outweigh the costs. Besides presentational simplicity, it allows us to recognise and evaluate the collective contribution modern political theorists offer to our understanding of the problems posed by moral and cultural differences. As this chapter shows, the various disputes and inconsistencies that have arisen over the *goals* of a modern society are particularly edifying. For they move the theoretical debate beyond the mere moral foundations of democracy towards practical questions. Thus, the chapter begins by introducing a parsimonious analytical framework to simplify the egalitarian and ontological dilemmas introduced in chapter one. By way of a literature review, this is used to explore the politics of difference. It is shown that deliberative and radical democrats reject liberalism because it seeks to offer an *a priori* solution to moral and political problems. These problems, such theorists contend, can only be solved democratically. However, the deliberative ‘solutions’ they offer are just as contentious, because they mobilise mutually inconsistent political norms. Modern democrats, in short, commit their own aprioristic fallacy, by presupposing solutions to the problems of pluralism. To solve modern political problems, it is concluded, we must therefore move beyond the certainties of the politics of difference towards the agnostic politics of classical liberalism.

### Overview

In the last chapter, it was shown that the political project of the modern left faces two fundamental and related problems. The first is that of reconciling substantive with procedural equality; the second, that of reconciling group-level autonomy with individual freedom. It is worth noting here that both of these dilemmas are variations of the structure/agency dialectic. On the one hand, substantive equality is an essentially structural concept, concerned principally with ends. It is achieved by directing the outcomes of social processes to achieve pre-determined goals, and by limiting the ability of either the constituent parts of those processes or external events to disrupt those goals. On the other hand, purely procedural forms of equality are concerned only with initial conditions. They aim to equalise people’s means, so that no one is systematically disadvantaged. Given this, and in contrast with substantive

equality, they allow freedom of agency, and do not seek to directly influence outcomes.

This contrast is mirrored in the dichotomy between group and individual outcomes. Policies aimed at protecting group autonomy (however autonomy is defined) are necessarily structural because they focus upon ends. While it might be argued that group autonomy is a procedural concept – a starting point from which unspecified and substantial group outcomes originate – the inherent instability of unconstrained group formations means that for the idea of a ‘group outcome’ to have any coherence, the parameters of the population for whom the end is to apply must themselves be specified as a part of that end. Since the aim for cohesion is manifest in the very idea of group autonomy, group members must inevitably have constrained freedoms. Of course, if the idea of group autonomy is to provide members of that group with individual autonomy, then their membership of that group is inconsequential, and subsequent outcomes will not be ‘group’ outcomes at all. For, granting *individuals* autonomy entails giving them freedom to determine the nature and quality of their own lives through their own actions. This is clearly antithetical to the former concern with collectivities.

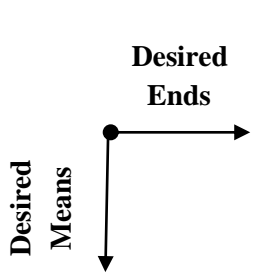
Since these dichotomies both embody the distinction between structure and agency, it is ultimately *this* dilemma that must be overcome by the politics of difference if it is to ‘solve’ the political problems stemming from diversity. This is not to deny, of course, that some might reject the dilemmas altogether. In this case, one might simply assert that one side of each dilemma is right, arguing, for instance, that methodological individualism shows the ideas of group-level autonomy and substantive equality to be incoherent. Yet this would be to take a *prima facie* controversial normative position which must unequivocally exclude its opposite numbers. While this would be perfectly valid, it would seem to contemptuously belie the extent of normative disagreement concerning how to approach diversity, both within and without cultural movements. To avoid the cynicism of this approach, and to show good will and respect towards moral disagreement, it is therefore necessary

to consider those strategies which seek to overcome the two dilemmas and provide answers to each of the conflicting positions.

Although these strategies *attempt* to overcome these dilemmas, it is useful at this point to pre-empt our conclusion, and to contend that they are ultimately unsuccessful. As it is argued later in this chapter, the different positions within the politics of difference ultimately cannot avoid taking an explicit, one-sided position on each choice. Accordingly, they can helpfully be located according to these positions along the two axes illustrated below in figure 2.1. This visual representation is useful because it clarifies the connections between each position. If they are to be coherent, it is necessary that they combine the two dilemmas within a single means/end relationship. As chapter one illustrated, for instance, a substantive form of equality cannot cohere with unstructured individual freedoms within a list of political goals. If this seemingly contradictory pair is to be compatible, only one of these patterns of relations can be the end of political action; the other must be a means to that end. Thus, one should view individual freedoms *as a means to* substantive equality. To put this more thoroughly, the dilemma between the individual and the group is inherently a dispute over the appropriate means to social ends, because it concerns the very nature of autonomy. Similarly, proceduralism and substantivism refer ultimately to opposing normative judgements about social ends themselves.

Given this relationship, it follows that the nature of the equality being sought is likely to be influenced by whether the means being pursued are intended to foster group- or individual-level autonomy. When the means are group-based, the type of equality sought will be an equality between groups. This will inevitably be a structural form of equality, because it determines the conditions within which individuals must act, rather than their actions themselves. Contrastingly, when the means are individual-based, the equality sought will pertain to individual characteristics. It will pertain to aspects of *agency*, that is, because it must refer to a specific similarity of abilities or freedoms across individuals. Likewise, the procedural and substantive forms of equality which divide the politics of difference refer to equality defined respectively

by agency and by structural patterns. As such, it must be the case that the four simple positions that might be taken on the two dichotomies are *unique* and *incompatible*. As figure 2.1 illustrates below, we can thus coherently and without contradiction use these positions to structure our analysis of the literature on the politics of difference.



	<b>Procedural Equality</b>	<b>Substantive Equality</b>
<b>Liberalism</b>	<b>Procedural individualism</b> (Agency/Agency) <i>E.g. Rawlsian institutional justice</i>	<b>Substantive individualism</b> (Agency/Structure) <i>E.g. Benhabib's cultural egalitarianism</i>
<b>Communitarianism</b>	<b>Procedural communitarianism</b> (Structure/Agency) <i>E.g. Gutmann and Thompson's deliberative democracy</i>	<b>Substantive communitarianism</b> (Structure/Structure) <i>E.g. Sandel's republicanism</i>

**Figure 2.1: The four unique democratic solutions to the dilemmas of equality and ontology**

Nevertheless, it is first important to note two caveats with regards to this model, in order to clarify the nature of the comparisons it proffers. First, the picture it paints is rather simplistic, suggesting that all those within each category have the same distinct views. This is clearly not the case. Instead, the categories simply refer to arguments with the same analytical structure, which use the same *type* of means to reach the same *type* of ends. The model is therefore an heuristic device, which must

inevitably hide some of the nuanced similarities between different authors. While this is perhaps regrettable, however, it does not undermine the usefulness of the exercise. The point here is simply to outline what different approaches might be taken, in the light of the dilemmas of multiculturalism, rather than to forensically examine different writers' works.

On a related note, it is secondly important not to make assumptions about intentions based upon the representation of political theorists in this model. The representation says nothing about the *aims* of different theorists, but rather describes the likely outcomes of their ideas. Importantly, it is compatible with the assumption that all those theorists concerned are well-intentioned and desire the highest level of well-being for individuals in a diverse society. Once we make this assumption, it follows that if we can identify logical fallacies and *non sequiturs* in the politics of difference which are *not* present in a viable alternative, then we will have a compelling reason to abandon the former and embrace the latter. Our present task, therefore, must be to analyse each of the positions in turn to clearly identify their internal, logical or philosophical problems, in order that we might, later on, have a solid, non-ideological basis from which to assess the viability of alternatives.

### **Procedural individualism**

The procedural individualist position is exceptional in that it provides the basis from which, essentially, the rest of the literature considered here begins. Its fundamental aim is to facilitate individual autonomy in order to maximise the fulfilment of human potentials, and it consists accordingly of an emphasis on individual rights within a complementary welfarist backdrop intended to ensure procedural equality. Broadly speaking, much of the western world can be characterised as following this procedural individualist model. Yet in the opinion of many modern democratic theorists, lived experience shows that it is clearly unable to cope with the pressures of modern pluralism. As such, and on their own terms, the value of multicultural critiques and alternatives to the liberal hegemony must hinge upon how well they can overcome the problems they see as inherent in liberal politics.

Even at the outset we can note that liberal democratism – based as it is on a fusion of elements of individualism and republicanism – offers little by the way of conceptual stability and coherence (Carter and Stokes, 2002: 1). Instead, paradigmatic unity comes from the general commitment to self-determination shared by both republican liberals, who emphasise participation within structures of self-governance, and liberals from the British tradition, who emphasise the importance of individual freedoms. These twin schools offer a somewhat contradictory basis for liberal democracy which is readily exploited by the democratic theorists considered below. Nevertheless, their respective emphases on structure and agency raise the question of whether liberal democratism might itself be able to overcome the twin dilemmas outlined above. A good place to begin our review question is thus with the seminal thought of John Stuart Mill, who, as David Held (2006: 79) observes, ‘conceived of democratic politics as a prime mechanism of moral self-development’.

### *John Stuart Mill*

Mill (1991a) was primarily concerned with securing the sovereignty of the individual over her own thought and action. He presented instrumental arguments, based on the contention that individual liberty is consequentially more desirable than an overweening state or dictatorial majority opinion. Instead of concentrating on the individual’s intrinsic rights and duties as Kantian individualism tends to do, Mill’s arguments are based upon a concern for the freedom and autonomy of society’s various minorities because of their role in promoting the welfare and progress of humanity as a whole. He praised the freedom to hold unconventional or undesirable thoughts and opinions, for instance, because they are indirectly edifying and stimulating for us all (*ibid.* 22-59). Similarly, individuals should be at liberty to act in ways some or even most others see as disagreeable, so that they – and, in turn, the rest of society – might learn how best to live their lives and promote human flourishing (*ibid.* 69-76).

Mill’s arguments clearly support an optimistic evaluation of modern pluralism, because it seems quite simply to be the natural consequence of our collective



ignorance as to how best to live our lives (see *ibid.* 26-28, for instance). Since we have no access to any *a priori* truths, we can only evaluate diverse cultural and social mores as experiments in living, from which we all have much to learn. Mill's (*ibid.* ch. 4) well known argument that freedom in action should be permitted until the point at which it harms another should therefore be seen as an essentially pluralist argument (Gray, 1996). Democratic and state functions should be limited not in order to privilege elites but to protect those most at risk. For, individual liberties enable communities themselves, rather than those who control or wield the instruments of state power, to choose and control their own futures.

A closer examination of Mill's aversion to statism, however, is suggestive of why multiculturalists are rarely Millian liberals. Mill's arguments had two broad targets: the assumed moral supremacy of majoritarian opinion, which he argued could lead to a 'tyranny of the majority', and the unrestrained power of bureaucratic state institutions, which would inevitably promote despotism (Mill, 1991a: 8-9). These problems need addressing, he contended, because they are likely to retard the ability of individuals to engage in intellectual and moral development. Besides being able to effectively perform only one experiment in social organisation at any one time, the state also tends to hamper individual creativity, crowd out private experimentation and increase individual apathy, the more powerful it becomes (*ibid.* 120-128). Further, such statism is likely to have reinforcing feedback effects, because the more people withdraw apathetically from their communities, the greater the need for corrective state interventions. Yet as the state tends towards absolute despotism, the power and ability required to uphold its hegemony will become unfeasible, and societal collapse is certain (Mill, 1991b: 239).

In this account, individual agency and democratic structures are indivisible. The health, vitality and ultimately even the continued existence of the democratic system is a function of the development, engagement and maturity of individuals. And, at the same time,

[t]he maximum of the invigorating effect of freedom upon the character is only obtained, when the person acted on either is, or is looking forward to becoming, a citizen as fully privileged as any other (*ibid.* 254).

When individuals are excluded from democratic processes, they are liable to be passive, dreary and unfulfilled. But '[g]iving [them] something to do for the public, supplies, in a measure, all these deficiencies' (*ibid.* 254). Individual agency and well-being, in other words, require strong and legitimate democratic institutions.

Mill's account thus rests fundamentally upon an impartial and procedural formulation of the individual. That is, for a healthy society, citizen relations with one another and the state must be regulated by formal democratic procedures. Accordingly, Mill's liberalism abstracts away from the social, temporal, cultural and bodily differences which characterise diverse populations, in order to focus more generally upon the conditions favourable to autonomy. No concern is offered for any specific individual or group. On this basis, the institutions that matter are *state* institutions, such as the legislature or the judiciary, and the only way they can act justly is to treat *everyone* equally. And because active state power is on Mill's account inimical to individual equality, then these state institutions must restrict their activities to ensuring equality of opportunity. In contrast with Taylor's general sympathy for endangered cultural groups, Mill's approach is therefore more concerned with limiting the moral power cultural power structures have over individuals. The question of cultural survival is marginalised. As long as no-one is prohibited from free thought and action, and all are empowered by democratic institutions, individuals should have the ability and knowledge to guide and adapt their own culture, if indeed they wish it to exist into the future.

This neglect for group outcomes must undermine the appeal of Millian liberalism to those who feel their cultural or national identities are threatened by liberal institutions. Moreover, for our purposes, it unhelpfully only reconciles the question of structure and agency by thoroughly prioritising the latter. As a result, it asserts the need only for an impartial equality of treatment, which, though likely to be beneficial

to the polity in general, would likely result in ‘winners’ and ‘losers’ stratified by cultural identities – the very problem the politics of difference takes as its inspiration. The problem, then, is that Mill’s aims appear under-determined. His liberalism allows people to choose their own goals, so it can consequently offer no guidance for overcoming the profound moral disagreements which exist around choice itself. Yet these are debates which concern the very nature of human freedom. To simply leave it to people to make up their own minds here at best ignores society’s underlying power structures and, at worst, actively imposes individual autonomy as a meta-norm for ‘all ways of life’ (Kane, 2002: 98).

To illustrate these points and set the scene for the multicultural critiques to be discussed presently, consider here Iris Young’s attack on liberal impartiality:

The ideal of impartiality is an idealist fiction. It is impossible to adopt an unsituated point of view, and if a point of view is situated, then it cannot be universal, it cannot stand apart from and understand all points of view (Young, 1990: 104).

Young’s claim is that our autonomy is circumscribed by the social conditions in which we find ourselves. Differently situated social groups cannot help but have different perspectives which must be relevant to collective moral decisions (Young, 2000: ch. 3). To remain relevant to the politics of difference, Mill’s arguments would need to show precisely how liberal institutions could mobilise these group-based perspectives in order to underwrite individual freedoms. Since they cannot do this, Mill remains open to the charge that he privileges a specific and partial form of communication and interpretation. It appears to be necessary to move beyond his position in order to recognise and empower groups so that their perspectives can be considered in a more comprehensive and fair decision-making process.

### *John Rawls*

While they do not explicitly follow Kant, Mill’s arguments *are* comparable to Kant’s

in their strict adherence to the value of autonomy. This is problematic, in Rawlsian terms, because Kant's is merely one of many competing comprehensive moral positions. Because it could not command agreement among the adherents of *all* 'reasonable' comprehensive doctrines, it could only survive with the help of government coercion, which could not be justified to those being coerced (Rawls, 1993: 37). The early Rawls was of course himself arguably committed to a somewhat similar comprehensive form of liberalism in his *A Theory of Justice* (Rawls, 1999: 37). He later sought to clarify this position, however, after realising that it is inappropriate for societies comprised of individuals situated within different and incommensurable but at the same time eminently reasonable moral frameworks.

As such, Rawls's later arguments embody what might be called an epistemic moral pessimism. Like Mill, he takes the paucity of objective truths as proof that it is unreasonable to presume that a consensus could or should be reached on complex issues of morality (Rawls, 1993: 54-57). The most we can hope to achieve is a constitutional settlement which manifests and safeguards 'reasonable pluralism'. Thus, his arguments seek to avoid and defuse conflict by setting out the principles of a just state upon which diverse individuals can reasonably and without sacrifice agree. This sharply contrasts with both Mill's comprehensive individualism and, notably, with the deliberative approaches examined below. Assuming a more optimistic outlook on the epistemic capacities of the citizenry, these approaches seek to limit rather than increase the fixity of political decisions.

Like Mill, the early Rawls sought to justify and entrench equal individual liberties because of their instrumental value (see Gray, 1989: 153-154 for a comparable analysis). Liberty, Rawls (1999: 441-449) argued, is fundamental to individuals realising their potentials as human beings, capable of both acting upon a vision of the good life and according to the requirements of an idea of justice. In a Kantian, constructivist fashion, therefore, Rawls tied the human good to the innate 'desire to express most fully what we are or can be' (*ibid.* 225). For Kant, moral statements can approximate objectivity if they can be derived from the principles which arise from a process of pure reasoning (Freeman, 2003: 27-28). Rawls sought to emulate this

process by positing an ‘original position’, within which individuals must collectively decide how to organise society on the basis of their rationality and moral potentialities alone. Since their reasoning would lead them to universal liberties, he thus argued that these freedoms have an objective moral value.

Nonetheless, despite relinquishing Kant’s more controversial deontological foundations, constructivism remains central to Rawls’s later work. Instead of a thoroughgoing change, he simply seeks to limit the aims of his argument, by separating the procedural questions of political organisation from the normative questions of metaphysics and morality (Gray, 1989: 166-167). Thus, Rawls’s *political* liberalism abandons the commitment to realise our innate autonomy in order to focus upon democratic citizenship. The two central moral powers no longer denote the defining features of moral human actors but are instead the pre-requisites necessary for individuals to partake ‘in a fair system of social co-operation’ (Rawls, 1993: 18-19). Since no (democratic) citizen can fail to agree with this morally neutral ‘political conception of the person’ (*ibid.* 29-35) it is ‘freestanding’ from any particular comprehensive doctrine (*ibid.* 10). Accordingly, the reasoning embodied by ‘*political* constructivism’ (see *ibid.* 125-129, my italics) can embody the desire only to construct the principles of fair co-operation. The liberal recommendations of Rawls’s political philosophy should be seen not as controversial ‘truths’, but of pragmatic guides to just conduct.

As Rawls’s political liberalism is explicitly intended to appeal to pluralist and even non-liberal philosophies, it perhaps unsurprisingly offers a stronger approach to the twin dilemmas of diversity than Mill. In particular, the later Rawls’s rejection of full autonomy means that he is not beholden to such a strict form of individualism. Instead, because he is concerned with autonomy only in so far as it is integral to democratic participation, the only individual rights necessary in a politically liberal society are those which democratic citizens would not object to: those necessary to participate as equals in the institutions of democracy and government. This has two advantages. The first is that Rawlsian liberalism must be neutral with respect to all concepts of the good, be they substantive, communitarian or otherwise, which fall

outside and do not affect democratic participation (see Rawls, 1993: 214-215). In any case, (reasonable) individuals will not desire any form of the good which *does* undermine democratic equality because, by definition, citizens wish it to be immutable. Thus, in a Rawlsian world, Taylor's threatened cultures will, as long as they are democratic, have recourse to self-preservation.

The second advantage is that Rawls's procedural arguments themselves incorporate elements of substantive equality. Joshua Cohen (1993: 595-597) argues that it is not possible to separate procedural and substantive values in Rawls's account, because Rawlsian liberalism essentially seeks to 'reconcile' liberty and equality.<sup>3</sup> The original position itself, for example, embodies a form of substantive equality in the guarantee that the decision-making procedure would be just. And the democratic polity which it would produce would be characterised by such substantive goods (such as education and welfare) as are necessary to guarantee the 'openness' and 'fairness' of the democratic process while allowing individuals to realise their own moral vision (*ibid.* 601-606). As Rawls (1993: 164-167) contends, a procedural 'constitutional consensus', designed in the first instance to avoid strife, will always tend towards a more substantial 'overlapping consensus' as individuals with different moral worldviews learn to treat each other as worthy of reciprocity and respect, and thus seek to widen the terms of fairness in order to strengthen political cohesion. It would seem, therefore, that Fraser's demands for material equality could also be satisfied in a Rawlsian world.

These theoretical strengths are, however, illusory, since Rawls's political liberalism remains hampered by the limitations of his earlier Kantianism. For the problem with the latter was not simply its conception of practical reason *qua* human nature, but the ostensibly neutral constructivist dependence upon a process which removes all personal knowledge of circumstance and identity. This relies upon the epistemological assumption that the two moral potentialities are alone a sufficient

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<sup>3</sup> Cohen actually draws this account from the principles of justice in *A Theory of Justice*. But, as he (1993: 598) argues, 'the more recent modifications of [Rawls's] views do not require any change in [the relationship of substance to procedure]', so the reasoning stands.

basis to make seminal decisions about how human beings *in general* should live their lives. But for the determination of the terms of political association, as Seyla Benhabib (1992: 164-170) and John Gray (1989: 30) note, any truly universal human characteristics will be so vague and so abstract that they would be practically meaningless. If Rawls wishes to ground his arguments in human ontology, then he can only appeal to cultural and temporal specificities which are inappropriate for grounding a universal form of social organisation (*ibid.* 30-31). Inevitably, then, Rawls ends up covertly injecting controversial norms (such as those embodied by the ‘primary goods’) into his theories which, had his subjects more knowledge about their identities and interests, they might not consent to (Schwartz, 1973).

This problem is clearly not addressed by political liberalism. Indeed, the absence of real, substantial information is even more conspicuous here because the whole point of this project is to justify a liberal theory of justice by reference to *democratic* institutions. Rawls himself even likens it to deliberative democracy (Saward, 2002: 112). Yet it is difficult to reconcile the idea of deliberation based upon almost complete ignorance with the more common notion of an exchange of ideas and perspectives. And it is not just the deliberative credentials of Rawlsian political liberalism that are questionable. Its democratic basis *itself* is of dubious integrity. As Rex Martin (1993: 751-752) contends, Rawls’s political ontology has little relevance to real-world democratic institutions. If political liberalism *was* based upon the principles of democracy, it would have to specify the foundational institutions and values, such as the universal franchise or majoritarianism, and show how the principles of justice can be arrived at from these (*ibid.* 753-754). This would be to abandon any pretence to universality, however. To ground the principles of justice in contemporary liberal democratic practices and arguments would be to ground them firmly in controversial contemporary ethical discourses.

Chantal Mouffe (1996a: 249) tellingly observes that political liberalism’s conception of *reasonable* pluralism is effectively a tool by which Rawls ‘draw[s] a frontier between those who accept the liberal principles and those who oppose them’. His apparent ability to overcome the equality and ontology dilemmas is based upon the

tautologous logic that people would agree to reasonable principles of justice because they are themselves reasonable. But the claim that the principles of justice are reasonable is clearly disputable. Because of their foundationally thin, procedural nature, they would be unlikely to support a consensus between individuals keen to politicise and act upon their substantive goods. As such, and despite his attempts to adapt liberalism to fit the demographic and political conditions of our post-socialist age, Rawls's ultimate contribution is to illustrate the limits of liberal democratism.

### *Beyond liberalism*

The critiques herein notwithstanding, this brief survey of two of liberalism's most seminal thinkers has illustrated a promising approach to the central dilemmas of diversity. It will be recalled that Mill saw the connection between the individual and the collective as being one of mutual development. The group cannot develop if the individual is prohibited from growing. Rawls, similarly, has shown that procedure and substance should also be viewed as inseparable. Procedural liberties cannot be exercised without their attendant substantive liberties. The problems neither approach can overcome, however, are those posed by irreconcilable value and moral pluralism, which both see as something to be embraced, rather than changed. As noted earlier, this is one of the greatest differences between liberals and deliberative democrats. For the latter do not subscribe to Rawls's epistemic pessimism. Instead, they believe that democratic procedures can be used to address, rather than simply accept difference. To assess this strategy, it is to these accounts we now turn.

### **Substantive individualism**

In contrast with liberalism's pessimistic and debilitatingly strict proceduralism, deliberative conceptions of democracy promise to solve the equality and ontology problems with ease. While it may not be possible to truly satisfy everyone, if the disagreements which characterise pluralist politics can be shown to be essentially tractable, then it is at least possible that there is a substantial, unitary end which may



command legitimacy. This end cannot be known *a priori*, however. A formal, democratic procedure of some form is necessary in order to discover its composition. It is not, therefore, that procedures *are* outcomes, as Rawls seems to say, but that a just procedure inevitably leads to a just outcome. The challenge for deliberative democratic theorists, then, is to discover procedures, and thus outcomes, which are truly just.

Substantive individualists address this challenge by ultimately seeking to allow the individual to define the contours of justice. Like liberals, they are wary of the dangers of giving groups too much power over their members, so they lean towards privileging individual autonomy rather than group identity. Nevertheless, to reconcile individual freedoms with pluralism, they allow that justice must entail the substantial recognition of cultural and moral norms. This position is exemplified by Benhabib (2002: 70), who contends that ‘we can and should do justice to certain claims for recognition without accepting that the only way to do so is by affirming a group’s right to define the content as well as the boundaries of its own identity’. Since Benhabib addresses her concerns directly to the question of justice, it is apposite to begin here by analysing her contributions.

### *Seyla Benhabib*

Benhabib’s deliberative approach rests upon setting out a dynamic, sociological theory of culture and identity which can displace the ‘mosaic multiculturalism’ which defines much orthodox pluralist thought (*ibid.* 7-8). She contends that

cultures are not homogenous wholes; they are constituted through the narratives and symbolisations of their members, who articulate these in the course of partaking of complex social and significant practices (*ibid.* 61).

As such, cultures are ‘communit[ies] of conversation’ which arise only out of the shared interests, shared projects and shared experiences of individuals (*ibid.* 33). This is a clear departure from the argument offered by those such as Taylor who

believe the individual to be constituted by culture. Because of our multitudinous and various characteristics (ranging from age and gender to education, hobbies and political views), any one individual will be a member of countless different and often competing cultures. Moreover, each and every culture will itself be a melting pot of different influences and interests which must vie for narrative primacy. There can thus be no basis for the state to arbitrarily prioritise one part of an individual's identity over any other. Individuals must themselves discover their own identities via discourse and deliberation.

This throws up an immediate problem. Since everyone must have a unique set of viewpoints, then it must be difficult to reach a consensus over a just democratic procedure. The problem for Benhabib is that in order to construct this consensus, she must introduce subtle yet controversial value judgements, which ultimately only prove the stark and irreconcilable nature of moral conflict. In and of itself, of course, her social ontology is value neutral. Benhabib (2004a: 176-183) adds a normative twist, however, when she argues that, in the face of this reality, the task of politics is to unite the disparate elements both within and without society through all-inclusive democratic interactions. In a similar vein to Fraser's approach to diversity, this unification depends upon the democratisation and transformation of both the relations between maligned and dominant groups and even the internal constitutions of the groups themselves. For true democratic relationships require a 'complex cultural dialogue' whereby identities and cultural boundaries between the 'self' and 'other' are called into question and are openly and critically evaluated (Benhabib, 2002: 70).

This appraisal imbues Benhabib's cultural ontology an odd duality. On the one hand, it is a simple fact that everyone is different. But on the other, it is also a functional good. Given the political aim of initiating critical self-reflection on both the individual and communal scale, internal cultural heterogeneity with its attendant disputation must be something to be celebrated. For, not only does it stimulate interaction and learning, the absence of cultural wholes means that there are rarely instances of incommensurability even in the most diverse societies. When radically

different individuals cross paths, the process of exchange can be different in nothing but scale from the internal discursive exchange when, for example, one's sexuality contradicts one's religion – conflicts which *are* overcome in the real world of inherently contested cultures. Accordingly, any possible challenge that the norms embedded within complex cultural dialogues are partial with respect to any particular culture or moral position can be dismissed. Deliberation is instead the (ostensibly) logical answer to the necessary task of co-ordinating the diverse and frictional, yet structurally similar, cultural constellations within our global 'community of interdependence' (*ibid.* 36).

On the basis of this argument, it seems safe to assume a consensus around the 'normative rules' Benhabib sets out to ensure the justice of the discursive process (*ibid.*). These are based on the rationale of discursive interactions, and the intuitive 'presumption that the instances which claim obligatory power for themselves do so because their decisions represent an impartial standpoint said to be equally in the interests of all' (Benhabib, 1996a: 69). Of course, for this to be the case, deliberation and debate must take place in conditions in which all participants have equal control over the content, direction, duration and rules of the intercourse (*ibid.* 70), conditions described by the principles of 'egalitarian reciprocity' and 'universal moral respect' (Benhabib, 2002: 106-107). Moreover, in situations of *inter-cultural* dialogue, these procedures require equal treatment of members from all cultural groups, the freedom of all to decide which groups, if any, they 'belong' to and the freedom of entry and exit into groups (*ibid.* 131-132).

At first sight, this is a compelling argument. In particular, the link between difference and learning is persuasive. We can indeed learn about both ourselves and one another by respectfully talking and listening, and the more we differ, the more we can and often should learn. Moreover, analytically this argument seems well-placed to overcome the dilemmas of multiculturalism. Benhabib's strict limits on fair discursive interactions ensure that, in theory, all situated moral viewpoints and perspectives can be articulated and appraised. In consequence, when individuals make arguments and express their interests, they would have to reflect over what

meaning these arguments and interests have for others, who would surely take offence at expressions of pure self-interest (*ibid.*). Benhabib's deliberative democracy would therefore stimulate intra-cultural learning and respect, by removing the fear of the unknown. It seems to follow, then, that individual agency and cultural structures would become more and more interconnected, as discussants would internalise and form links with an ever more inclusive set of socio-cultural ideas. Individuals would thus presumably learn to recognise and respect one others' cultural norms. They would be well-positioned to identify and arrest both intra- *and* inter-cultural oppression.

These strengths are illusory, however. The ostensible universality of Benhabib's discursive ethics is thoroughly undermined by their contestable quasi-Rawlsian constructivist basis. As David Peritz (2004: 269) illustrates, political theorists can only identify issues in need of democratic deliberations; they cannot resolve those issues 'once and for all'.<sup>4</sup> Thus, while Benhabib convincingly shows that mosaic multiculturalism is problematic, this does not itself prove that her deliberative alternative commands the legitimacy necessary to ground democratic theory and practice. Indeed, her account of the radical partiality of individual identities within heterogenous social and cultural structures seems to imply that '*all* conceptions of culture [including her own] with sufficient normative content to play an important role in democratic deliberation or theory are reasonably controversial' (*ibid.*, my italics). Thus, the claim that individuals should 'adopt a self-reflective attitude toward their own culture' cannot be accepted at face value (Pensky, 2004: 262). This would require members of cultural minorities to abandon any claims to 'truth' or cultural integrity in favour of instrumentalism or relativism. And supposing that minorities *did* accept this, it is hard to see how it could do little other than aid the spread of the secular majority culture (*ibid.* 263).

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<sup>4</sup> Indeed, this is a point that seems to be implicit in the idea of democratic deliberation. If individuals are seen to be moral agents, who can responsibly make decisions about their own lives, then there can be no justification for limiting the scope of debate *a priori*, because this would seem to either pre-empt the outcome of those deliberations, or else (unjustifiably) exempt certain issues from examination.

The problem, in short, is that Benhabib relies upon a naturalistic fallacy. Intriguingly, as Peritz (2004: 273) notes, this is exactly the same problem she excoriates Charles Taylor for (see Benhabib, 2002: 65). Now, the shift from ontology to advocacy is certainly understandable. After all, Benhabib's arguments are based on the basic agency and autonomy inherent in all individuals, and it is this agency which explains and fills out her epistemic optimism. This is simply not enough, however, to overcome the plausible claims of rivals that such autonomy is undesirable. One need only imagine here the Catholic Church's reaction if the Pope were forced to admit that atheists were just as likely to be correct on theological issues as he, and that we should all be agnostic to the rights and wrongs of abortion or stem-cell research. Benhabib's apparently empowering account is thus a mirage. At its base, it is simply an assertion of the importance of universal, *substantive* equality – in terms, we might contend, of the distribution of the 'demassified and shifting' cultural resources which constitute the social world (Fraser, 1997: 30) – between *individuals*.

This is not to denigrate Benhabib's insightful argument. Her response to Peritz, for instance, asserts that the separation of political and moral autonomy would leave women and minorities stranded and vulnerable, which she would be 'unwilling to accept' (Benhabib, 2004b: 297). What is needed, amongst other things, is the encouragement of 'women's equal citizenship and moral self-determination' (*ibid.*). This is a powerful argument, which refers to one of the most influential and important claims of twentieth century feminism. But it illustrates the centrality of contestable norms to her account, justifying her normative place within substantive individualism. She thus sits in the curious position of advocating precisely the kind of deconstructive, agency-centred view of culture which was one of the motivating factors for multiculturalism in the first place.

*John Dryzek*

Dryzek's (2000; 2001) 'discursive democracy' promises to circumvent many of these problems whilst remaining true to the emancipatory promise of Benhabib's arguments. Thus, Dryzek shares the latter's concern with essentialism, but he sees

deliberative democratism as itself liable to veil individual differences within an ostensibly unitary identity. The problem is that deliberation must presuppose a set of norms and deliberative ideals, which, like Benhabib's above, risk reproducing a particularly abstract, secular and culturally biased view of the world (Dryzek, 2000: 25). Recognising this, many 'difference democrats' have sought to undermine the influence of liberalism by injecting marginalised voices and groups directly into the political process. For Dryzek (*ibid.* 62-67), however, this risks an even more insidious form of oppression, whereby the individual must accept a reified and fundamentally arbitrary understanding of their identity or else give up any hope of influencing the political process.

In contrast to a deliberative democracy based upon the representation of and interaction between persons and identities, Dryzek thus offers a democratic system based upon the interaction of society's various discourses. Drawing from Foucault and like Benhabib, he understands individual identities to be essentially contested derivations of the numerous competing discourses which vie for 'truth' status in society. As such, a more extensive representation of identities or individuals is likely to make no difference to the boundaries of democratic freedom (*ibid.* 74-80). Such official recognition is likely to capture and represent only those who accept the dominant social discourses concerning marginalised groups and their place within Western societies. To extend the boundaries of democracy, and to make democratic control more effective, it is necessary instead to mobilise all of the different discourses at work in society, including those which represent the interests of animals and the environment (*ibid.* 147-148). This would shatter illusions of cultural and social unity and emancipate those minority perspectives which exist across social groups but run counter to the liberal and capitalist hegemony.

Dryzek offers two ways in which to mobilise society's marginalised discourses. The most direct way is to formally admit them into the democratic parliamentary process. This could be done by systematically selecting discursive representatives according to the extremity of their views or the moderate way in which they combine different positions (Dryzek and Niemeyer, 2008: 485-488). Selected individuals could thus be

admitted into democratic chambers or given powers of oversight and contestation through mechanisms such as citizens' juries or polling groups. Since Dryzek (2000: ch. 4) is wary of the stifling, innovation-crushing aspects of public institutions, however, this form of representation would need to take place within a wider contestatory and 'insurgent' public sphere. Privileging hitherto marginalised discourses would require the allowance and endorsement of non-liberal dialogical forms, such as shifting patterns of rhetoric and story-telling. Moreover, it would require giving the new discourses which arise out of these dynamic interactions instant recognition, lest they wither under pressure from extant, institutionalised discursive power. As such, a discursive democracy requires a vibrant and dynamic civil society in which individuals can freely challenge existing institutions and demand changes to 'the terms of political discourse (*ibid.* 101). In this sense, the key role for democratic institutions is simply to test the validity and fairness of discursive claims. Discursive action is to take place primarily in the public sphere.

'Discursive' democratism provides a seemingly less biased view of individual emancipation than Benhabib's because it relies upon a contestatory process that leaves explicit room for fundamentalist, non-secular and illiberal discourses. Thus, the two-tier democratic process would provide space for the structural order some might want in order to secure the future of their cultures because it privileges discourses, rather than individuals. Since discursive views could be effectively concretised (much like Britain's shrinking Anglican Church is still enshrined by religious peerages in the House of Lords), marginalised groups would be guaranteed a dialogical and moral space within which they would effectively be guaranteed some influence on political decision-making. Yet, significantly, this would not impinge upon individual freedoms (*qua* agency), which would be underwritten by the autonomy of the public sphere. This autonomy is fundamentally necessary in order to move beyond mere procedural liberal rights to give people a genuinely equal franchise (*ibid.* 86). As Dryzek (*ibid.* 161-166) suggests, in practice such a strong form of equality would therefore sustain a form of reflexive, critical autonomy amongst the citizenry towards what could otherwise be oppressive discursive structures.

It is not hard, however, to see the danger this reflexive autonomy poses to established cultures and religions. For it relies fundamentally upon the separation of the individual from her constitutive discourses. These discourses are to be treated, in effect, as free-floating legislative building blocks with equal status and input into the political process. Their validity is dependent upon the reaction of the public sphere, in which individual action is to play a consciously subversive role in challenging parliamentary discourses according to autonomous moral evaluations of their practical effects. In so far as the public mood shifts or new civic discourses emerge, these would effect a change upon the composition and content of *institutionalised* discourses, which would then be subjected, during the political process, to fresh democratic assessments of their generality and beneficence. As such, the stability and security of cultural and moral discourses and their attendant structures would always be under threat. Their demands for protection and respect on the basis of truth claims would inevitably be marginalised by the thoroughgoing consequentialism which would pervade the public sphere.

It is therefore difficult to see how Dryzek solves the problems he identifies in liberal-leaning deliberative accounts. His system would erode the ability of any discourse to assert metaphysical claims which cannot be subjected to some form of rational deliberative process, which is tantamount to saying that 'truth' is dialogically constructed. Such a claim is obviously controversial, and it leads Dryzek to base his account on individuals having substantive equal positive freedoms in the face of competing claims to their adherence. The seemingly fair settlement which would be offered by political institutions to competing discourses is therefore neither here nor there; like Benhabib, Dryzek is committed to the inseparability of moral and political autonomies. Forms of cultural or moral agency which require the curtailment of certain freedoms in order to preserve their stability would thus be untenable. And groups such as Catholics and conservatives that seek to present a unified, group identity would be undermined by the fundamental elevation of the individual as the unit of agency in the political process. Accordingly, like Benhabib, Dryzek can only be evaluated as presenting an unremittingly substantive individualist response to the problems of modernity and diversity.



## *Towards an alternative deliberative democracy*

This deliberative project simply proves the objection to epistemic optimism. Benhabib and Dryzek's arguments only provide an equal and just outcome for all if we all agree on the value of their social constructivist and discursive ontologies. Yet neither author provides any reason to believe that we *would* all agree with that model. Simply being participants in daily discourses does not mean that all individuals will understand their daily lives as primarily and importantly discursive, especially when this leads to the undermining of their sacred or central ideals. Moreover, neither does it necessarily mean that individuals would not seek to stop discursive challenges to their beliefs if they could.<sup>5</sup> Substantive individualists therefore continue to beg the question of agreement on just procedures. What are we to do when people disagree, reasonably enough, over such complex moral and ethical issues? Are some always doomed to discontent and dejection? As we will presently see, the deliberative democrats Gutmann and Thompson attempt to overcome these problems through an alternative idea of democracy which seeks to reconcile short-term stability with long-term change.

### **Procedural communitarianism**

This second set of deliberative arguments is in many ways similar to the substantive individualist position set out above. An obvious parallel is the shared optimistic assumption that deliberation can overcome intractable moral conflicts, at least in the short run. And no less significant is the shared intention to overcome the dilemma between structure and agency by treating both as integral parts of the deliberative process. Indeed, this is more explicit in arguments characteristic of this position, which place emphasis more on the procedural equity which underpins democratic practice rather than the substance of democratic outcomes. To counterbalance this proceduralism, however, they clearly depart from the individualistic emphasis on autonomy. As Gutmann and Thompson's arguments show, procedural

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<sup>5</sup> Islamic reactions to Salman Rushdie's Satanic Verses and the publishing of cartoons of the Prophet Muhammad in the Danish press are good examples of this argument.

communitarianism seeks to strengthen the moral obligations placed upon individuals in order to provide more substantially group-friendly outcomes.

*Amy Gutmann and Dennis Thompson*

The procedural basis of Gutmann and Thompson's ostensibly liberal project is based on their conviction that deliberative democratic processes can only be provisionally justified. Although they believe deliberative democracy to be morally preferable to any alternative democratic arrangements, '[p]rocedural and substantive principles should both be systematically open to revision in an on-going process of moral and political deliberation' (Gutmann and Thompson (hereafter GT), 2004: 25-26). GT define deliberative democracy as

a process that requires decision-makers to accept the responsibility of justifying the substance of the decisions they make on behalf of others—their fellow citizens, and at least some of their fellow human beings in the rest of the world (*ibid.* 62).

For GT, as with Benhabib, Democracy embodies the principle of reciprocity, the imperative that individuals must explain those decisions which would impact on other people *to* those people. Reciprocity is particularly important for GT, however because it is the only premise which cannot be rescinded democratically (*ibid.* 114-115). Reciprocal respect must be ongoing, and people must continually accommodate one another's viewpoints and objections if democratic interactions are to be fair and effective. Otherwise, decisions are likely to be made illegitimately by force or bargaining (*ibid.* 98-99).

The movement from this procedural basis to some form of substantive equality blends aspects of Rawlsian liberalism with Habermasian discursive norms (such as those of Benhabib, above). Since participants must all agree that the justifications used within a reciprocal deliberation are at least reasonable, it follows that such justifications must appeal to the basic requirements that all free and equal individuals

would reasonably desire for themselves (GT, 1996: 60-61). Accordingly, a deliberative democracy would presumably provide the Rawlsian ‘primary goods’ – the basic liberties and protections necessary for general autonomy (see, for instance, GT, 1996: ch. 8). Legitimate deliberative action, in other words, implies a respect for substantial rights *by definition*, because a decision process that overrides or circumvents inevitable and intuitive objections would have no legitimacy. Like Benhabib and Dryzek, GT’s theory therefore provides a basis for objectively criticising the legitimacy of deliberative outcomes, even when they are apparently procedurally fair (GT, 2004: 104).

Yet GT avoid the objections raised above against Rawls and the substantive individualists by emphasising the provisionality of their arguments. They seem innocent of the kind of assumptions which Rawls makes about universal reason by suggesting that the requirement for welfare would be the outcome of *real* deliberations amongst socially situated individuals. And they avoid dubious moral assumptions by accepting that their moral bases are partial with respect to the contemporary political context. If it can be shown that ‘there are better arguments for competing principles or conclusions in the same context’, then we should adjust our moral principles as necessary (*ibid.* 122). But this in itself must involve some form of deliberation in order to evince the necessary consensus around the new principles. Iterative deliberations, in other words, are essential for any inter-temporally legitimate form of democracy. GT’s substantive, egalitarian commitments therefore appear to be the logical corollary of legitimate democratic practice. Structure and agency work together in their account to create fairness.

By rejecting the more libertarian and agnostic aspects of liberalism, GT (1996: 201-208) thus move deliberative democracy towards satisfying really-existing groups. They take issue with the basic liberal premise of toleration because, they claim, the neutrality this requires between different moral or religious truth claims is unacceptable for people who believe in *specific* truths (GT, 2004: 67). Those who believe that truth *does* exist will regard it as sacrosanct, and so would find the requirements of neutrality unbearably onerous. It would be unjust, therefore, to

expect individuals to accept the ‘reasonable’ argument that we have no means of verifying the truth of any moral claim because, as far as the religious and morally self-assured are concerned, we have all the means we need. In such a case, ‘toleration (which *ex hypothesi* rests only on skepticism) does not seem to have enough weight to override the claims of faith [sic]’ (*ibid.* 68).

In place of liberalism’s misguided commitment to metaphysical autonomy, GT thus advocate the ‘Lockean’ principles of preclusion (*ibid.* 68-78). On this account, it is assumed that there is religious truth, such that if the state knew that truth, it would rightly use it in making policy. Of course, the unrestrained state cannot be trusted not to exploit its power or make mistakes, and neither should it *command* religious adherence. Instead, government action should be based upon ‘rational deliberation’ to approximate truth as closely as possible (*ibid.* 69), which just happens to require the principle of reciprocity (*ibid.* 72-73). In contrast to the Millian discursive liberalism characteristic of Dryzek, which ‘locks into place the moral divisions in society and makes collective moral progress far more difficult’, deliberative democracy promises to solve moral conflicts whilst respecting the substantive claims of disparate cultural groups (GT, 1996: 62-63).

To be sure, with its quasi-Rawlsian procedural basis, GT’s argument is intended to offer a liberal solution to the conflicts which arise from cultural pluralism. But, in seeking to explicitly reject agnosticism, it fundamentally misrepresents liberalism’s account of pluralism. The underlying premise of liberal toleration is not a substantial claim about the substance and veracity of morals themselves – which would indeed be offensive to those strong moral beliefs – but a normative observation of our social world. We live in a world in which there is considerable disagreement, and even violent confrontation, over issues of morality and religion. Liberals claim that the freedom to pursue one’s own moral ends can prevent such violence and social conflict between all but the most unstable and extremist individuals by neutralising one of the most fertile battlegrounds – the state legislative apparatus and its totalising potential. As Chandran Kukathas (2003: 2) states, toleration requires us to allow ‘different beliefs and ways of life to coexist’ without impinging upon the freedom of

association or beliefs of any individual. This is quite contrary to GT's baffling accusation that, in contrast to their own epistemic optimism, toleration requires universal adherence to controversial metaphysical claims. The liberal challenge for GT is to show why encouraging tolerance between a plurality of beliefs is more likely to lead to conflict than requiring people to both argue about and present their most cherished beliefs to examination and dissection (on this criticism, see Simon, 1999: 50-52).<sup>6</sup>

By obliging even the most deeply opposed sectors of society to seek common moral grounds, like Benhabib and Dryzek GT fallaciously assume that societies can be peaceably constructed around a commitment to on-going deliberation and open-mindedness. Regardless of their Rawlsian intent, however, the effect of this argument is to make individual privacy the enemy of the collective good. GT's (2004: 68) deployment of the Lockean 'validity premise' in order to orient democratic practice towards common truths tellingly illustrates this aversion to genuine diversity. The problem is that intractable differences *do* exist, even within seemingly unified groups, and these disagreements often extend beyond the *contents* of values to call into question their very existence and importance. By ignoring this uncertainty, GT's democracy would tend to shift power towards cultural and moral hierarchies, who would be free to use deliberative institutions to target and politicise subversion, both in their own communities and even in wider society.

Accordingly, GT seem unable to offer anything more than a relentlessly procedural form of democracy. This would be unpalatable, firstly, to those more individualistically minded democrats, who envisage democratic freedoms as those opportunities necessary to promote individual development and well-being. More to the point, it would offer nothing to those really-existing cultural groups generally concerned about their future. To genuinely satisfy these concerns, the institutions of

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<sup>6</sup> Intriguingly, GT come close to actually recognising this point, when they accept the existence of some moral conflicts, such as that over abortion, which persist even when individuals meet the demands of reciprocity (see GT, 1996: 73-79). In such cases, they inexplicably suggest little more than liberal toleration.

democracy would need to guarantee the freedom of group action, which, in effect, requires protecting groups from one another's demands. To be sure, this means that fervent opponents need to be able to freely voice their mutual disdain. But, if group freedoms are to sustainably co-exist alongside the freedom of the individual to choose their own future, it also means that they need to be able to ignore one another, if necessary, in order to pursue their interests. This is a point completely missed by GT, who, guided by their faith in deliberation, seem intent instead on stoking a destructive, rent-seeking war of group against group.

### *Iris Young*

Young attempts to avoid these problems by taking a more unorthodox approach to democracy. While sharing GT's intention to realise the intrinsic justice of democracy, she concentrates more on its potential ability to promote the necessary skills, opportunities and abilities to partake in meaningful and rewarding social interaction (Young, 2000: 31-32). The value of deliberative democracy on this account lies in its ability to overcome the oppression and domination which prevent universal autonomy. The problem, Young argues, is that dominant conceptions of deliberation, which privilege civilised, first-person argumentation and aim to reach consensus, may be 'too narrow' or 'exclusionary' to overcome these problems and deliver justice (*ibid.* 36). Young thus seeks to move beyond the abstract individualism of Benhabib and Dryzek and the untenable impartiality of GT to set out a more comprehensive and inclusive 'communicative democracy' (*ibid.* 18).

While this model rejects liberal individualism, Young nevertheless shares liberalism's rejection of the essentialising tendencies of communitarian, nationalist and Marxist arguments. These arguments, Young (*ibid.* 83-89) argues, arbitrarily define human associations according to national or class boundaries. Social groupings, she contends, are defined *relationally*. A social group exists in so far as its members share a certain practice or characteristic not shared by the rest of society. And since the social and economic relations between individuals are 'complexly mediated rather than direct and face-to-face' (*ibid.* 45), as soon as we move beyond

the most observable relations, it must be effectively impossible to know who is a member of any particular intricately defined 'group'. As such, the concept of elemental or intrinsic social characteristics is a fiction. Democratic institutions have no place in seeking to realise or manifest patterned and unequal cultural outcomes.

Despite this nuanced account of identity, however, Young's arguments still focus pragmatically upon the social group. For, whether groups *theoretically* exist has no bearing on the social reality within which 'groups are a given, and people treat one another partly on the basis of imparted group membership' (Young, 2002: 285). The risk that individuals might be systematically and relationally disadvantaged is therefore real, and it requires a concerted effort to ensure self-development and self-determination for all. For this purpose, Young seeks to celebrate the procedural aspects of democracy. Everyone should have access to the deliberative process, which should be transparent, reasonable and, above all, inclusive (Young, 2000: 52-53). To this end, deliberation should allow 'greeting', 'rhetoric' and 'narrative' alongside the traditional, formal styles of argumentation (*ibid.* 57-77). Such inclusivity would both force the majority to acknowledge minority claims and democratically mobilise the radically situated knowledge which is often excluded from the political process. For it is only through the inclusion of such situated perspectives that democracy can begin to approach objective, rather than partial and nepotistic knowledge about the social world (*ibid.* 112).

That individuals all have unique backgrounds and perspectives is an important point. But it sits uneasily with Young's commitment to group representation. Young justifies this latter commitment by invoking Derrida's concept of 'différance'. Representatives, who inevitably differ from their constituents, must speak *for* them, rather than *as* them (*ibid.* 126-127). The efficacy of representation, on this argument, turns not upon how comprehensively representatives mirror (*qua* essentialise) their constituents, but upon how satisfactorily they represent and reflect the group's various perspectives, grievances and demands in decisions that cannot be known *a priori*. The role of individuals, in Young's communicative democracy, is to search for one another, to 'organise and discuss the issues that are important to them, and

call upon candidates to respond to their interests' (*ibid.* 130). Armed with the contents of these discussions, and the knowledge that their conduct will be appraised and criticised later, representatives thus have the information necessary to act autonomously in complex and unforeseen political circumstances.

In so far as the problems arising in diverse societies do concern the recognition of maligned identities, this argument seems to work. Since atomistic liberalism emasculates individuals of their associational bonds, it would appear that group representation *is* necessary (Young, 1990: 99-102). Even on Young's own argument, however, these problems are actually the manifestation of power inequalities between the hegemonic majority and the excluded and even ignored minorities. Her attempt to outline a just democratic procedure thus relies upon empowering groups so that they can impose their interests onto the political process, in order to push it towards a fairer settlement. It is in this vein, for instance, that she argues for 'group veto power[s] regarding specific policies that affect a group directly' (*ibid.* 184). But this bleaches justice of its substantive content. Moreover, and even more explicitly than in GT's account, this solution to the dilemma between groups and individuals only works at the expense of any kind of accommodation for the latter.

Contrary to Young's argument, the only real difference between group agency and individual agency concerns power. Within liberalism, the cultural hegemony to which all individuals are equally subject (but which, to be sure, will provide more opportunities to those who fit the desirable image) is one that all individuals have some measure of ability, however small, to change, through the determined realisation of their own and their associates' identities. Contrastingly, a polity which defines groups for specific treatment must monopolise power within those institutions which administer and regulate group identities, because it could be easily destabilised and made unworkable by the freedom of association and recognition inherent within liberalism. As such, the ostensible freedom of identity provided by groups within such political systems is in fact simply the freedom to act within an environment sedated by authoritarian power, and is circumscribed accordingly. Power, in short, is here a zero-sum game.



Young's own ontology, however, effectively illustrates the dangers of ossifying group identities. Individuals often *do* form political associations, but they also leave them, often to join direct competitors. Her argument therefore seems self-defeating. As Tebble (2002: 269-270, my italics) argues, advocates of group rights, such as Young,

merely repeat the errors of atomism they claim mark individualism. That is, they too fail to consider that groups are themselves never ontologically given but, rather, are always constituted within a matrix of sociality. *Indeed, this is the whole point of Young's claim that the borders of groups are undecidable.*

It is within complex, temporally and spatially mediated relations that community differences and 'group' appellations form (Tebble, 2002: 262). So while individuals within the public sphere *might* naturally form coherent perspectives, this is unlikely given our inevitably fragmented loyalties. All public debates are fundamentally intertwined, so it is effectively impossible to decide who 'belongs' to any given position (Barry, 2001). The dispute over the marginalisation of Muslims, to take a contemporary example, is simply part of a wider debate concerning, among other issues, extremism, assimilation, poverty and domestic violence. So how could we ever know who belongs to even the relatively simple 'Islamic' group? When individuals are free to define themselves, it is impossible to tell where a group begins and ends. Against the aims of Young's arguments, her insistence on respecting arbitrarily defined group boundaries will therefore tend to exclude much of the knowledge necessary to help the disadvantaged.

Whether or not ordinary citizens benefit from Young's politics, it is likely the major benefits would accrue to cultural leaders, who would, it is reasonable to expect, exercise the most power over the representative process. In coming down so firmly on the side of the collective over the individual, Young, like GT, is thus open to the same criticisms as Taylor and the other communitarians. At the same time, it is doubtful whether her arguments could even satisfactorily overcome the equality dilemma, despite their strong logic. For, despite nominal procedural equality, the empowerment of groups would simply increase the uncertainty that any particular

universal substantive equality would obtain, because of the likelihood of different groups aiming for different outcomes. This does, of course, excuse Young from the question-begging problems of the epistemic optimism shared by GT and Benhabib. But this is at the considerable expense of providing a workable theory of justice and equality at all.

### **Substantive communitarianism**

Substantive communitarianism presents the starkest multicultural departure from liberalism. Indeed, by combining an ultimately substantive form of equality with a focus on the community as the locus of justice, it also differs considerably with the two deliberative alternatives set out above. Theorists in this position see individuals as inseparable from their various group connections and commitments, so they refrain from setting out any form of transcendental or pre-social ethics or procedures. As Benhabib (1996b: 7) suggests, the ‘agonistic model of democratic politics’ conceptualises political life as inherently afflicted by deep social divisions over both procedures *and* substantial ends. Liberalism in its various guises therefore seems to err by oppressively seeking to suppress these conflicts. As Michael Sandel’s forceful critique of Rawls’s Kantian constructivism shows, on the substantive communitarian account individual freedom and equality can be realised only by genuinely recognising the depth of our social identities and the conflicts these identities lead to.

#### *Michael Sandel*

Sandel’s argument is based upon his rejection of the Millian argument for liberal and procedural forms of fairness. Mill, Sandel (1982: 4-5) suggests, rests individual freedoms rather too precariously on the assumption that we will all collectively benefit from the consequences of those freedoms. This is an unstable case for justice, because our commitment to individual freedom and equality would surely be abandoned as soon as it looks possible to benefit from an unjust state of affairs. As such, the strongest case for an individualistically conceived form of justice relies upon the deontological separation of the right from the good. Since justice cannot be

grounded upon our proximate ends, it must be justified instead by reference to the ‘apparently indispensable features of our experience’ (*ibid.* 7). These universal features must exist outside of and prior to our inevitably plural experiences, however, so it follows that our conception of justice – our ‘right(s)’ – must pertain to the autonomy with which we choose and learn from our activities (*ibid.* 9). On this thoroughly Kantian view, therefore, justice requires an unconditional respect for both individual autonomy and the diverse outcomes which result from that autonomy.

Sandel largely associates this deontological liberalism with Rawls. As we saw above, Rawls’s political liberalism postulates that individuals in a democratic society would agree to the priority of the right over the good. As they would all want the freedom to pursue their own ends next to their political freedoms, democratic citizens would respect the basic principles of justice. For Sandel (*ibid.* 62), however, even this political liberalism cannot work without abstracting from those aspects of our identity which could motivate anti-liberal political viewpoints. Such an abstraction requires conceiving of communities, religions and perspectives as *attributes* rather than ‘constituents’ of the individual (*ibid.* 64). As such, the individual self in a Rawlsian society can only be radically disembodied, emasculated from those connections and meanings which would bias their thinking against the pure reason required by Kant’s constructivism.

If there are any reasons to reject this transcendental unity, then the right *cannot* have priority over the good (*ibid.* 133). One such problem concerns the fundamental claims Rawls’s society would endow each citizen with to a basic system of welfare and positive liberties (*ibid.* 148-149). For, to avoid conceiving of others as means to our ends, these claims require our being willing to relinquish our wealth to our fellow citizens when they are in need. We would only accept this duty, however, if we conceive our communities as constitutive of who we are (*ibid.* 150). Our goods, in other words, must determine our rights. If this is to be accepted, however, then it follows that we cannot conceive of individuals as ‘private’ and unencumbered bearers of rights (*ibid.* 181). Our conception of justice cannot rest upon

individualism, but must manifest Taylor's communitarianism and offer protection and encouragement to our various religious and cultural groups.

The implications of this argument for procedural and substantive individualism are palpable. On Sandel's argument, Benhabib and Dryzek, like Rawls and Mill, would likely do more harm than good by emboldening the individual against their group commitments. For even if the numbers of individuals who seek to challenge group boundaries and obligations is small, such behaviour would be likely to have negative consequences for everyone. Further, and perhaps surprisingly, this same problem seems to afflict procedural communitarian arguments such as Gutmann and Thompson's. For these theorists follow Rawls by placing too much emphasis on legal and constitutional processes. Given their heavy reliance on democratic procedures for the delivery of a quasi-Rawlsian set of goods, Gutmann and Thompson's deliberators would ultimately have to rely upon coercion to construct the requisite communal and moral ties (Sandel, 1996: 319). In contrast to the other three positions considered above, therefore, a deliberative democracy could only achieve justice by realising a more explicitly agonistic and republican search for the common good (*ibid.* 274).

Such a good might be supposed to combine substantive and procedural forms of equality, and sufficient freedoms for both individuals and the community all in one. The task for a thoroughly republican society is to increase individual participation in community politics and institutional life in order to foster our public selves. And this requires fostering 'a knowledge of public affairs and also a sense of belonging, a concern for the whole, [and] a moral bond with the community whose fate is at stake' (*ibid.* 5). Individuals, in short, need to be freed from the constitutive penury of liberal privatism and taught the civic virtues they need in order to construct a mutually fulfilling and beneficial common society (*ibid.* 6). It follows that we should ultimately aim to dispense with justice as a regulatory ideal. Justice can only be necessary when our differences conflict. But because our civic identities and allegiances exist prior to our chosen goods, once we are eventually constituted as

citizens of a fraternal republic, all conflicts will be publicised and solved as part of the search for the common good (Sandel, 1982: 179-180).

This argument relies upon effectively dismissing the dilemmas of multiculturalism. Diversity and plurality, it would seem, pose a problem for social organisation only in so far as, combined with the steady movement towards conceiving of individuals as consumers rather than citizens identified by Sandel (1996), they deepen our commitment to treating differences as obstacles to community. According to Sandel's (*ibid.* 320) neo-Tocquevillianism, however, an essential aspect of our coming together as a community is to *learn* about all of the different habits and traits which 'both separate and relate' us. For it is only thus that we can develop the 'character of mind' and 'habits of heart' necessary to come together to forge a common good out of our various identities (*ibid.* 321). Once these traits have been inculcated, however, it is difficult to see what more the common good can provide. Sandel's republican account is tellingly vague on the implications of the republican mentality, presumably because the specificities of the common good are less substantial than the mentality needed to pursue it. Once individuals have this mentality, they will surely accept democratic outcomes almost automatically. As a result, there is little to distinguish between the procedure and the outcome, or between the individual and the group.

This account seems simultaneously to do too little, given the communitarian account of the self, and too much, given the aims of liberalism. Thus, on the one hand, Sandel seems to contradict his own commitment to the centrality of individual goods to their identities. If it is indeed the case that identities, beliefs and moralities run to the very heart of our selves, then bringing diverse peoples together to construct new thoroughgoing republican identities is akin to offering them frontal lobotomies. If the 'good' is central to our 'right' then the kind of republic we wish to form will be coloured by our various backgrounds and realities. Since republicanism would only lead to extensive conflict, Sandel's account therefore seems to point towards the inevitable break-up of diverse societies into *numerous* (in all likelihood oppressive) republics. Yet this extreme implication goes far beyond any multicultural or liberal

account of diverse society, which seek only to bring people together as closely as their diverse wants allow. If the complete politicisation of our selves would lead to social fragmentation, this does not mean that a loose democratic community is impossible (Marks, 2001: 621). It simply means that individuals need a set of basic, unconditional freedoms underpinned by access to a democratic decision-mechanism, neither of which are provided by Sandel's utopia.

### *Sheldon Wolin*

In a similar fashion to Sandel, Wolin's agonistic project grounds well-being in political interaction. Wolin insulates his arguments from the problems set out above, however, by basing his account on a sceptical critique of the 'community' which results from seemingly democratic politics. Democracy, he argues, is in fact a fleeting phenomenon that is external to and separate from really existing political practices (Wolin, 1996: 39). In exceptional circumstances, individuals come together despite their differences to realise a moment of political co-operation in the service of the common good (*ibid.* 32). Democracy is thus a moment of transformation, whereby the citizenry comes together to realise its republican potential to construct and realise a collective identity. These instances, such as the combination of the American Civil Rights and Anti-War movements in the 1970s, are nevertheless very rare, and are always vulnerable to the power of established interests (Wolin, 1993: 471-472). By and large, 'politics' is therefore simply an institutional tool, used by hegemonic interests to shape society after their interests.

Wolin's simultaneously cynical and optimistic argument has much in common with both Bernard Crick's (1964) conception of politics as the contingent ability of a people to question the use and concentration of institutionalised power, and Marx's (1976) identification of the contradictory tendencies of capitalist societies. In a clear parallel with Sandel's (1996) account of the demise of republican politics, Wolin (1993: 477-479) argues that nations such as the United States has abandoned the commitment to democracy so emphatically identified by Tocqueville and embraced a neo-Hobbesian view of political order. The citizenry look to the state not to realise

the political essence of their *social* being, but to provide a short-cut to their *well-being*. Yet this laziness obscures the difficult work we must engage in if we are to accommodate different individuals and lifestyles in our political community (*ibid.* 480). The order we associate with liberal constitutional democracies, therefore, is simply an artefact of our own oppression. By allowing the expansion of the state Western citizens have simultaneously licensed and hidden their own oppression.

This oppression can nevertheless be shattered by fleeting moments of democracy. By coming together as *citizens*, we can disrupt the ‘heterogeneity’ which characterises the neo-Hobbesian state of nature (Wolin, 1996: 41). On a wholeheartedly political note, Wolin (*ibid.* 42-44) argues accordingly that it is the explicit task of political theory to understand the relations of power in order to enable and strengthen the ability of citizens to collectively disrupt politics and create new political moments. This is not to say that he seeks any particular end, such as substantive equality in and of itself, or some kind of metaphysical ‘truth’, of course. His arguments, though particular, have the potential to appeal to all. Instead, on Wolin’s agnosticism, the suppression of democracy inevitably creates a void within which power interests can operate, to the detriment of society. The democratic project should therefore be to challenge these illegitimate power interests in order to emancipate oppressed individuals.

The ability of this argument to both appeal across normative divides and circumvent the problems inherent in Sandel’s communitarianism rests on whether it is always and necessarily the case that liberalism manifests systematic abuses of power. If it is not, then Wolin’s account would seem to rest on shaky foundations. To see why, it is apposite to explore the implications of this account for the relationship between proceduralism and substantivism. Like Sandel, Wolin’s argument suggests that there is no real dilemma here. There can be no real choice between procedure and substance, because the power inequalities which constitute democratic politics preclude the neutral application of *any* democratic procedure, deliberative or otherwise. The substantive good which comes from the transformation of individual interests into a common good is necessary to unite individuals because this appears

to be the only way of achieving any kind of freedom or equality. From the point of view of the average individual, it would seem that the substantive communitarian good is the only possible good.

It seems pertinent, however, to recall here the political rights and norms which underpin both liberal and deliberative democratic procedures, such as the freedoms of association and thought offered by Mill. It would seem as though Wolin's account must regard these at best as a distraction from the real task of politics, and at worst as tools, akin to the 'ritualistic' politics of elections, which are necessary to keep the masses in line (*ibid.* 34-35). Liberal rights, on this account, underpin an effectively coercive heterogeneity, leading to division rather than unity (Wolin, 1993: 478). This fetish for unrestrained liberty seems to be breathtakingly naïve, for it rests upon the assumption that the popular will is always liberal – a condition which has frequently shown to be false in reality.<sup>7</sup> The failure to provide and enforce rights would undermine the ability of the citizenry to come to any fair outcome, in either procedural or substantive terms, because there needs to be some rubric by which to assess the fairness of an outcome before it can be deemed fair.

Thus, when Wolin writes '[t]he possibility of renewal draws on a simple fact: that ordinary individuals are capable of creating new cultural patterns of commonality at any moment' (Wolin, 1996: 43) he must presuppose the political and legal autonomy to associate in such a fashion. Unless these 'patterns of commonality' can be known *a priori*, there needs to be some kind of procedure by which they can be discovered and, indeed, protected. However, once this point is accepted, it follows that Wolin should be concerned first and foremost with securing as many individual freedoms as possible, to make it as easy as possible for people to associate and work together towards common ends. But as soon as these rights and their procedural consequences are accepted, it seems difficult to sustain a substantive, communitarian scepticism towards procedural individualism and liberal democracy. In the final analysis, then,

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<sup>7</sup> Whether in the Milgram experiments, Vietnam, Nazi Germany, Abu Ghraib, the Sudan, Rwanda or Roman Catholic Ireland, human beings have repeatedly proved Lord Acton's famous dictum about the corrupting nature of power.



Wolin's substantive communitarianism can do nothing other than leave the twin dilemmas of multiculturalism open.

### *The limits of democracy*

The casualty of these communitarian accounts of politics is the contribution they could otherwise offer to the difficult choice between group and individual outcomes. To some extent this is intentional, for they are wary of the brakes a reified individualism applies to root-and-branch political change. Substantive communitarianism's error, however, is to assume that such revolutionary changes have to be intentional. The community must come together *as one*, which means that contrarian individualists cannot stand in its way. Thus, we have seen that this position inevitably reinforces the group as the only ontological locus of politics. For, a polity that rejects individual procedural rights whilst espousing open conflict can only privilege the group hierarchy, which is not only better placed to withstand and counter protracted external challenges, but can also crush internal dissent. If these authors are to reconcile the multicultural dilemmas, then, they would clearly need to import some form of liberal rights in order to fill out the structure/agency dynamic. But this would be to undermine the significant and edifying criticisms they offer against the hubris of modern liberal democratism.

### **Democrats and reasonable pluralism: a fatal conceit**

Since the politics of difference and recognition are based upon the moral appraisal of deep and normatively significant pluralism, it seems hardly surprising that each of these theoretical positions have been found wanting. This is not because of their disputable normative assumptions; Young's forceful argument about the impossibility of impartiality is, after all, persuasive. The problem is rather the attempt to use these assumptions as universalising norms in order to direct the politics of multiculturalism down the narrow walkways provided by each of their ideologies. It seems contradictory, for instance, for the substantive individualist and

procedural communitarian positions to advocate their particular universalising norms to guide what is essentially a democratic discovery process. Substantive communitarianism, on the other hand, threatens to place the fortunes and well-being of future generations in the hands of contemporary political activists, whilst procedural individualists seem paradoxically determined to take these decisions out of the hands of individuals altogether.

The problem faced by all democratic theories is that, by its very nature, democracy cannot but seek an inclusive solution to the problems presented by apparently reasonable conflicts between democratic and non-democratic values. For when a theory seeks to co-opt non-partisan individuals, its legitimacy rests upon their actively consenting to the theory's norms and values. Real-world liberal democracies, of course, can only assume such assent, which perhaps explains the resurgence of social contract arguments for their continued justification. The three deliberative and participative democratic responses to liberal democracy examined here seek to challenge this reliance upon 'hypothetical' consent by appealing to the steady increase of cultural and religious plurality. By simply assuming that their *own* forms of democracy are the best available, however, they rely upon the same *non sequitur*. As it is argued in this dissertation, therefore, the deliberative turn in modern democratic theory practically begs to be challenged by traditional liberalism, which can incorporate radical disagreement within its institutional norms without having to force a substantive consensus between opposed groups.

### 3. Classical Liberalism

In chapter two it was shown that the various advocates of the politics of difference can be characterised according to the way in which they seek to move beyond liberalism. For heuristic purposes, it was assumed that liberalism is indeed unable to cope with the demands of contemporary pluralism. This somewhat simplistic assumption belies the diversity of liberal arguments however, so it is here relinquished. This chapter introduces a rather different, more resilient form of liberalism than that attacked by multiculturalists. On the classical liberal argument, it is argued that the principle problems which we face as social actors are epistemological. We need to be able to co-ordinate our activities, regardless of what we think of one another and regardless of what we want to achieve. Yet our co-ordination is effectively impossible outside of the market institutions which have evolved for this very purpose. Multiculturalists therefore err by treating value pluralism as a separate class of problem from the usual socio-economic fare of politics. In fact, the liberal governments they reject are as ignorant about how to improve well-being for cultural minorities as they are for economic and social minorities. Accordingly, it is contended, if we want to offer a genuinely free and equal society for all, we have much to learn from the classical liberal rejection of social democratic intervention.

#### What's so 'classical' about classical liberalism?

Hayek noted in 1978 (119) that

[t]he term [liberalism] is now used with a variety of meanings which have little in common beyond an openness to new ideas, including some which are directly opposed to those which were originally designated by it during the nineteenth and the earlier parts of the twentieth centuries.

To clarify the term, Hayek traces liberalism back to the individualism of the 'English Whigs' of the seventeenth and eighteenth centuries (*ibid.* 124-126). This classical form of liberalism fell into decline in Britain in the early twentieth century, as liberals became increasingly associated with more progressive ideals (Hayek, 2007: 66-67). As Hayek spent much of his career arguing, however, these seemingly

reasonable developments in liberal politics have undermined the very institutions which underpin individual liberty, and which are integral to the success and stability of society (Hayek 1978: 186-189). It is for this reason, he contends, that it is so unhelpful to conflate disparate definitions under the catchall term ‘liberalism’.

Regardless of their appellation, classical liberal arguments are rarely addressed in contemporary political theory. It is worth stressing, then, that this form of liberalism is classical in name only. Given the legislative, technological and economic expansion of ‘liberal’ state institutions around the world in the first decade of the twenty-first century, liberalism’s early analysis of the dangers posed by arbitrary state power is clearly as relevant today as it was at the close of the Enlightenment. Moreover, as this chapter sets about arguing, we should take a principled scepticism towards political authority *in general* for the simple reason that the state is likely to do more harm than good in the pursuit of its goals. Even when the state’s ends appear to be desirable, we would all do better to rely upon the self-correcting and competitive mechanisms of the market to secure our social outcomes.

Given its central goal, this is clearly a project which will remain relevant so long as the power to coerce is either presently or has the potential of being concentrated in the institutions of the state. For both theoretical and contingent reasons, however, it is all too easy to dismiss as irrelevant to really-existing modern democracies. Even before the calamitous failure of global banking seemingly exposed the shambolic workings of the market alternative, the classical liberal argument was already tainted by association with its more extreme offspring, libertarianism (see, for example, Sandel, 2009: chs. 3-4). On this understanding, the liberal focus on negative liberty simply represents the ideological rejection of the very real benefits that can be *and are in practice* gained from the democratically-directed redistribution of resources and opportunities. This conflation is nothing short of devastating, because it threatens to stereotype classical liberalism as the merely opinionated and partisan assertion that freedom is intrinsically valuable. Because it is impossible to disprove, like all dogmatic positions this assertion is easily ignored in discussions concerning diversity and value pluralism.

This theoretical irrelevance is damaging enough, but once viewed in the context of the recent financial crisis the classical liberal argument seems almost perverse. Of course, this argument has run against the grain of orthodox economic thinking since the Keynesian revolution of the 1930s. With the looming threat of climate change and after the fallout of successive recessions, however, the last few decades have seen the case for state intervention in the market system strengthen even further. Accordingly, to demonstrate the continuing social importance of individual and market freedoms, the chapter begins by considering the seemingly compelling claim that markets need to be regulated and directed in order to realise public goods. By exploring the case against free markets and the example of the financial crisis in some detail, it is shown that inappropriate government regulations are actually the most likely *cause* of so-called ‘market failures’. Markets are integral to social co-ordination and well-being because the trade-offs they force us to make send price signals which prompt other actors to adjust their plans spontaneously. When the state steps in, it inevitably disrupts these signals, with the result that social action which is no longer appropriate is mistakenly continued.

Now, it is possible to argue in response that this consequentialist account *still* does not adequately ground the classical liberal case for negative freedoms. Indeed, liberalism’s implied egalitarianism seems to *presuppose* social democratic interventions, because it highlights the importance of equal opportunities. As it is argued in the chapter’s last few sections, however, this objection greatly underestimates the epistemological difficulties of social action. Our understanding of the social problems which lead to large numbers of people languishing in poverty is inevitably limited and inaccurate because the causal mechanisms responsible are complex, hidden and dynamic. While we need somehow to increase our understanding of these mechanisms, the democratic process is singularly inappropriate because, whichever form it takes, it is concerned only with the integration of individual decisions into a single, overarching vision of society. And any errors contained within that vision will tend to systematically spread through society so that, over time, it is effectively impossible for the citizenry to trace those errors back to their originating democratic decisions.

In contrast, the market process systematically punishes those responsible for erroneous outcomes. As the ‘Austrian’ economic argument expounded in this chapter teaches, the idea that the market requires a set of optimal criteria to succeed – such as equal knowledge or equal buying power – is mistaken, because it ignores the tendency for spontaneous error-correction inherent in conditions of suboptimality. For, these conditions simply indicate the possibility of large profits for anyone who can identify and correct ineffective allocations of resources. Since the poor are kept down precisely because of such erroneous allocations, it follows that the best thing we can do is to unleash the competitive forces of the market in order to discover how they might be corrected. In short, we should stop wishing away social problems via democratic decisions and concentrate upon invigorating the marketplace. This might require encouraging and assisting the marginalised to act as consumers, to be sure, but first and foremost it requires re-establishing the necessary negative liberties and rolling back the state.

### **Market failures and the ‘credit crunch’**

The most direct challenge to classical liberalism is that markets can and do fail, often with catastrophic results. In his critique of ‘utopian’ free market economics, John Cassidy (2009) powerfully argues that markets are frequently compromised by ‘rational irrationality’, where perfectly understandable individual responses to prevailing incentives create universally harmful collective outcomes. Even though markets *are* immensely productive under ideal conditions, Cassidy contends that economists have become entranced by this ideal. The argument against government interference, he seeks to show, is based upon the mythical *homo economicus* character, whose acts are socially beneficial because they are based upon perfect knowledge, including that of how others will respond to different courses of action. In reality, Cassidy argues, individuals are wildly ignorant and prone to bouts of irrationality, and markets are characterised by extensive externalities which distort prices and transmit erroneous signals (*ibid.* 164).

Cassidy's argument is worth considering because he employs it to mount an excoriating attack on the laissez-faire mentality which precipitated the global financial crisis of 2007-10. He traces the roots of the crisis to the 'deregulation' of the banking sector in the 1980s and 90s (*ibid.* 229-234). Under the new regulations, commercial, 'high street' banks (the deposits of which are guaranteed by the state) were allowed to engage in specialised investment banking. This greatly expanded the supply of borrowed money for investors and speculators and, significantly, led to many previously obscure banks becoming 'too big to fail'. Additionally, the increase in financial trade led to the invention of various new investment devices, which gave the illusion of investor security. Nevertheless, the governments of Britain and the US stubbornly refrained from introducing new regulations to govern the banks. According to Cassidy (*ibid.* 230), the quasi-libertarian Chairman of the Federal Reserve Alan Greenspan vigorously resisted what he saw as damaging interference in the financial sector on the basis that markets can effectively regulate themselves.

When the Federal Reserve dramatically reduced interest rates in response to the shocks of 2000 and 2001, the resulting combination of cheap money, implicit government guarantees and high confidence led banks to invest in the risky but extremely profitable income streams derived from low-grade mortgages: the so-called 'sub-prime' market. This resulted in price increases among the various sub-prime derivatives which, in turn, encouraged front-line brokers to persuade ever more unlikely consumers to take out unaffordable mortgages. And as house prices rose in response to the increasing number of homebuyers, the apparent gains to be made from mortgage derivatives increased even further. Despite the risks, homebuyers and investors alike were caught in a prisoners' dilemma (*ibid.* ch. 21). Consumers felt that they would miss out on guaranteed capital gains unless they joined the housing ladder, and banks felt compelled to invest in the ensuing boom to avoid losing ground to competitors. The laissez-faire reliance upon the rationality of the marketplace thus only served to deepen the recession which inevitably began when the property bubble burst.

At first sight, the worst economic crisis since the Great Depression does appear to be a damning indictment of free market liberalism. Cassidy (*ibid.* pt. 2) therefore appears justified in joining popular calls for more far-reaching and comprehensive government regulations in the economy. On the basis of the ‘reality-based’ economics propounded by the likes of John Maynard Keynes, John Kenneth Galbraith and Hyman Minsky, he argues that the pursuit of profit leads businesses to systematically neglect public goods, such as effective self-regulation and long-term planning, and to over-provide public bads, such as pollution and risk. Monopolies emerge which stifle competition and extort consumers, insurance and second-hand markets alike succumb to the costly presence of ‘lemons’ and the kinds of bubbles which caused havoc in the housing and hi-tech markets recur on a regular basis. On the basis of this last claim alone, Cassidy (*ibid.* 339-342) argues on the one hand that regulators ought to actively prevent banks from taking undue risks, and boldly beckons with the other for a new regulatory body to certify investment products in the same fashion as children’s toys.

On reflection, however, Cassidy’s critique is telling only against those who credulously believed that the banking sector was approaching a state of welfare-optimal equilibrium. As Peter Boettke (1997) illustrates, these utopian economists do indeed oversimplify the economic system, but so too do the ostensibly realist economists Cassidy reveres. For, following Paul Samuelson’s mathematical formalisation of their discipline, economists *in general* have tended to treat social phenomena as simple, linear functions which either lead straight to market-clearing optimality or else deviate only in a systematic fashion. As such, market champions and critics alike assume that the information that we would need to reach equilibrium exists; they simply disagree on whether rational individuals will seek to make use of it. On reflection, this representation of the economy as the sum of pre-defined and discrete variables is clearly tautologous. But it has led even the most lauded economists to view either the simple rejection of all interference or the *deus ex machina* interventions implied by their models as the key to Pareto efficiency. As a result, the academy and the citizenry alike are wont to see market actors as either impossibly saintly or unreasonably dangerous, with the result that we have no idea what is actually going on (*ibid.* 38-42). While Cassidy rightly criticises the ‘Chicago



school' of neoclassical economics for the former error, he is himself guilty of the latter.

Instead of focusing upon rationality, to appraise the market it is more edifying to look at how well-informed individual actors actually are. For, as Cassidy rightly suggests, market failure is as likely to be caused by pervasive ignorance as irrationality, and while we might have reason to see regulators as reliably rational, where ignorance abounds we have no reason to think of them as reliably informed. Indeed, nowhere has this been better illustrated than by the financial crisis. Cassidy's disdain for self-regulation is based on his (2009: 262-264) belief that the market-based regulators (the credit rating agencies) manifestly failed in their duties. Since recalcitrant judgements would see the agencies lose custom, profits and prestige to one another, they effectively sold the much-feted 'triple A' ratings whenever a bank presented them with a derivative. As it happens, the agencies did fail in this regard, but their failure is not indicative of the failure of the market for regulation because there *was* no market for regulation. As Jeffrey Friedman (2009) shows, the credit rating agencies did not fail because they conspired with the banks, but because over-confident regulators bestowed upon them a legal monopoly and then effectively encouraged their involvement in the sub-prime market.

Under Federal regulations, American banks were only allowed to trade in derivatives which had been rated at 'investment grade' (i.e. very reliable) or above. But these regulators would only recognise a derivative as investment grade if it had been conferred by one of the three big rating agencies (*ibid.* 133-134). With such a guaranteed income, the agencies had no incentive to monitor the accuracy of their judgements. Moreover, when successive American governments directed the state-backed mortgage companies to increase mortgage lending to poor and ethnic minority communities (who present a relatively high risk of default) and used legislation to motivate private lenders to do the same, the ratings companies had no reason not to simply treat the state-backed companies' attempts to pool and spread their risks as sufficient for the whole industry (*ibid.* 129-132).

This complacency was not *prima facie* irrational, because on the basis of the very equilibrium theories Cassidy (2009: ch. 7) castigates, the securitisation of even sub-prime debts does decrease risk to manageable levels. But it was ignorant, because these theories later proved themselves ill-suited to an environment in which large increases in the money supply had injected unsustainable inflationary pressures into the housing market. This would surely have been exposed had the rating agencies faced genuine competition from ambitious upstarts, especially since a number of banks mistrusted the existing ratings system and pointedly erred on the side of caution (J. Friedman, 2009: 153). But with no available information on risk other than that provided by the established agencies – which had clearly convinced state regulators and even the international regulators based in Switzerland (*ibid.* 143-145), and thus had likely convinced shareholders too – one of the seemingly safest routes would have been *into* sub-prime mortgages. Banks did tend to invest in the very safest of these derivatives (*ibid.* 147), but because of the systemic errors in the ratings this was to no avail.

It is difficult to see what tighter regulations would have accomplished here – or, for that matter, what they could be expected to achieve in future – because the problem stemmed from a lack of innovation rather than complacency. Like all other participants in the crisis, the rating agencies were acting under conditions of intense uncertainty. Since the future is inherently unpredictable, the only way they could offer judgements about risk was to employ theoretical models which, because based upon past events, were inevitably of questionable validity. Now, the Cassidy critique suggests that it was the *choice* of models which was at fault here, because it embodied an untenable and relentlessly ideological optimism about market outcomes. But as Friedman (*ibid.* 157) notes, the interconnected processes which determine the results of social action are simply too complex to understand without making ideological assumptions about the causal mechanisms at work. As such, regardless of their impartiality and decency, governmental regulators would have had to employ similarly ideological models in order to direct banks towards favourable outcomes. And, since these regulators would have had the same monopolistic authority that was granted to the rating agencies, their models would have been just as presumptuous.

The models used to calculate and control risk could have been improved only by being subjected to rigorous and decentralised market testing. For, the lesson of the financial crisis is not that markets are apt to fail, but that they can be destabilised by systemic errors, whereby the punishment and reward system is exogenously skewed in favour of a particular theory of merit (*qua* prudence, success, beneficence, etc.). In *genuinely* free markets, each actor must act upon their own theory of merit. Whether they work in banks, rating agencies or bakeries, and whether they are at the beginning or end of the supply chain, capitalists must make their own predictions, both about which needs exist in society and about how these needs can be met (Boettke, 1997: 26-27).

Indeed, in practice market actors actually test different combinations of these theories. Any individual must rely on other individuals further up and down the supply chain, so her success depends as much on the validity of their theories as on her own. This means that enterprising market actors have a clear interest in following market signals and avoiding troublesome partners. In the case of banking, for instance, cautious investors (who may have been few in number, to be sure) would have gravitated towards the theories on risk which they felt limited their exposure to defaults. As a consequence, and regardless of the attitudes of the *rest* of the banking community, those differences in investor philosophies which were hidden by the stagnant ratings would have been rendered explicit and the danger of the sub-prime market would have been more apparent. In turn, this would have pushed stock market investors to re-evaluate *their* choices and, regardless of their individual motivations and failings, financiers would have been forced to respond accordingly.

To achieve the same results, centralised, democratic regulators would have had to second guess all of these developments. And their challenge would not have ended there; to direct the market toward a welfare-efficient outcome, their interventions would also have had to dovetail precisely with every other democratic intervention in markets deemed integral to the public weal. Otherwise, any number of these interventions could have interacted to create unanticipated and possibly destabilising problems. Friedman (2009: 263-264) shows that the financial crisis was precipitated

by just such a set of unintended regulatory interactions. The decisions to mandate high grade investments, to grant legal monopolies to the rating agencies, to increase home ownership in poor areas and to inflate the money supply (as well as those decisions by individual states to allow mortgage defaulters to walk away painlessly) were each made at different times and by different actors for probably perfectly good reasons. But to have been socially beneficial, each successive decision needed to have been based upon an accurate and complete account of how it would interact with all of the previous decisions, so that regulators could avoid the creation of counter-productive incentives. It is difficult to see how this could have been accomplished without a comprehensive plan of the whole economy.

Naturally, this argument might be supposed to cut both ways. Why are *market* actors any better at dovetailing their aggregate decisions when they only care about their own limited interests? The premise of democratic interventionism is that it can correct for socially harmful and inequitable private decisions by imposing the wisdom of the many. Democracies leave the final judgement to the electorate so that they can monitor the performance of governments, so that they can use their decentralised knowledge and so that it is the popular vision of justice which is imposed upon society. The citizenry, in other words, are assumed to be well-placed to decide what is wrong with society and how to resolve it. In 'reality', however, individual citizens have no idea what is wrong. It is simply too difficult for any one person to master the necessary historical and theoretical details to understand precisely why the current state of affairs came into being, and what needs to be done to change it for the better (*ibid.* 268-269). As a result, widespread government failures are inevitable as successive democratic reactions to the unintended effects of past problems inject *new* and essentially arbitrary regulations which interact with the former in unanticipated and damaging ways.

The problem with the interventionist argument is that it confuses goals with outcomes. Democratic actors mean well, so they must *do* well. Similarly, private actors only care about themselves, so they must only benefit themselves. This simplistic way of thinking completely misunderstands both the nature of human

action and the workings of the market mechanism, but it lies at the heart of the interventionist social democratic case against free markets. To truly comprehend the beneficial effects of competition and market freedoms, it is therefore necessary to explore the vital role that profits and losses play in transmitting socially useful information, and how this information triggers the spontaneous co-ordination of social acts. And to do this, we need to turn away from both neoclassical and social democratic utopianism towards the Austrian school of economics.

### **Austrian economics and spontaneous order**

The Austrian economic argument is based upon the recognition that our inherent epistemological constraints impose a limit upon the possible goals we might achieve as a society. As Hayek (1980c: 91) characteristically argues, the starting point of all social inquiry must be ‘the unavoidable imperfection of man’s knowledge and the consequent need for a process by which knowledge is constantly communicated and acquired’. Since the knowledge possessed by social actors is subjective and fragmented, the co-ordination of complex social activities could not be directed by any one or group of individuals, because they would need to know *a priori* precisely that which needs to be discovered (Pennington, forthcoming). Instead, we must rely upon the *spontaneous* co-ordination achieved by the freely adjusting institutions of civil society. On the Austrian view, in other words, our social achievements are and could only ever be ‘bottom-up’, rather than ‘top-down’ creations.

The unintended origins of human prosperity were first systematically identified during the Scottish Enlightenment. Adam Ferguson, for instance, reasoned that individuals concerned primarily with their own interests seek instinctively to improve society in a manner beneficial to all (Hamowy, 2005: 69). He saw primarily inward-looking choices as the cause of institutions ranging from criminal justice (*ibid.* 73) to language (*ibid.* 24). But it was Adam Smith who most clearly identified the significance of the spontaneous market order. Smith (1981) saw that the complexity of society could not be achieved through first-hand co-operation alone. We rely upon too many unknown and remote individuals to produce the necessary

goods and services than we could possibly find or appeal to. If we need their help, we must instead encourage these individuals to find *us*, by appealing to their self-interest. It follows that human ‘society’ could only arise once localised bartering had given way to complex, large-scale markets based upon money as the medium of exchange (*ibid.* ch. 1-4). And the *well-being* of society rests upon the continued ability of these markets to bring buyers and sellers together efficiently.

The Austrian contribution to this theory of spontaneous social order was to elucidate its epistemological dimension (Horwitz, 2001: 86). Hayek in particular showed that not only was the development of productive society unintended, but that it could not be directed according to any notion of ‘rationality’. If we envisage the economy not as one finite system (i.e. the market for one particular good) but as an innumerable *set* of systems connected by convoluted and conditional interdependencies, it becomes clear that a reference to any individual phenomenon (the demand for that one good, say) is an implicit reference to *all* of the unknown interconnections which created that phenomenon. Since our knowledge of these interconnections is inevitably limited, there is simply no way in which we could apply our technical or scientific nous in order to recreate the same orderly adjustments. For such an order to occur, everyone must constantly communicate their ever-changing plans. And the only way in which can they do this is if they are all allowed to act, unimpeded, in the pursuit of the very opposite of social order – their own broad self-interests. Economic co-ordination did not therefore *simply* arise spontaneously: it could *only* arise spontaneously.

On this basis, Austrian economists emphasise that the wider import of our acts and plans can only be communicated spontaneously to other social actors by way of the price signals sent during economic action. Prices allow us to publicly communicate all of our multifarious preferences in an intelligible fashion because they are inter-related across a single, ordinal scale of value. The price of any one good is a function of both the prices of all of the goods necessary to produce and transport it and the prices of all competing (substitute) goods. As such, prices embody *all* of the information that we need as individuals to dovetail our plans with the aggregate plans

of others. To borrow Hayek's (1980c: 85-86) example, regardless of whether she actually knows anything about the factors affecting its supply and demand, the tin consumer can act as if she followed the activities of the tin market religiously by simply updating her plans in response to changes in its price. By way of negotiating or simply reacting to price changes in this way, even the most remotely distant actors can thus communicate their needs intelligibly with one another.

The problem with equilibrium-based economics is that it views prices as the basis of negotiation within a static system (Boettke, 1997). This allowed Hayek's socialist opponents Abba Lerner and Oskar Lange, for instance, to argue that the socialist state could utilise prices in order to replicate market equilibria. But this conflation rests upon a complete misunderstanding of the Austrian argument. As Israel Kirzner (1973: 33-34) argues, prices do not serve simply to allocate our resources efficiently. Prices are instead necessary because we are largely ignorant about the resources we have at our disposal, and because we are even more ignorant about the preferences and needs these resources could be employed to satisfy. Furthermore, we are forced to act under conditions of both inescapable scarcity and of constant change (Kirzner, 1997). As a society, we therefore disagree strongly about both how to act now and how to adapt to future changes. And since everyone has a different stock of knowledge, there is no way of knowing what our goals should be *a priori*. Prices facilitate action under these conditions because they lead us to generate knowledge about our social environment.

This is because the prices of resources (*qua* goods, services, etc.) are set according to the competitive bidding of potential buyers. Since using resources for any particular project will incur the opportunity cost of the next best alternative use, individual buyers bid for those resources up to and on the basis of the highest value they expect the resources to realise. In the terms referred to above, actors bid according to their private theories of the marketplace, so resources tend to be allocated towards those who believe that they have discovered the most profitable use for those resources (in other words, that use which maximises the value of income over outgoings). As a result, the actor's private theories quickly become public as the relevant resources

increase in price and the actor begins to market their own good at its own price. As the market continues to operate, the profitability of the original theory gradually becomes clear, and other actors update their theories and understandings of the marketplace accordingly.

According to equilibrium theorists, the process ends here, because over time *all* resources will be bid up to the marginal cost of their next use. Yet this cost is clearly not a constant. According to Kirzner (1973: 41-48), markets succeed instead because they continually reward those producers which best track this changing cost and punish those which fail. For, besides continually updating our own theories in the light of the results of others, prices lead profit-hungry market actors to act as entrepreneurs by seeking to take business away from those businesses and theories which seem inappropriate to the current or future environment. Where prices suggest that buyers are presently overlooking cheaper alternatives, or else that sellers underestimate the future prices that could be commanded by a different allocation of their good, the perceived profits available will outweigh *current* profits, and entrepreneurs will step in to shift resources (and prices) towards where *they* expect future demand to be (Kirzner, 1999: 12-15). Consequently, the less able a market is to satisfy potential consumer demands, the more it will see its general profit margins fall towards the break-even point as a proliferation of producers engage in a tussle for marginal, discerning consumers. Thus, *even when the majority of consumers do not genuinely evaluate the products they consume*, the choices of those who *do* will often be enough to tip the better providers into profit and the poorer into loss. And as a result, the market as a whole will tend to shed the least accurate theories and move towards those which best approximate social needs.

Clearly, the entrepreneurial act is unique and exceptional. Prices are thus necessary but not sufficient for the success of the market order. What is also necessary is the agency of individuals with access to the kind of information necessary to spot potential entrepreneurial opportunities. This is not so much the knowledge *of* prices as the knowledge which ultimately *informs* prices. Hayek (1980c: 80) talks of such wisdom as ‘the knowledge of the particular circumstances of time and place’. It is the



kind of understanding we pick up about our particular jobs, the institutions in which we perform them and the industries which we are situated in. Just as businessmen and women use their expertise to predict the needs of their customers, entrepreneurs constantly mine it in the search for possible future opportunities. It is obviously fallacious to imagine that such practical intelligence might ever be centralised or directed. Like the market order it precipitates, it can only occur spontaneously in response to changing conditions, and we can never predict its occurrence in advance.

Prices thus form the vicarious but essential link between freedom and prosperity. Because of our pervasive ignorance, we need to be able to act freely in the face of both opprobrium and doubt. After all, innovation would be effectively impossible if entrepreneurs had to obtain popular or political approval before acting. If individual actions were completely disconnected and immune to judgement, however, there would be no way of either selecting for those which are socially beneficial or weeding out those which are harmful. Prices allow us to solve this problem by imposing a reliably strict, universal and impartial discipline of their own. They offer both a carrot, in that they promise large rewards to those who can successfully discover and address a misallocation of resources, and a stick, in that they make damaging and inefficient behaviour very costly. Moreover, they also lead economic actors to set public examples, even when they would prefer not to. Where entrepreneurs stumble upon a significant resource misallocation (in the form of an unmet need or an externality, etc.), the high prices they can command and their attendant profits will draw speculative competitors. In contrast, their loss-making counterparts will prompt other actors to either avoid their activities or else seek to innovate further.

Accordingly, as Cassidy (2009: 43) suggests, prices *do* act like an intelligent telecommunications system, but their accuracy does not rest upon the Herculean rationality of individual actors. Instead, they are illuminating because, rather mundanely, they simply track all of our socially relevant activities, whether they are rational, useful, intelligent or otherwise. As such, they cannot be expected to function properly when social action is insulated from the market mechanism. Where

externalities exist or when it appears that information is not being efficiently mobilised – in the market for regulation, say – the right thing to do is not to turn to the state, because without the benefit of price signals its arbitrary action is only likely to make matters worse. Instead, it is to create new forms of price competition in order to evince the necessary comparative judgements. Clearly, it was this competition which was necessary in the market for financial regulations. But its import should be obvious in the management of public services, the environment and, significantly, our cultural relations as well.

### **Positive liberty and the case for fairness**

It is worth considering here the likely social democratic response to this liberal argument, because it is the same response which we might expect to meet from multiculturalists. Prices, this argument would suggest, cannot fully reflect subjective preferences in society if socio-economic or cultural phenomena systematically exclude some groups from participating. In any case, it is simply not *fair* that some individuals dictate what ‘works’ and get what they want, while others do not. This critique may be levelled with different degrees of force, and in its mildest form it may well be defused by the liberal support for a limited fiscal safety net. But, taken to its logical conclusion, it suggests that we should strive towards equal positive liberty, whereby each has what she needs to operate effectively as a market actor. The liberal argument, in short, seems to imply that we should all have equal opportunities, which must entail some form of economic and cultural settlement.

If we take this objection seriously, it would appear that the Austrian rejection of state intervention *in principle* is a self-defeating position. Shorn of its technical facade, it is vulnerable to the claim that it rests upon a dubious laissez-faire morality which prizes efficiency above all else. Paradoxically, this position must maintain the ‘nonsensical’ commitment to the right to do wrong (J. Friedman, 1990: 639). Since all choices involve moral judgements, a viable theory of choice-making cannot rest on efficiency alone. Instead, it must incorporate in some form a theory of the good. The Austrian commitment to market freedoms, however, relies upon a ‘relativist’

agnosticism as to the nature of the good (Sandel, 1984: 1). This is morally vacuous because it simply shifts the burden of moral judgement onto the individual, who cannot be assumed to always choose what is 'right'. And yet free-market liberalism is not devoid of moral content. By seeking to limit individual freedoms to those which are compatible with similar freedoms for others, liberals rely ultimately upon an account of equal rights in order to protect the weak from being used for the well-being of others (*ibid.* 2-3; J. Friedman, 1990: 641). Given this implicit egalitarianism, however, it is hard to see why they do not seek to limit individual behaviour to realise a more substantive form of equality.

Forms of this criticism are levelled even from within the liberal canon. Despite the importance of individual liberties to social co-ordination, numerous liberal authors question the uncompromising liberal aversion to state intervention exemplified by Hayek. Jeremy Shearmur (1996: 68-69), for instance, questions the benefit of untrammelled freedom from the state. Hayek (1960: 21) contends that the spontaneous ordering of society relies upon the individual acting freely 'according to a [subjectively] coherent plan of his own'. At the same time, he accepts assistance for individuals when their access to goods 'crucial to [their] existence or the preservation of what [they] most value' is threatened (*ibid.* 136). Is this not inconsistent? Surely, Shearmur contends, the individual needs more than the basics in order to benefit the public weal by testing the viability of a life-plan. Moreover, Hamowy (2005) argues that this seemingly high threshold for state assistance is incoherent. If restrictive prices for life's essentials are themselves the outcome of myriad individuals acting rationally according to their life-plans, then upon what basis can *any* intervention in their affairs be justified?

The problem, stated simply, is not the underlying logic of the Austrian argument, that intervention in the self-co-ordinating mechanisms of the market order is dangerous, but rather that it need not be disastrous. Evidence of this might be seen in the general health of modern democratic welfare states (J. Friedman, 1990). Many of Hayek's critics and followers alike (such as Bellamy, 1994, Gamble, 1996, Johnston, 1997, Shearmur, 1996) assume that as long as governments do not try to plan and direct *all*

economic activity, intervention merely leads to a loss of efficiency and growth. And this is undoubtedly for many a price worth paying for what they regard as a moral necessity. After all, state action was apparently necessary to achieve many of the more progressive developments in society, such as the stigmatisation of racism and sexism. As such, whether or not to intervene in a given situation appear simply to be ‘alternatives, each with their characteristic costs and benefits, between which we would seem simply to have to make a choice’ (Shearmur, 1996: 201).

This contention is at the heart of the modern liberal rejection of classical liberalism. If liberty is but a value to be traded-off against substantive equality and if the only obstacle to ‘social justice’ is efficiency, then classical liberalism is just as subject to the multicultural dilemmas as other political theories. And in this case, there can be no objection to the state acting wherever a compassionate justification can be offered. If this is conceded, however, it is difficult to see what could be salvaged from the Austrian argument. For, if we see the problem of society as simply deciding what is right to do, we have no alternative but to return to social democracy and entrust our well-being to the state.

In order to substantiate the contemporary value of classical liberalism, it is therefore necessary to demonstrate that market freedoms are not simply a means for reaching efficiency, but are instead an essential tool for solving the very social problems which make social progress so difficult. Furthermore, it is also necessary to show that the epistemological problems facing governments are significantly underestimated by Hayek’s critics. It is not simply that governments face the same knowledge problems as other individuals in society. Because of their unique position, they face an even greater obstacle. Despite the emotive draw, *any* attempts to move towards greater equality (whether in opportunity or outcome) would thus be counterproductive, because the state is bound to make systematic errors which, because directed at the very poorest, would harm those who have most to gain from more effective social action. Such a case is not obvious in the literature, so it must be constructed here.

## **Inter-temporal knowledge and the sensory order**

The obvious strength of the Austrian explanation of our societies is that it rests upon a manifest reality, rather than the ideal constructions of democratic and equilibrium theorists. That is to say, we can reliably predict the occurrence of spontaneous co-ordination and prosperity even though individuals are both generally ignorant of their social surroundings and prone to mistakes. Liberals can comfortably accept, then, that because we are restricted by our immediate senses and experiences, we are indeed likely to follow the herd and act upon prejudices. We can, of course, appeal to others to appraise our beliefs. But the number of individuals even government actors have time to genuinely learn from is severely limited. The importance of an adaptive mechanism such as market pricing is that it allows us to use the knowledge of innumerable other actors without ever intending to. Market institutions thus allow us to approach the most accurate beliefs we might possibly hold about our social *milieux*, with negligible effort.

This understanding of our current order is by no means obvious. As humans, we tend to anthropomorphise even while we assume that our interpretations of the external world are true. It is consequently difficult to comprehend the limits of our knowledge. It is all too easy, for instance, to believe that governments are responsible for social and economic outcomes, even though these are uncontrollable and chaotic orders. This is perhaps baffling, because since the Copernican revolution scientists have progressively shown that the real world is very different from how we perceive it. In his theoretical psychology, however, Hayek sought to demonstrate that individuals never experience an item or event as it actually *is* (Caldwell, 2004: 264). Instead, we only ever construct abstract interpretations, which allow us to react to and classify phenomena according to properties we recognise from previous phenomenal experiences (Leube, 2007: 19). It seems to follow, then, that our confusion between the state's abilities and its inherent limitations is simply a corollary of our more general confusion between the certainty of the physical sciences and the speculative but apparently authoritative 'scientism' of state action (Hayek, 1955).

Hayek's psychology is apposite here because it also provides a nuanced understanding of the relations between structure and agency (which, it will be recalled, are central to the dilemmas of multiculturalism). According to his understanding of 'the sensory order', our internal classification systems are built through experience, in the form of an increasingly complex map of the external world (Butos and Koppl, 2003: 14). In order to function in society, humans rely on a *model* of the situations they find themselves in, which they derive from this map and which is 'anticipatory and embodies the system's expectations of likely subsequent stimuli' (Hayek, 1952: xx-xxi). These models allow us to plan and execute our actions. Where external stimuli do not correspond with our expectations, the model and, consequently, the map, are revised to better equip us for future situations (Caldwell, 2004: 269). Since these maps are manifest in the structure of our neural networks, the networks we inherit through early socialisation undergird our species-level evolution (Butos and Koppl, 2003: 11). Human agency thus provides and develops the very mental structures which are essential both for conscious action and reaction, and for further structural development. At the deepest level of human consciousness, in short, structure *is* agency.

The upshot of this account of human action is that, because of unique genes and histories, no two individuals have the same cognitive maps. Further, because of the intricacy and multi-layered complexity of our neural networks, the ways in which we react to complex stimuli, such as our professional interests, can never be fully known to us and can certainly not be articulated (*ibid.* 27). This observation is supported by Michael Polanyi's account of 'tacit knowing'. Polanyi (*ibid.* 120-122) contends that living organisms aim instinctively to find solutions to the problems in their habitual environments. Such activity, he argues, can be traced to the 'innate sentience and alertness' exhibited by even the lowest taxonomical orders, which seek to both 'make sense of their surroundings' and satisfy drives (*ibid.* 96-100). These activities stimulate learning, through the identification of relationships between means and ends and between signs and events (*ibid.* 71-77). Consequently, through these cognitive advances, organisms experience 'latent learning', whereby they come to internalise a comprehensive understanding of their problem-situations which is, crucially, more than the sum of its parts (*ibid.*).

Once an individual has a complete understanding of their environment, they will have internalised the ‘rules’ for action in that environment (*ibid.* 49). These rules can then be applied algorithmically to analyse the myriad possible options and their likely outcomes. Intuitively, such an understanding can only come from acting in the environment, and ‘learning by doing’. New drivers, for instance, learn almost exclusively by practicing the act of driving. Resultantly, the results of this learning, manifest in the kind of entrepreneurial expertise mentioned earlier, are to some extent always inarticulable (*ibid.* ch. 4). For such latent understanding comes only after one has learnt to understand a problem-situation *holistically*. At this point, the actor can have only a ‘subsidiary’ awareness of the micro-actions necessary to negotiate a problem, because these will have passed out of conscious awareness. When new drivers focus consciously upon their steering or road position, for instance, they are apt to err elsewhere. It is only by mastering driving *itself* that the learner becomes proficient, and thus able to cope with far more situations than were ever intimated by their instructor.

Our latent learning, however, can never be complete. Our goals, beliefs and environments constantly change (with innumerable reinforcing effects between them), so our understanding of how to solve problems must continually change according to new experiences. The upshot is that knowledge is not just ‘information’ that can conceivably exist objectively, but is embodied in ‘adaptive responses’ to the world around us (Butos and Koppl, 2003: 32). The pertinent social question is therefore not how can we use our assumed knowledge to improve our circumstances, but instead how can we *generate* knowledge *about* our circumstances (Buchanan and Vanberg, 2002)? How can we encourage latent learning of social, moral and political problems?

As suggested above, the liberal answer to this question suggests that we must rely on freely adjusting market prices because they ‘make privately held, and frequently tacit, knowledge socially usable’ (Horwitz, 2000: 30). Entrepreneurial budgets, for instance, are analogous to our individual cognitive models (*ibid.* 32). Because they set out the plans by which businesses structure their activities, budgets effectively

embody the latent trade-offs between different resource allocations and between short-term risks and long-term investment that business leaders expect to maximise profits. And where these expectations prove to be flawed, budgets allow actors both to identify precisely *where* they were mistaken and, following the examples of successful and profitable businesses, to incorporate more accurate and valuable expectations and trade-offs. Contrastingly, as the financial crisis illustrates, intervening in the economy inevitably leads to the disruption of this discovery process, by distorting the problem environments in which entrepreneurs act and learn. Intervention, therefore, is not ‘merely’ a matter of efficiency. Distorting the market ensures that a stock of valuable knowledge pertaining to our social and economic problems will simply never be discovered or disseminated.

This point can be more rigorously set out by articulating a new conception of the knowledge problems facing social actors. Hayek’s observations concerning our perpetually improving mind-maps and Polanyi’s emphasis on the irreversibility of changes in our tacit knowledge are suggestive of just such a conception, because they suggest that we can never make judgements about our existing stock of knowledge by examining it at any one instance in time. To judge our ability to solve problems, we must instead seek to judge the effectiveness of our inter-temporal learning; we must judge, in other words, how much our knowledge of the past tells us about the future. For, the principal difficulty we face in confronting our social problems is that no individual agent can know with certainty how to interpret the past in a way which is meaningful and useful. The choice we face as a society is thus not between positive and negative liberties *per se*. It is instead between the state, which, however democratic, can only test one theory of events in the past at a time, and a competitive process that promises to eliminate all of those theories of and adjustments to the past which would serve us all – but especially the worst off – poorly in future.

### *The ghost of knowledge past*

The inevitability of inter-temporal change presents us with three distinct challenges. The first and most obvious of these concerns the dearth of information we have about



the vast majority of humanity's past. Historical records are by their very nature selective for what seems to be the most significant information, and while historians might be content that major events are amply recorded, the more mundane facts about everyday life are easily lost. Since only those who live through a certain experience can truly know and learn fully from it, it would seem to follow that our knowledge about anything other than our own individual pasts is intrinsically weak. Once the experience of the Holocaust or the atomic bombings of Japan are lost from living memory, for example, we will cease to have any true *knowledge* of the horrors they entailed, despite their extensive descriptions. Since we lack any comparable point of reference, we as members of recent generations will have no way of empathising with those directly involved. As Mises (2005: 191) observes,

[w]hat the historical account provides is the description of the situation; the reaction [to that situation] depends on the meaning the actor gives it, on the ends he wants to attain, and on the means he chooses for their attainment.

It is precisely these reactions *to* historical events which history itself cannot provide.

Nevertheless, we can still access knowledge from and about the past by observing traditions, and it is to these traditions we often turn in order to make up for shortfalls in our problem-solving knowledge. Thus, on a personal level, we often rely upon the guidance of manners to engender a favourable social environment for our acts. Moreover, besides this immediate benefit, traditions also embody historical knowledge of how exactly it is that we know things, and how we might increase that knowledge (Polanyi, 1958: 53-54 and ch. 7). In particular, the Western scientific tradition with its tenets of free and uninhibited inquiry has been fundamental to the growth and refinement of our technological, industrial and economic expertise (Quinton, 1988: ch. 1). And in a similar fashion, the social mores that develop within free societies tend to embody historical knowledge about the customs and laws that must be adhered to in order to maintain intellectual vigour and promote the good life. For it was through the collective respect for their growing civic consciences that those societies were able to develop and improve, so a continued respect would seem

to augur for continued growth (Polanyi, 1958: 222-223, see also Hayek, 1960: ch. 2-4, and Popper, 2003, ch. 9).

Governments faced with a vicious cycle of social problems and socio-economic inequality therefore face two inter-related problems. The first is that, because they are directed by often progressive political imperatives, it is doubtful whether they could ever either sufficiently accrue knowledge about *any* inevitably local and contextual problem to resolve it. Indeed, it bodes ill for interventionism that those at ‘ground zero’, who will tend to have the most accurate primary knowledge about the problem, do not yet know how best to act. Paternalists often neglect this fact, of course, because they conceive of the disadvantaged as victims. But those same individuals often develop complex and surprisingly effective coping mechanisms which prove that they are not powerless.<sup>8</sup> In comparison, governments are limited to the use of only that readily articulable knowledge that can be garnered from external observation. The latent contextual understandings and the ‘rules’ of the environment which stabilise social interactions – and which rely upon socialisation for their diffusion – are inevitably lost as the problem is transferred from the local and traditional realms to the central and governmental.

This is complicated further by the second problem, which pertains to the unintended consequences of disrupting the learning mechanisms institutionalised in free societies. For, even if the state could *subdue* a problem, there is a high chance that once the intervening variable is taken away the problem would simply reappear, because in the mean time no one will have learned any more about solving it. Indeed, in such a case the problem would probably be even more harmful, because the individuals concerned would have grown dependent upon the state, to the detriment of their adaptive autonomy. In so far as interventionism embodies progressivism,

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<sup>8</sup> Arthur Seldon (2007) shows, for example, that despite their lack of resources the poor and working classes of the late nineteenth century had developed rapidly expanding ‘self help’ schemes to provide housing, health insurance and pensions before the state began to intervene. Moreover, in his study on education in some of the poorest areas of the developing world, James Tooley (2009) found the private schools set up *by* members of those communities to consistently outperform – and to be consistently preferred to – the better equipped but poorly run public schools. Despite operating as businesses, many of these schools offered flexible scholarships and discounts to the poorest parents, and most voluntary offered extra services or assistance outside of school hours.

therefore, it seems set to fail, for it is likely to foreclose those historical flows of knowledge which must form the basis of any problem-solution. As a result, individuals targeted for government intervention will be hostage not only to its under-informed paternalism, but to its capricious attentions and political whims as well.

### *The ghost of knowledge present*

Social democrats might wonder why we cannot simply mimic the natural sciences and apply knowledge from one part of society contemporaneously within another. Given the right ‘evidence-based’ research, for instance, we might create a curriculum which offers equal opportunities for all, develop teaching styles which evince the best results from students and provide tailored tuition for those from disadvantaged backgrounds. Indeed, there seems little reason to stop there. On the basis of its assessment of social needs and the capabilities of schools, and in addition to the policies above, the UK government has sought in recent years to use schools to improve childhood nutrition, to promote responsibility and prevent antisocial behaviour, to tackle teenage pregnancy and even to encourage better ‘citizenship’.<sup>9</sup> Indeed, so ambitious have recent governments been that it seems difficult to see how inequality could still persist.

The problem for these noble aims is that accurate knowledge transfer is incredibly difficult, because each individual’s capacity for action is heavily constrained by their own historical experiences and cognitive development. Indeed, it is for this reason that Hayek (1978: ch. 2) explicitly rejects the conflation of the social and physical sciences. Unlike the physical sciences, wherein ‘observed phenomena’ are ‘functions of comparatively few variables’ (*ibid.* 32), the social sciences are concerned with incorrigibly complex interactions which cannot be described according to general laws. It is as difficult to decipher the specific mechanism which led to success amongst one set of actors as it is to decide how to activate it in another. The concept

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<sup>9</sup> These initiatives and more are set out in the UK Government White Paper *Your child, your schools, our future* (DCSF, 2009).

of ‘social engineering’ and its welfarist social policy offspring, which assume common and relatively simple stimuli-response relationships, are thus completely wrongheaded (Mises, 2005: 162-163). What might appear to be perfectly reasonable in one problem situation might prove to be wildly unreasonable in another.

This radical subjective variation is clearly explained by Viktor Vanberg’s (2004) work on ‘program-based behaviour’. Psychologists researching this concept see behaviour as essentially rule-based, whereby decisions are made according to the rules embodied by specific and tailored cognitive programs which develop over time.<sup>10</sup> In this sense, the Hayekian mind-maps discussed above contain not only quasi-topographic data about the environment, but also conjectural information about the expected effects of different courses of action (*ibid.* 177). So, while it is likely that all humans are endowed with similar genetic inheritances, the results of individual behaviour feed back into programmatic conjectures, systematically linking each person’s unique programmatic behaviour with her environment (*ibid.*). If we incorporate Polanyi’s insights here, it is clear that programmatic knowledge is likely to become latent and subconscious once programs have become stabilised to their environments.

As such, while it may be theoretically possible to understand individual decisions in different situations along cause/effect lines, it is clear that the massive complexity and interconnectedness of such causal chains would prohibit anything but a general ‘pattern prediction’ (*ibid.* 178). Thus, in the context of social or political problems, such as those which regularly crop up in education, the difficulty is that because we do not intimately know the experiences of all those involved, we cannot fully understand the reasoning which led each of them to choose conflicting or detrimental courses of action. It follows that intervention based upon cross-sectional data is unlikely to be successful, because it cannot make use of all of the relevant but dispersed information. As noted above, it is instead simply likely to impose erroneous practices which interfere and override local practices and ‘solutions’. Far from spreading and reinforcing success, such interventions are only likely to ‘cancel

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<sup>10</sup> Such rules take the form of ‘if x, then y’ imperatives.

out' the sporadic good practices which arise even within state-run services (albeit rarely).

In function, there is little difference between even the most considered interventions and the mere preferences of state actors. Despite the high hopes of successive governments, this is well illustrated by schools in the UK. Besides the initiatives above, which essentially only draw time and resources away from core teaching, British schools have been severely hampered by the very National Curriculum designed to deliver excellence. Tooley (1996: 67) describes how this curriculum was first envisioned by Margaret Thatcher as a way of allowing senior science, mathematics and English teachers to decide the content of those skills important enough to be taught nationwide. Importantly, local teachers were to be allowed flexibility around this curriculum, so that they could tailor their classes. In practice, however, the curriculum quickly expanded to cover not only the entirety of all teaching subjects, but also the methods by which they are to be taught and assessed. As such, despite ostensibly being a tool to standardise best practice across schools, the curriculum has simply provided a mechanism fought over by self-declared experts and interest groups to impose their beliefs and preferences on the many (*ibid.* 69-71). It has also led to stagnation in how we raise our children, by consistently prioritising the academic subjects favoured by the middle classes and stigmatising the more vocational subjects.

Not only is this state of affairs clearly inappropriate in an economy struggling to give all of its graduates skilled jobs, but it rather more importantly compounds the disadvantages experienced by the poorest children. Tooley (*ibid.* 11-12) argues that these children are the most likely to be illiterate and unqualified, and are clearly over-represented in those sections of the populace who feel 'alienated' from and intimidated by mainstream society. It is not unreasonable to suggest that the problem here is the poor and inappropriate way in which children are taught. After all, the curriculum fallaciously treats all children as equals when they have manifestly different needs. Whilst middle class parents find it easy to supplement inadequate school teaching and to encourage their children to persevere in the face of

innumerable examinations, those children who have little or no parental support unsurprisingly fail to progress. What is desperately needed to help these children is innovation in both teaching content and style, in order to allow schools to discover ‘what works’ and for whom (Tooley, 2003). This would require free and unrestrained price competition, to be sure, so it would raise fears for those ‘left behind’. But it would also allow schools to learn and specialise, and it would exert intense pressure on those which fail to do so. The existing centrally directed standards, in contrast, allow very little learning and exert no such pressure, so as long as they persist they are *guaranteed* to continue creating losers.

The same failures are endemic to other publicly run services such as the NHS, which has persistently struggled to rectify health inequalities between the richer and poorer members of society. As Walshe (2002) shows, this is not through want of trying; over recent decades the NHS has seen a raft of new regulatory bodies seeking to spread ‘best practice’ and smooth out inequalities in treatment. These bodies employ experienced and qualified clinicians, and they make use of the most recent research. The problem is, however, that while they were set up to encourage ‘compliance’, they have tended (with government support) to focus upon ‘deterrence’ and punishment (*ibid.* 969). As with the National Curriculum and indeed American financial regulators, this mission creep was perhaps inevitable because of the paucity of knowledge of the centralised regulators. Regardless of their expertise, these guardians of the public good simply have no basis upon which to adapt their guidance to specific cases. Instead of spreading good ideas which can be applied when medics think it appropriate, all they can do is to act as watchdogs in order to *enforce* specific practices (*ibid.*). And in so doing, they illustrate the central weakness of interventionism, which, based upon ‘one size fits all’ policies, inevitably becomes more concerned with their imposition than with the question of whether the outcome is desirable or not.

From these examples we can start to concretise the normative case against compassionate interventionism. Just as different children and different patients require different treatment in different circumstances, there is no universal basis to

‘positive liberty’. What individuals find valuable, and the paths they seek to follow to pursue the good life, depends upon their specific histories and beliefs. Both the prescription of those activities which supposedly lead to equality and the *proscription* of those which apparently erode it are doomed to failure, because both of these measures leave the decision mechanisms and connected conceptions of value which drive our social behaviour unchanged. Subject to such unanticipated external interferences in their environment, those affected by intervention are likely to simply continue acting according to their programmatic understanding of the world, but, crucially, they will lack viable alternative choices. As such, the most we can hope for from compassionate interventionism is that those affected will flout its travails. For, the likely alternative is that they will turn to even more damaging behaviours.<sup>11</sup>

### *The ghost of knowledge yet to come*

It should be clear by now that we simply cannot mine apodictic prophecies from history (however we seek to define it). The best we can do is to use our knowledge of past human action to make speculative guesses about the future (Mises, 2005). Since the development of our cognitive anticipatory frameworks is dependent purely upon our past and necessarily limited experience, our ignorance of the future is inevitable (Butois and Koppl, 2003: 30). As Vanberg (2002: 28) asserts, human reasoning ‘cannot guarantee pre-adaptedness’. That is, our cognitive apparatuses ‘cannot provide better guidance than the continuity of present to past problem-environments permits’ (*ibid.*). Yet we are faced with new and unique situations on a daily basis. Consequently, our expectations of an event or action will rarely, if ever, tally with reality. Examples abound, from the highs and lows of a general election to the fallout and patterned knock-on effects of financial crises.

There are obvious exceptions to this hypothesis. British students no doubt come to hold fairly accurate expectations of written examinations, for instance, while Cabinet

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<sup>11</sup> Albert Hirschman (1992: 743) makes an analogous argument. If the state were to proscribe certain acts (such as excessive overtime) to improve the happiness of its citizens, he argues, it would probably lead to individuals – used to trying to maximise their status – interacting in far more nefarious ways.

Ministers will know exactly what the drudgery of compromise requires. But what is notable about these somewhat trivial exceptions is that they rely on the individuals concerned experiencing something intimately, frequently and recently. Such conditions preclude the corrosive effects of time on programmatic knowledge, and maximise the chances that significant variation in analogous problem-situations will be experienced gradually, allowing incremental rather than shock changes to latent knowledge. What we might term cognitive accuracy, then, can result only from continuous learning.

This kind of learning is unlikely to occur in the public institutions of the state which, however much experience they may amass, remain funded and directed from the political centre. This is because, as illustrated by the examples above, political institutions seek to impose upon local requirements rather than adapt to them. The very point of democracy is to derive goals from either regional or national public opinion which can then be realised locally. Whilst ‘street-level bureaucrats’ do learn, they can only learn within the constraints of this political environment, so that their knowledge pertains more towards how to adapt their behaviour under specific circumstances to meet their political goals than towards meeting the needs of the circumstances themselves. Indeed, where local actors *do* orient their behaviour towards these circumstances, they are often accused of contributing to ‘postcode lotteries’, and centralised political action tends to swiftly follow.

Tebble’s (2006) account of ‘identity liberalism’ provides an especially apposite example here. He suggests that liberal democracies in practice demonstrate a form of nationalism which is not easily classified as either left- or right-wing. Instead, states such as the UK and France pursue decidedly assimilationist policies towards immigrants and minorities on ostensibly multiculturalist grounds. To ensure their ‘autonomy’, for instance, individuals must embrace the mainstream culture to be eligible for public services such as education and welfare (*ibid.* 472-474). While this might be democratically justifiable on the grounds that public services are paid for by national taxation, it belies the fact that individual needs are likely to be culturally mediated. Plainly, children destined to live in traditionalist religious communities



would benefit more from an education tailored to these circumstances than one based upon the secular desires of the state. More to the point, the ability of public servants to impose the state's wishes blurs the boundaries between alien *cultural* mores and different *individual* desires. The ability of the NHS to pursue patients' ostensible interests against the wishes of families, and in some cases even the patients themselves, for instance, leaves little room for differences even between members of the indigenous culture. And instead of learning about these differences and their specific needs, the public servants in question here are required only to learn about how different individuals might be either persuaded or forced to accede to the nation's political goals.

From a classical liberal perspective, the inequalities which are maintained by the democratic state's inability to learn and adapt to its problem environments are egregious and lamentable. As such, this perspective implores us to re-think our whole approach to social problems and interventionism. We need to accept that our knowledge will always be too limited to provide either large-scale or long-term solutions to our problems. As Buchanan and Vanberg (2002: 125) argue, since we cannot know what knowledge we will go on to have, we cannot know what we will regard in future to be the best solution to our problems. Indeed, we cannot even know what we will perceive to be problematic, for what is seen as acceptable now will no doubt change over time (*ibid.*). Accordingly, all we can hope for is to solve our problems on an on-going and localised basis. The best thing we can do for disadvantaged and problem-struck individuals is to remove all of the impediments to their learning, if only along crude cost/benefit lines, about the consequences of the different options they face.

It is worth emphasising that this normative case for unimpeded market freedoms – and, similarly, the political case for classical liberalism – does not rest upon either a first-order intrinsic valuation of liberty or any controversial *a priori* judgement of public institutions. Instead, it rests wholly upon the argument that markets provide the most dynamic link between our knowledge of the past and the future. In stark contrast to the state's inability to evaluate anything more than a few democratically

mandated projects and policies at any one time, markets replicate the process of genetic evolution by continually subjecting *all* of the different expectations and plans of every market actor to the competitive battle for custom. And since the under-provision of resources and services to the poorest represent the biggest departures from equilibrium, it is here that we would expect the greatest gains from the market-led process of natural selection. By forcing individuals to choose between different claims to provision for their needs or wellbeing, the market would continually evaluate and refine the accuracy of the theoretical understandings of social problems which ground those claims (Brown, 1987: 290). Clearly, there is nothing controversial to this argument, other than the suggestion that every claim to knowledge should be always and everywhere refutable.

## **Conclusion**

If classical liberalism is weak to the claim that it provides no argument against targeted normative interventions, then it is difficult to see what it offers other than a more exhaustive, ideological version of Mill's or Rawls's arguments. This chapter has attempted to refute this claim. It has constructed a classical liberal epistemology which suggests that intervention *in general* is likely to fare poorly because, in sharp contrast with the decentralised decision-making of the marketplace, the state's necessarily centralised planning is simply unable to cope with rapid and unpredictable changes in either its normative or real-world problem environment. While the market contains mechanisms for error-correction which continuously generate new knowledge, state action is more likely than not to spread errors throughout the social system. As such, and if only to avoid the effects of these errors, there *is* a *prima facie* reasonable case that can be made for negative liberty in a diverse society. Since individuals are the only possible repository for the kind of inarticulable social knowledge which is integral for effective social action, in so far as social action is necessary, it is essential that individuals are freely able to act.

This call for negative liberty is radically different from the procedural individualism of Rawls or Mill. The aim of this argument has been to show that *there is no single*

*solution to any sociological problem*, or at least not one that exists in any form accessible to humans in an *a priori* fashion; if there were, we could have no possible problem with well-meaning interventions. Accordingly, we cannot rule out procedural, substantive, individual *or* group outcomes as the right solution to any particular problem. Classical liberalism does not so much seek to solve the equality and ontology dilemmas as illustrate that, in a decentralised society, they need not be dilemmas at all. For the adoption of any single position from figure 2.1 would create the very ‘one size fits all’ problems described in this chapter. Of course, simply asserting this is not enough. It is the central task of the next four chapters to prove that this is the case, so that we will be in a position to see exactly how the classical liberal respect for civil plurality is better placed to deal with the problems of radical difference than any innovative theory of democracy.

## 4. Procedural Individualism: The Wolf in Sheep's Clothing

On the classical liberal account, individuals need to be free from arbitrary constraints in order to respond effectively to changes in their socio-economic environments. Given the depth of pluralism in society, and our inability to agree on *a priori* solutions, the stability these freedoms provide is essential if society is to use its formidable but fragmented stock of knowledge to find a compromise beneficial for everyone. Compromises, however, are rarely politically exciting, and with the growth of the electorate classical liberals lost their ground to demands that the state should help the disadvantaged. Accordingly, the revisionist liberal philosophy which developed out of these demands sought instead to realise our 'ideal' freedoms. As this chapter shows, modern liberals argue that individuals should be guided by their authentic desires rather than those engendered by their peculiar circumstances. Desirable as this may seem, it is argued that this conception of freedom is nonetheless unsuitable for the conflicts arising from diversity. However the 'ideal' freedoms are conceptualised, they will inevitably embody a partial and static moral perspective. This is problematic, because to be truly free to follow one's own conception of the good is to be free to adapt that good to as yet unknown challenges. It is this freedom, it is concluded, that must lie at the heart of a constructive approach to pluralism, but this is the very freedom that is foreclosed by modern liberal arguments.

### **The status quo: liberalism as impartiality**

We saw in chapter two that strong democratic theorists depart from modern liberalism (*qua* procedural individualism) because it covertly circumscribes the goods pursuable in a plural society. To be sure, neither Mill nor Rawls – the two authors surveyed – sought to set out a perfectionist or virtue-based theory of the good. Mill's consequentialism is underpinned by his rule-utilitarianism, while Rawls's conception of justice is founded upon the deontological right. But both theorists disingenuously foreclose genuine value pluralism by proposing procedural and individualistic limits on social action. As a result, they would leave the plurality of goods at the mercy of the inevitable cultural and socio-economic inequalities which thrive in the absence of active politics. Marginalised groups would suffer because they would lack the means to challenge the fairness of their circumstances.

To generalise to some degree the critiques offered in chapter two, liberalism appears to be simply unsuitable for our modern political circumstances. What we require instead is an encompassing political process which can unite plural and divergent groups.

Modern liberals would likely claim that this argument says both too little and too much. It says too little because all theoretical perspectives must entail a specific and to some extent unique set of consequences. These consequences can be either the intended goals of the theory or, if it is concerned with means rather than ends, side-effects of intended goals. The key question is whether the theory provides adequate justification for these consequences. Given that liberalism's consequences are by-and-large side-effects of its goal of securing individual freedom, it might be objected that it is unfair to criticise these consequences without first rejecting individual freedom. Additionally, the multicultural objection says too much, because liberalism does not abandon individuals in need of protection. The liberal focus on individuals reflects the simple truth that *only individuals can act*. In order to promote agency, the liberal state must therefore uphold individual rights and mitigate economic inequity, but it can go no further than this. If it were to look beyond the individual, the state would only end up reifying cultural and social inequalities by undermining universal freedoms. As such, with the exception of those which undermine these freedoms the liberal state should be impartial with respect to the ends which individuals in society pursue.

This position, which equates liberalism with impartiality, is based more upon the fundamental moral equality of individuals than the simple fact of human agency. As such, it avoids any problematic move from facts to values and appeals instead to fairness. Given the individual's capacity to feel either satisfied or hard done by depending on how they are treated by society, and given our proclivity to feel sympathetic to these claims (if we perceive them as justified), we can only be content that the social order is truly fair if everyone is satisfied. As Brian Barry (1995: 10) argues, all those subject to principles of justice 'have to be able to feel that they have done as well as they could reasonably hope to' if they are to be truly just. This says

nothing about what individuals might or might not want to embrace as valuable during the course of their lives. It simply asks that individuals agree to limit their good according to the reasonable claims of others. Since no specific good can be known to be objectively true, it cannot reasonably be forced upon adherents of other goods (*ibid.* 168-169).

The strength of this argument depends upon two conditions. First, it depends upon how ‘reasonable’ the liberal principles of fairness actually are. People would only limit their personal aspirations for reasons they agree with. And second, it depends upon how far the principles of impartiality actually require individuals to circumscribe their goods. If these principles require individuals to abandon their goods wholesale, it seems unlikely that they would be widely followed, however reasonable they may be. To succeed, liberalism as impartiality thus needs to avoid being both *sectarian* and *onerous*. On close examination, however, it clearly suffers from both of these drawbacks. It is firstly open to the criticism that it carries implicit but substantive biases in favour of the majority culture. This, in consequence, leads to the second and more serious problem that impartial liberalism is unable to address the subjective but nevertheless serious injustices which must arise from strict state neutrality. Impartial liberalism might not itself require individuals to relinquish their distinctive cultural identities, but it is unable to prevent those forces operative in cohesive nation states which apply such pressures.

It is therefore argued in this chapter that liberal impartiality, the dominant, procedural individualist perspective in modern political theory, embodies a counterproductive approach to the accommodation of pluralism. The main problem is that the claim to impartiality is difficult to sustain when the state must decide how to intervene. As such, it leaves liberal democracy open to demands to protect minorities and marginalised groups (however defined) by providing legal exemptions. Obviously, these demands cannot be sustained for long alongside traditional liberal concerns. For as soon as the state assumes what must effectively be a plan of the correct cultural make-up of society, it must foreclose real, genuine freedom – the freedom to adapt to changing circumstances – in order to enforce that plan. Such an

outcome may be in the sectional interests of some concrete and identifiable groups, but it is definitely not in the *general* interests of all, which, following Kant, has been the essential litmus test of liberal arguments since the Enlightenment. In the context of diverse and divided societies, it is contended, any liberal argument which *can* pass this test must limit itself to ensuring only those negative liberties set out by classical liberals. The chapter ends by showing that this need not commit us to a depressing fatalism, however. The spontaneous processes of civil adjustment hold the potential to find a mutually beneficial compromise between moral opinions that must necessarily be precluded by more colonial moral positions.

### **Impartiality's egalitarian edge**

The strongest defence of liberal impartiality is provided by Ronald Dworkin (2002). Dworkin's account is notable because he seeks to justify a redistributive state while simultaneously upholding individualism and impartiality. Following the post-Rawlsian emphasis on rationality as a justificatory tool, he contends that differences in society are acceptable because and only in so far as they are the product of free reasoning. We ought, in other words, to work towards instantiating a measure of equality in order to ensure that inequalities, such as they may exist, are the product of agency rather than contingency. On this account, the attempts by Western liberal governments to achieve some measure of material equality and intra-cultural cohesion in their populations are not open to classical liberal excoriation, because they can be justified by traditional liberal arguments. Dworkin's argument is thus apposite here because it offers a key analytical advantage. If it succeeds in grounding substantive and communal equality in procedural liberal arguments, then it must be the case that liberals can solve the multicultural dilemmas after all. If it fails, however, it provides us with a strong basis for thinking that the conflation of impartiality with the conscious reasoning central to modern liberalism is the reason for its failure to deal adequately with modern pluralism.

Impartiality on Dworkin's argument consists of allowing individuals to live their lives as they see fit, and to bear the consequences of their decisions as responsibility

dictates. The role of the state is correspondingly limited to addressing only those inequalities which arise between individuals due to luck, as these are the only inequalities that could reasonably be objected to. For Dworkin, then, impartiality requires a kind of equality of reason. Equality pertains when individuals are free to realise their subjective judgements and worldviews. In consequence, the only standard of inter-personal comparison that can be available for judgements of fairness is that of relative resource wealth, because any standard of welfare must rest upon philosophical presuppositions about the determinants of human well-being which cannot be sustained alongside a respect for plurality (Dworkin, 2002: ch. 1). Contra Rawls, Dworkin thus completely separates justice and well-being. Since the nature and range of goods that we perceive to be available in society are determined by the challenges and circumstances we face as individuals rather than any objective metaphysic, the value of these goods can be judged only by reference to the justness of the conditions in which those goods (rather than alternatives) were chosen. As such, a society can be both just and pluralistic (*qua* unequal) so long as it was *initially* just. For Dworkin, such a state of justice requires absolute resource equity.

Dworkin's desert island thought experiment, within which a number of washed up castaways must decide how to distribute the island's irreducible and undividable materials fairly, is illustrative here. In a situation of initial equality, Dworkin (*ibid.* ch. 2) argues that for each available item people would bid up to the limits of their hypothetical utility curves, which would embody their perceptions of how that item would help them realise their life-plans. Ideally, this auction would leave each individual with that bundle of items which they would not trade in for anyone else's bundle (the 'envy test'); if not, the auction would need to be re-run. The logic of this argument is that inequalities which arise through pluralism are justifiable because they simply reflect opportunity costs. Assuming initial equality, when goods are in short supply or high demand, castaways must forgo other goods when they purchase them. Similarly, assuming equal talents, whether their life-plans involve long-term costs or gains, only they have a responsibility (or a right) to bear them.

In the real world, of course, people most certainly do not have equal talents. Further,



even if equal talents did initially pertain, many individuals are during the course of their lives affected by accidents or handicaps beyond their control. Given these conditions, Dworkin's thought experiment justifies a system of insurance markets for both health and talent (into which, presumably, all castaways would rationally pay) in order to show that a compulsory health and misfortune insurance programme would be justifiable. Once a society is equipped with these protections, it need not fret about remaining inequalities, because these can be roughly attributed to choice and ambition alone. The upshot of this argument is that Western liberal democracies of the European mould, with their liberal political institutions and relatively generous welfare programmes, embody the best response to modern cultural and moral pluralism.

This admirably parsimonious and seemingly compelling argument is not without its merits. As well as offering an apparently complete answer to the dilemma between procedural and substantive equality, the liberal impartiality argument exemplified by Dworkin is intended to transcend the divisive question of positive versus negative liberties which underpins the dilemma between autonomy and diversity. Barry (2001: 118-119) contends that liberal impartiality promises to overcome this divide by accommodating elements of both positions within a wider moral framework which precludes their less desirable side-effects. Dworkin's argument seems to fulfil this promise, by incorporating a conception of equality based upon the individual freedom to question and reflect upon their beliefs and associations and to abandon them as desired without fear of undue cost. Yet this is a tempered autonomy, because individuals should be free to willingly belong to associations and communities which may, on many views, be undesirable or damaging to the individual, and which may subsequently offend substantive conceptions of the ever-questioning autonomous being (*ibid.* 155-162). This freedom is essential, because on this account *individuals* are the final arbiters of value.

Nevertheless, justice as impartiality falters when considered under realistic epistemic conditions. A key assumption smuggled into Dworkin's argument by way of his 'envy test' of fairness is that individual reasoning is independent from the

individual's identity. Reason, that is, must itself be understood as a talent which is employed in the pursuit of one's interests. This has to be the case for the initial auction to succeed, since individual bidders must be able to reason effectively on an *a priori* basis about their interests in order to be satisfied with their purchases. And it must also be the case for fairness to pertain, since we can only attribute responsibility to individuals who reason accurately about the costs and benefits of different courses of action in order to achieve their ends. Those who reason poorly are hostages to fortune, and deserve state assistance.

Accordingly, it appears as though the real-world presents problems only in so far as it lacks a clearly defined starting point from which to distinguish what we have come to own through natural ability from that which is due to effort. Following this assumption, Dworkin's account focuses on the difficulties of distinguishing talents from ambition, which are both intimately connected to an individual's history and endowments (see, in particular, Dworkin, 2002: 90-92). His argument turns to talent insurance markets precisely because they would discover and realise for everyone the maximal level of income expected from innate ability (*ibid.* 92-99).<sup>12</sup> To paraphrase Dworkin, each individual would be left with (at least) 'the income he would have had if, counterfactually, all talents for production had been equal' (*ibid.* 91).

The problems we face in the real world are more troublesome than this, however. As it was shown in chapter three, our beliefs, identities and reasons are interimbricated, so it is simply not possible to isolate our use of reason from our particular understandings of the world and our place within it. This means that it is not possible to rigorously distinguish the individual's talents (their 'brute' luck) from their choices or ambition in the manner that Dworkin needs in order to offer individuals genuine freedom. In practice, for instance, washed-up auctioneers would all be in a similar state of ignorance about the future, and they would have as little genuine

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<sup>12</sup> One's expected income is the monetary income which would be awarded if the talent insured against is not found, weighted by the *probability* of it not being found. Dworkin argues that since insurers must make profits from their policies, and since the chances of having a level of talent are inversely proportional with its value, the expected income from an insured against talent quickly tends towards zero as the value of that talent rises above the mean. Expected incomes, therefore, roughly approximate the income from the mean level of talent.

control over the results of their purchases as they would over their beliefs. But this means that there is no more reason to allow individuals to face the consequences of their free acts than there is to allow them to reap differential rewards from their different talents. It follows that where differential outcomes *are* allowed on Dworkin's account, they are by no means the chosen differences of different choosers. Instead, they are simply those arbitrary differences which are consistent with the *homo economicus* reasoning upon which he bases his argument.

Dworkin's account can consequently say little to the practical problems posed by diversity and difference. By treating reason as an ends-directed tool which is simply more or less efficacious, he conflates resource inequalities with the inequality of reason embodied by unequal real-world talents. It is on this basis that he injects his own counterfactual reasoning – that individuals would want to substantiate the uniform resource equality which would pertain from equal natural abilities – in order to move the system back towards intended outcomes. This is a completely unwarranted step, however, because it treats the cultures and identities which ground diverse individual choices as matters of mere luck, which either give us an artificial hand up or handicap our progress towards our autonomous goals. Significantly, this instrumentalism runs contrary to the thrust of multiculturalism, which is concerned not with the problem of how we can better obtain what it is that we want but rather how we might solve those disagreements which arise out of having different and sometimes opposing wants.

On this basis, it is clear that freedom consists not in the equal ability to reason as such, but rather in the ability to adjust our reasons in response to the reasoning of others. For, the central problem which is ignored by the impartial conception of justice is that the outcomes of even autonomous acts are largely out of our control. They depend upon the environments within which we act and, crucially, upon the actions of individuals with whom our plans interact. As such, it is not that we should be free and equal, but rather that we can only be free *equally*, so that *all* individuals must assess and update their intentions in the light of the myriad influences and obstacles which they encounter. The import of this responsibility should be clear to

see, for if anyone is spared of this requirement, they have at their grasp the illiberal ability to impose upon others without having to face the consequences of that imposition. Yet by distorting the unintended inequalities which are the very epistemic mechanism by which we can learn about our actions, Dworkin's desire to allow only 'intended' inequalities clearly exemplifies just such an ability. It would support a form of tyrannical proceduralism impartial only between choices reflective of its own conception of intentionality, and it would consequently disadvantage those who do not support that conception.

### **The cultural critique**

It is possible that the modern liberal, committed to abstract impartiality, might brush away this critique as irrelevant and poorly aimed. Barry (1995: 77, original italics) argues that we need a conception of justice to address the very real question of 'how are we to live *together*, given that we have different ideas of how to live?'. We ought to approach this question impartially, for we cannot approach it with our substantive goods in mind and still claim to be acting fairly. However, this does not require us to view *all* reasoning through the same impartial lens. To put this differently, the principles of justice we agree to must be impartial, in that they support an equitable system which allows for equal moral agency for all, but we as individuals need share no commitment to impartiality in our personal lives. As Paul Kelly (2005: 120-121) argues, liberal egalitarianism

does not propose uniformity of outcomes but merely uniform general laws that apply to all in the regulation of social interaction, where the content of those laws reflects equal basic rights and liberties.

The only substantial burden entailed by these laws is that, in the pursuit of our own good, we respect the rights of others to pursue theirs (*ibid.*). Barry (1995: 99-111) goes so far as to argue that just laws need only determine the constitutions of and procedures by which the legislature acts. What the legislature acts *upon* is a matter for democratic politics. Justice, therefore, is consistent with a wide plurality of goods

and a variety of non-pecuniary costs and benefits being borne unevenly across society. It is neither sectarian in its formulation, nor onerous in its implications.

This objection would be to miss the point of the critique of impartiality offered above. The problem is that it is incoherent to understand rationality as an unsituated concept. We simply cannot make *a priori* decisions without first knowing what it is we are deciding on. Such knowledge can only come from learning, so we cannot be supposed to know and understand all the myriad considerations necessary to derive a concept of justice in the abstract. This makes formulating the content of Kelly's 'uniform general laws' and Barry's constitutional procedures incredibly difficult, because they have to embody the limits of reasonability, the limit, that is, of what externalities arising from one person's actions can be reasonably borne by others. Barry (*ibid.* 87-90), for instance, endorses a 'positive harm principle' which decries as unjust only those acts which directly harm others. Accordingly, he rejects blood sports and female genital mutilation while upholding the rights to abortion and sexual freedom. Now this is certainly reasonable in the sense that Barry is clearly not mad in holding these views. But it is hard to see why it is reasonable in the sense of being impartial, because it is hard to see why individuals with no grounding in an idea of the good, and thus no way of judging the acceptable from the unacceptable, would endorse them. And Barry's (*ibid.* 84) appeal to the centrality of certain freedoms to people's lives does not work here, because it invites the naturalistic fallacy unless he can prove that it is *good* that they are central in such a way.

On reflection, Barry's conception of justice relies on the self-evidence of the concepts of harm and responsibility to limit the role of the state in the same way that Dworkin relies upon the self-evidence of luck and reason. These assumptions leave the modern liberal interventionist state open to all manner of multicultural claims because, as it was argued above, individual reasoning is radically situated. According to the 'liberal culturalist' critique (to borrow Will Kymlicka's (2007: 31) term), for instance, impartial liberals err by misunderstanding our cultural ties. Kymlicka (1995: ch. 5) distinguishes what we might call our 'common' cultures, which encompass those specific parts of our lives we regularly make choices on, such as the

philosophy we subscribe to or the groups of individuals we associate with, from what he terms our 'societal cultures'. Such a culture

provides its members with meaningful ways of life across the full range of human activities, including social, educational, religious, recreational and economic life, encompassing both public and private spheres (*ibid.* 76).

While the decisions we make in our daily lives concern our common cultures, our societal cultures provide the very meanings and understandings with which we structure and comprehend the 'cultural' choices in front of us. It follows that we are not pre-programmed to simply 'get' the world around us. Instead, we need to employ both the interpretive tools and institutional practices of our cultures to make sense of the situations we face. In this sense, we are essentially dependent on our societal cultures to provide us with a 'context of choice' (Kymlicka, 1995: 82-83).

On this multiculturalist argument, our identities are not the product of choice but are instead the basis from which we can make choices about our lives. Whether considered in the abstract or not, there is simply no way in which we can coherently think of an 'equal' starting point from which to attribute responsibility. Because of our inherited, multifaceted differences, we all relate in different ways both to the majority culture and to one another. We interpret the world in different ways and give different meanings to our actions. The idea of 'equal opportunities' is thus incoherent, because opportunities can never be equal across people with such different understandings of the costs and benefits that accrue from the same choice-sets. Similarly, we ought also to dispense with the concept of 'impartiality' once and for all. Any centralised attempt to manage the distribution of resources (be they cultural, economic or social) in society must entail a systematically *uneven* distribution of opportunities and freedoms (Raz, 1986, ch. 5).

Accordingly, even the abstention from making explicit choices with respect to how people use their freedoms must rest upon controversial and sectarian decisions. The neutrality of the state, for instance, with regards to the religions individuals choose to

follow requires individuals themselves to bear the costs of their religious ‘decisions’. Thus, a religious worker who needs free time in order to pray at specific points during the day must bear the burden of this requirement, because secular workers require no such breaks. But this inevitably puts the religious individual at a disadvantage if the job market offers the same terms of employment to all. Of course, this might simply be an issue of convention. The public and private sectors alike tend to settle on standard practices in order to work efficiently, so the costliness of departing from convention is a positive fact, rather than a normative problem. Yet it is important to bear in mind here the difference between impartiality and indifference. The indifferent state would care as little for the systematic costs borne by religious individuals departing from convention as they would for those borne by disabled people or women. The impartial state might care little about the former, but it would presumably have much to say about the latter.

The reason for this concern is that when rules are indifferent between our different characteristics, they can easily distribute the costs of seemingly ‘voluntary’ action unequally. Thus, the practice of allowing only very limited sick leave seems to unfairly penalise those who need on-going treatment in the same way that the requirement to work long hours, days and weeks disadvantages parents (and especially expectant mothers). As a result, egalitarian liberalism requires modifications to these rules in order to ensure equal autonomy for all (Chambers, 2002: 152-153). But by not providing the religious with similar legal protections, the impartial liberal state hinders their entry into the workforce as effectively as it would have had it intentionally *directed* the industry conventions to penalise religiosity. Like the previously unprotected disabled and women, such individuals can only find employment with those firms which explicitly recognise the legitimacy of their behaviour. According to liberal culturalism, this is patently unfair. Like gender and ability, religion is not chosen in the same way as friends or careers are. As such, the impartial liberal state ought to entitle the religious to the same assistance and protection that it offers to all other minorities (Kymlicka, 1995: 109).

This argument is of course explicitly rejected by impartial liberalism. Kelly (2005:

85-91), for instance, contends that since religious individuals would presumably not choose to change their identities if offered the choice, these inequalities do not fail the egalitarian ‘envy test’. For all intents and purposes, then, these individuals must be responsible for the consequences of their identities. This is clearly a problematic position to take, however, as it imposes an onerous burden upon the individual. Is it ‘fair’ to expect individuals to abandon their cultural-belief systems (which often tie daily requirements to ideas of the right) in order to circumvent inequalities? And are we to conclude that it is just for individuals to bear these inequalities to the point where they are intolerable (such as when they lead to poverty and malnourishment) if they wish to keep their identities and cultures? To make matters worse, these dilemmas are faced disproportionately by minority groups. As Kymlicka (1995: ch. 6) shows, the laws of the land do not impose such difficult choices on the ethnic-religious majority, because it is within the culture of this majority that the social mores and expectations which underpin liberal laws evolve. It is for this reason he contends that the revisionist liberal policy of benign neglect ‘is not in fact benign’ (*ibid.* 111).<sup>13</sup>

These arguments against impartiality are perhaps all the more potent because Kymlicka’s liberalism is based, like that of his opponents, on ‘the freedom and equality’ of all citizens (Kymlicka, 1995: 34). Moreover, he is explicitly concerned with the ability to make choices and revisions concerning one’s life and beliefs (*ibid.* 81). Yet for Kymlicka, an autonomous life is one led ‘from the inside, in accordance with our beliefs about what gives value to life’ (*ibid.*), a definition that approximates Frankfurt’s (1971) influential definition of autonomy as the realisation of one’s higher-order, *authentic* will. Accordingly, for the multiculturalist there is indeed a moral imperative for the state to facilitate individual freedom and choice. But in so far as one’s authentic will is intimately related to their societal culture and their corresponding subjective views and desires, real equality of opportunity requires

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<sup>13</sup> Expanding on this argument, elsewhere Kymlicka (2007: 33) calls attention to the project of ‘nation-building’ modern states are committed to. Even those which come closest to the impartial form of liberalism are not ‘ethnoculturally neutral’ (*ibid.* 35), for the simple reason that their public policy decisions implicitly – and sometimes explicitly – promote a specific, individual societal culture. As Joseph Raz (1998) argues, though, in contemporary multi-nation states, privileging one nationality over all others is discriminatory.



providing everyone with equally tailored choice sets which include options of value specifically for them.

### **The fatal attraction of acceptability**

The upshot of this critique is that, despite its abstract presentation, liberal impartiality has significant, non-neutral implications for the real world. Given the collapse of *abstract* impartiality, real world impartiality requires the identification of those groups in need of minority exemptions and the implementation of these exemptions. The arguments in favour of this approach, provided by Kymlicka and Joseph Raz, therefore take liberalism far away from the methodological atomism which it is often associated with in order to apply it to our lived experiences as members of distinct cultural groups. As an approach that seeks to rectify the drawbacks of the dominant liberal approach, rather than abandon it altogether, liberal culturalism promises to appeal both to proceduralists, such as Barry, Dworkin and Kelly, *and* their more communitarian opponents (M. Moore, 1991).

Nevertheless, its critique of abstract impartiality notwithstanding, there are few reasons to think that liberal culturalism would lead to desirable real-world outcomes, for it too disregards the epistemic realities elucidated by Austrian economics. The cultural turn distances itself from the naive understanding of impartiality by offering a more realistic contextual argument for its support for liberalism. Since individuals differ, there is no 'one size fits all' standard by which to guide the terms of political association. Yet liberal culturalism fails to comprehend the full implications of this argument, because it sees the alternative to impartiality as a set of bespoke rights (*qua* positive liberties) tailored for groups as they are, as opposed to how we would like them to be. If we understand individuals to differ not only across socio-cultural space, however, but over time as well, this approach appears completely wrong-headed.

The reason classical liberal arguments reject the interventionist state is that it is inevitably reliant upon outdated and incomplete information. It cannot intervene to promote different choice-sets according to a bespoke *or* universal conception of justice without simultaneously constraining people according to increasingly arbitrary moral beliefs. For it cannot be known in advance what people should and should not do; this is precisely the information that we as individuals and indeed as a society need to *learn* as we adapt to ever-changing circumstances. In so far as the state attempts to pre-empt our goods, therefore, it must inevitably confront situations where its norms conflict with existing beliefs among the populace. In consequence, the interventionist liberal cultural state would continually face the dilemma of either assuming control of its subjects' activities, or else abandoning its goals altogether (Hayek, 2007).

Again, it is important to note that as liberals, neither Raz nor Kymlicka have this goal in mind. Both are instead concerned only with realising human well-being. Raz (1986: 194), for instance, works from the perfectionist claim that the moral value of any particular good can only be derived from its 'contribution, actual or possible to human life and its quality'. On the basis of this meta-ethic, he proffers an individualistic understanding of welfare, whereby our quality of life is dependent upon how successful we are in meeting the goals that we set ourselves. As we saw above, these goals are not selected out of a vacuum but rather derived using our cultural-interpretive framework from the social world around us. It follows that, given a concern with well-being, stable cultural diversity is essential, since a world in which individuals differ requires a variety of role models and cultural examples if we are all to realise our well-being.

On this basis, the state does appear to be justified in regulating social behaviour and diversity in order to protect and promote human welfare. Since individuals must be able to embrace meaningful goals from their cultural surroundings if they are to prosper (Raz, 1986: 300-307), state action is necessary to promote and secure the individual autonomy required for leading a valuable life. Before anything else, the state should therefore provide the educational, political and social institutions

necessary to facilitate the development of that autonomy.<sup>14</sup> That is, governments should simultaneously provide schools and hospitals while monitoring the powerful social and economic actors, such as the media, which could endanger the individual's uptake of goals and values. Yet while autonomy is necessary for the good life, it is not sufficient, because an '[a]utonomous life is valuable only if it is spent in the pursuit of acceptable and valuable projects and relationships' (*ibid.* 417). As such, governments should also monitor the cultural world to ensure that individuals have the appropriate socio-cultural building-blocks necessary to construct a worthwhile life.

Kymlicka (1995: ch. 2) provides a blueprint for such cultural regulations. He contends that governments ought to be able to provide 'external protections' for the linguistic minorities and cultural constellations that face an existential threat from the economic and cultural power of the majority, but which are essential to provide a stable social and cultural environment for rooted individuals. Depending on the problem at hand, possible protections range from self-government rights for national minorities to language or uniform concessions in the workplace and educational assistance to immigrant groups (*ibid.* 114-115). Kymlicka is determined to prevent these protections from shifting power inequalities from the inter- to the intra-cultural realm, though, and he emphasises the dangers of even the most well-intentioned impositions of specific cultural practices and beliefs. So, in principle at least, he contends that the state should be ready to intervene to protect autonomy and break down 'internal restrictions' on agency within illiberal groups (see *ibid.* ch. 8). Raz (1994: 119) neatly sums up this requirement, arguing that cultural groups must be prevented from acting to impair their members' autonomy. They should not prevent their members from leaving or deny them knowledge of the benefits offered by other ways of life, and it should be the aim of policy to 'neutralise' or 'compensate' for those aspects of cultures which do threaten individual autonomy in this way (*ibid.* 184).

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<sup>14</sup> Raz's conception of autonomy is notoriously vague and under-defined. Wojciech Sadurski (1990) and Robert George (1991) point out that while Raz seems to see autonomy as an intrinsically valuable component of the good life (which should not be coerced, even for perfectionist reasons), his perfectionist account actually seems to justify, if not require such coercion. They both conclude that he does not solve this dilemma persuasively.

A simple objection to these arguments and interventionist policies is the Rawlsian claim that they are based upon a controversial comprehensive moral viewpoint, which elevates individual autonomy above all other goods. According to this claim, it is unjust to *impose* autonomy upon a diverse society since it does not claim universal moral approval. This objection would not hit home, however, because such interventionist policies need not be justified by the *intrinsic* value of autonomy. Liberal culturalism envisages autonomy only as a means, rather than an end. It is unobjectionable that the accommodation of multiculturalism must be limited, if only by the requirements of sustaining the liberal democratic system. According to Kymlicka (1995: 93), ‘the liberal ideal is a society of free and equal individuals’, so multiculturalism must be nurtured so as to foster rather than damage this ideal. Since this ideal requires political self-determination and personal self-sufficiency, this requires autonomy, but it is only *because* of this requirement that autonomy has any value (Raz, 1986: 391). Well-being ultimately derives from the aims and goals an individual chooses and how they impact upon and enrich her life. As Raz contends, we find well-being in ‘a life of achievement’, characterised by hard work, perseverance, ‘good judgement’ and conduct, and ‘warm and trusting relations with family and friends’ (*ibid.* 306).

There is little, in short, that can be disputed in terms of liberal culturalism’s reasoning regarding its stated goals of promoting freedom for all within a liberal multicultural polity. The problems with this position lie instead with the ability of the authorities to actually *act* on its goals. We can see this by looking at the characteristics of the good set out by Raz above. The point of these goods, as a part of Raz’s perfectionist account, is to provide a universal rubric to judge the value of action. To some extent, they succeed, for they do indeed accord with what must be universal moral intuitions. It cannot be a point of controversy that a good life is one of achievement, and that as social creatures, our well-being depends upon having fulfilling relationships with others. But these constraints on the good are extremely thin, and thus open to radically divergent subjective interpretations. This matters, because achievement, good judgement and warm relationships are often likely to be incommensurable goods. Undertaking a PhD, for instance, is seen as a valuable achievement for some. But its comparative benefits and its cost in terms of close

relationships are likely to seem crazy for others. Similarly, if a couple were to give up work to educate their children, we might think this brave and somewhat admirable, but at the same time given Raz's constraints, we might want to question the acceptability of this choice (given its externalities) and whether it was well-judged.

These points matter, because as we have already seen, in deciding the terms of political association we cannot simply allow people to pursue their own goods on the mere basis that this is desirable. We have to know that the goods are in fact *good*. For it is perfectly plausible that some autonomously chosen courses of action, which seem to meet Raz's thin requirements for well-being, are in fact completely unacceptable. As Richard Boyd (2004) argues, there are many associations, such as street gangs or organised crime syndicates which act in ways which, given their characteristics alone, we might believe to be desirable (and which could claim to be good on Raz's criteria). After all, such gangs are often based upon mutual respect and solidarity (and even love), they frequently embody a shared commitment to hard work, and they demonstrate a good understanding of their milieu and their place within and effect upon it. But we cannot call such associations 'good' on this basis alone. And this does not simply mean we have some hard decisions to make at the margin. When any choice involves sacrificing one good in order to pursue another, we need somehow to know whether that sacrifice is acceptable. That is, we need a hierarchy of goods by which to judge the sacrifice. Given our chronic knowledge problems, however, such a hierarchy is impossible to come by.

This means that the liberal state would inevitably struggle to simultaneously prevent internal restrictions and guarantee external protections without meeting considerable resistance. For the key questions here concern what, in practice, constitutes an internal restriction, and what constitutes an intolerable external threat. Both concepts rely upon there being some way of deciding between acts and outcomes in order to decide precisely when the actions of aggressors (either within or without the culture) are to be deemed less important than the unimpeded actions of their 'victims'. Take the example of a Native American who wishes to sell her land to a commercial

property developer, to the wrath of the Native American community. In this case, the liberal state must decide whether the sale should go ahead in the face of the community's anger – in which case it needs to provide protection for the individual – or whether the sale should be stopped by giving the cultural hierarchy the power to regulate its land and fend off property developers. With no *a priori* knowledge of which freedom is the *most* valuable, the state can only use its own limited judgement to decide who to empower and which goods to promote

Despite its principled basis, in practice liberal culturalism risks devolving into a set of arbitrary choices between different groups and freedoms. Kymlicka, for instance, seeks to set the boundaries of freedom at the limits of illiberalism. It is not enough, he argues, to suspend toleration of a culture only when a crime has been committed, because the harms that cultures may commit may be much less appalling, and yet equally insidious. Thus, a culture may withhold education or impose a repressive, submissive sense of identity upon its members, with the result that few are able to lead any life other than that imposed upon them (Kymlicka, 1992: 143). In this case, tolerating such cultural practices would be akin to endorsing them. But imploring the state to intervene in such unacceptably illiberal practices is tantamount to treating the state's conception of liberalism as coterminous with the limits of acceptable private morality. Those groups already privately equipped to succeed in a liberal, individualist society would therefore be given extra, unnecessary protection, whilst those disadvantaged by their personal beliefs would be penalised still further.

It is therefore difficult to see how individuals from maligned cultures would be any better off in a liberal culturalist polity than one seeking to realise impartiality. For, by providing *de facto* subsidies for the more liberal groups, the former would distort the flows of information which arise from our mutually accommodating compromises. Instead of learning the costs and benefits associated with different courses of action, which would give them the ability to voluntarily adapt their good, individuals would have to choose wholesale between staying true to their own morality or following the state in order to avoid trouble. Many would probably make the latter choice, which would be so much the worse for human freedom and diversity. But some would

surely desire to preserve their own identities and goods, putting them in potential conflict not only with the authorities, but with all other groups which form the majority culture (Kukathas, 1992: 121-122). As a result, the polity would have to exert yet more control or else give up altogether. In either case, there would be little room for those individuals who genuinely seek to question the basis of liberal morality.

The requirements of liberal culturalism thus seem as sectarian and onerous as the liberal impartiality it seeks to displace. The latter approach was criticised because it is indiscriminate between those ethical viewpoints in society which are advantaged by its difference-blind commitments and those that are disadvantaged. The disadvantaged would, in this system, be faced with an unfair burden which imposes unreasonable costs on their lifestyle. It is difficult, however, to see how liberal culturalism rectifies this problem. By substituting 'acceptability' for 'impartiality', it certainly shifts the burden around somewhat. Yet the burden is no less severe, and it would still be arbitrarily distributed. And liberal culturalists cannot avoid this charge by appealing to the necessity of curtailing *some* freedoms to maintain order. For the learning process they foreclose is just as able to direct individuals towards mutually acceptable outcomes, and this without pre-judging the worth of any particular good. If we are to desire a mode of associational life which promotes progress, then, but without the sectarian and onerous costs described above, we ought to turn away from modern liberal arguments towards their classical antecedents.

### **The forgotten benefits of foregone freedoms**

It is important to resist the temptation to exaggerate the distinction between traditional and modern liberal arguments. For the distinctive core of the liberal project has effectively remained unchanged since its conception. Liberalism has always emphasised what we might describe as the absolute equality that exists through irreducible difference. Since people are discrete and unique, we cannot see humanity or society as anything more than a collection of individuals. Consequently, there is no basis upon which our assessments of well-being can be weighted in

favour of some nor balanced out across the many. All moral value must (and can only be) derived from the well-being and flourishing of human beings considered fundamentally as individuals. As such, and given our capacity for reason, which must underpin *any* rational approach to well-being, it must be the case that every individual should have equal freedoms.

This is a well-established and well-accepted commitment that, the problems of these accounts notwithstanding, is clear in each of the procedural individualist positions considered so far. The difference between more traditional liberal arguments and their modern counterparts arises because, as we have seen, the latter construct freedom as a desirable ideal which promises specific, knowable ends. On traditional arguments, however, these ends cannot be known. Freedom is simply advocated as a minimal constraint on political institutions, which is intended only to promote the conditions *conducive* to well-being. Consequently, while modern liberals are wont to circumscribe the pluralism entailed by freedom, classical liberalism is ultimately agnostic towards humanity's diverse ends.

This is significant because the point of departure for liberalism's democratic critics explored herein is the idealism of modern liberal arguments. This idealism is foundational; as this chapter has shown, it is contained within assumptions about 'reason' and 'rationality' which underpin liberal proposals concerning the terms of political association. To liberalism's democratic critics, however, it is not enough to allow freedom only *within* these terms, as they are likely to be biased in favour of the cultural majority. Individual beliefs, needs and desires are empirical facts which can be determined only through political practice. Accordingly, in the same fashion as classical liberalism, strong democrats seek to free the citizenry so that individuals might decide and legitimate the terms of association themselves. Before examining the latter in greater detail, it is thus apposite here to finish by showing that classical liberalism *does* provide a practical alternative to modern liberalism's controversial idealism.



As chapter three argued, the main contribution of liberals such as Smith and Ferguson was to show that much of the social order upon which we rely in our everyday lives is maintained unconsciously and unintentionally by individuals going about their private business. Self-regarding individuals who interact over extended periods of time will tend to co-ordinate their behaviour according to (generally) implicit rules which will, in turn, structure social interactions.<sup>15</sup> As Smith (1981) shows, the rules of civil trade and exchange arose largely in this fashion and only later became regulated by governments and states eager to tax traders to raise funds. What is significant here is that moral and cultural behaviour is largely the product of the same unstructured process (see McCloskey, 2006 for a comprehensive exploration of this argument). As individuals communicate and co-ordinate their behaviour in order to further their personal ends, they must also co-ordinate at least some facets of their moral behaviour in order to facilitate peaceful and trouble-free communication. Moreover, as societies and associations grow, these cultural and moral mores are taught and spread through personal communications to individuals who are born into them or join later in life, either peacefully because of the benefits of membership,<sup>16</sup> or through forced assimilation.<sup>17</sup> Even in the latter case, where individuals are coerced into new forms of behaviour, the constantly shifting moral order that results is the unintended product of the myriad different and often incompatible actions and reactions of those individuals who form and interact with that order.

On the classical liberal argument, the moral order should be allowed to continue developing in this spontaneous and undirected fashion. For, where our morals evolve by a process of mutual adjustment, they will approximate and distribute the very

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<sup>15</sup> This argument has received considerable recent support in the Economics literature. Michihiro Kandori (1992), for instance, argues that as long as information is sufficiently decentralised, even in a large population where people are likely to meet different people in successive interactions, people are likely to converge on the social norm of punishing deviance. Indeed, Glenn Ellison (1994) shows that decentralised information structures may not even be necessary for the transmission of such norms. Instead, they may be transmitted ‘contagiously’ to achieve a near-efficient equilibrium.

<sup>16</sup> The mass immigration into the United States in the 19<sup>th</sup> and early 20<sup>th</sup> centuries is a good example of this phenomenon. Individuals, who often fled disastrous circumstances in their home countries, travelled to the US in the hope of a better future. While many died or (after 1892) were rejected, those who successfully began their new lives both took from and added to their new regional and national cultures.

<sup>17</sup> The regrettable flip-side of the (mostly white) voluntary immigration was the assimilation the United States forced upon non-white Native Americans and African slaves.

equality of moral respect sought by modern liberals. Now, this is not to say that there are no inequalities of power at play in society, and neither is it to suggest that everyone's good *is* good. Furthermore, it is not to say that we should tolerate the abhorrent, as modern liberals fear. It is, however, to claim that true liberal equality requires refraining from imposing arbitrary and exclusive *a priori* limits on toleration (Kukathas, 2003: 127-131). It is simply a fact that people use their reason in different ways in order to pursue different goods. Some pursue decidedly honourable goods, to be sure, whilst others appear to lack a sensible good altogether. But no individual or good can have an apodictic claim to virtue, so they must all be treated with the same moral respect.

This might be seen as a flawed and incoherent form of relativism, which brings us back to the troublesome commitment to the right to perform wrongful acts, such as child abuse or infanticide (see, for instance, Barry, 2001: 144-145).<sup>18</sup> In fact, classical liberalism steers us around the quagmire of these issues. As Kukathas (2002) argues in response to Barry's criticisms, it is simply the case that liberals must choose between following either their own well-meaning but intuitive and ungrounded personal goods, or the more systematic and agnostic but *genuinely* impartial classical good. If they choose the former – perhaps, like Barry, in order to be able to enunciate a 'principled' rejection of child abuse – it is difficult to see why this would *result* in 'liberalism', however. As Kukathas (*ibid.* 194-199) asks, why would such liberals be able to stop at merely preventing physical abuse? Why not follow Richard Dawkins (2006: 354) and treat religious education as abusive, too? Indeed, if liberal egalitarianism is the principle good, it is not clear why we shouldn't intervene in order to ensure that all children are brought up in a stable liberal egalitarian context. Self-described 'liberals' such as Clare Chambers (2002) advocate just this level of 'protection', so why wouldn't Barry, Dworkin or even Raz or Kymlicka? Presumably the problem is that this approach completely belies a genuine respect for diversity.

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<sup>18</sup> It will be recalled that Sandel (1984) criticises classical liberalism on these grounds. Since classical liberals are unwilling to say what is *right*, they have no grounds to criticise anything for being wrong. In this sense, he argues, liberalism is a non-theory: it is like a politician who promises all things to all people, but is able in fact to deliver nothing.

This fearful hyper-activism is not only dangerous and illiberal, it is also unnecessary. The appeal of *classical* liberalism is that it demonstrates how modern liberal societies can accommodate *all* individuals in the pursuit of the shared goals of peace and prosperity. For it does not demand the celebration of intolerable acts, but rather promotes the conditions under which our influence over these acts can be tempered by the moral value of the person. Thus, while free individuals can follow their own goods without fear of intrusion, they have no protections against being scorned or rejected by others (Kukathas, 2002: 196). Such freedoms are valuable precisely because they force people to get to know one another as they really are. For it is only on the basis of this knowledge that we might genuinely decide how it is we want to live together. Where people do intolerable things, a society in which the government is prevented from acting as the moral arbiter is thus likely to see more rather than less moralistic civil action, as outraged people have no other choice than to exert their own authority. Such a society would probably see more civil advocacy groups offering avenues of escape for the oppressed and raising awareness of troubling behaviour, as well as more individuals willing come to the aid of others. But it would also allow those convinced that the majority are wrong to disassociate *themselves*, however costly it might appear to be.

This is a theoretical promise, to be sure. But it is supported by empirical examples. Erin Pizzey, for instance, organised Britain's first Women's Refuge in 1971, thus bringing to national attention the problem of marital battery and rape which had been ignored until that point. Such crimes are all but marginalised now, and there are various private escape routes for their victims. Looking further back, the voluntary philanthropic efforts of Jeremy Bentham and Elizabeth Fry were instrumental in challenging public attitudes to the treatment of prisoners and prison conditions, even if the eventual reforms did not hinge on their prescriptions (see Cooper, 1981). And there are examples, too, of situations where the state crowds out badly needed civil moral action. The effective British abdication of its responsibility to its homeless, mentally ill and elderly, who are supposedly in the care of the state, is but one potent example. It is an open question, of course, whether or not the democratic process can usefully allocate public funds towards these groups once they reach the attention of the public. But the point being emphasised here is that a liberal society *can* realise

substantive goods without central direction. Accordingly, if we want to solve the problems created by modern liberalism, we could do much worse than return to liberalism *simpliciter*.

## **Conclusion**

It goes without saying that the full implications of these ‘foregone freedoms’ have yet to be explored. Nevertheless, this chapter has shown that the classical critique of revisionist liberalism has much in common with the democratic arguments set out in chapter two. By analysing both the post-Rawlsian contributions of Barry and Dworkin and their multicultural opponents Kymlicka and Raz, it has been shown that modern liberalism – even multicultural liberalism, indeed – presumes too much, in so far as it deems some things to be so important that they must be taken out of the realm of individual choice. As the deliberative democrats argue, this must inevitably weight the political system against the most maligned in society, to the detriment of those who would gain the most from a more tolerant approach to social organisation. Yet we should not despair. Despite this gloomy picture, it was shown that classical liberalism can accommodate the substantive goods sought by revisionists even as it allows the freedom of choice sought by radical democrats. As this is a counter-intuitive suggestion, it awaits a fuller explanation. Before this can be offered, however, it is first necessary to examine the democratic positions in more detail, in order to show why they too are unsuitable solutions to multiculturalism in their current forms.

## 5. Substantive Individualism and the Social Capital Zeitgeist

The basic democratic claim against liberalism is that in its essential form it supports inequalities of power between different groups. On this critique, the inferior positions held by minorities in relation to well-educated white males create the very prejudices and suspicions which sustain inequality. Substantive individualism seeks to break this cycle by drawing people together in participative processes designed to foster mutual understanding and respect. To use the well-known phrase, it seeks to improve society's stock of 'social capital'. In this chapter, it is shown that the emphasis the concept of social capital places upon the individual is well-judged, given our grounded but unique identities. For this reason, deliberative interactions promise significant benefits for society. It is doubtful, however, whether *democratic* deliberations can deliver on these promises. When *all* individuals must take part in democratic processes, these processes must be re-located in the associations of civil society. Yet outsourcing democracy in this way vitiates the possible benefits of deliberative interaction. The information created in an associational democracy would be too fragmented and inconsistent to either engender positive change or contribute to social harmony. Quite to the contrary, it is concluded that true social stability relies instead upon our fostering the tendencies towards automatic and unforced mutual adjustments.

### The need for social capital

In chapter two it was shown that the substantive individualism of Benhabib and Dryzek seeks to thoroughly politicise the individual relations across and between social groups. The distinctive feature of this approach is that it prioritises the *citizen* over all other conceptions of the individual. Liberalism errs because it sees politicisation as the solution of last resort, for use only after the escalation of conflict. For substantive individualism, this provides insufficient protection, because the fundamental dynamics which motivate conflicts – the incompatibility between different approaches to the same issue – are continuously operative within cultural constellations and even within individuals themselves. Private action, to put it simply, is just one rather limited facet of human agency. The encultured individual also requires opportunities to engage in collective and even submissive action in order to lead a fulfilling life. It makes little sense, therefore, to focus on conflict only

once it has escalated, as less visible conflicts can be just as damaging and divisive. In order to uphold moral equality and facilitate well-being, society must uphold political and social agency so that individuals can retain control over the conditions necessary for their own prosperity.

For deliberative democrats this politicisation requires radically changing democratic institutions to actively involve individuals in the daily decisions which affect their lives. As we have seen, the inter-personal debates and discussions these decisions entail do not differ significantly between substantive individualists and the procedural communitarians discussed in the next chapter. What is significant about the former, however, is that it prioritises the interactions involved in deliberative decision-making over and above their results. While deliberation can indeed improve decision-making, the real value of *public* deliberation is that it realises the ‘requirements of justice’ – the ‘equal consideration of interests’ and the redistribution necessary to maintain this equality – which retain their foundational moral status even in the face of radical disagreement (Christiano, 1997: 258-262). Accordingly, substantive individualism requires nothing more than the routine democratisation of people’s everyday lives. Accepting the permanence of difference, it seeks only to promote inter-cultural learning and mutual understanding through community-level political action.

This position thus relies critically upon the strength and depth of interactions between social actors. If citizens are to become routinely involved in genuinely open and reciprocal political decisions, these decisions must be taken within a civil society secure against factionalist tendencies. In the tradition of Tocqueville, an active, associational civil society is seen as the social precondition for a healthy, functional democracy (Sabl, 2002). Besides protecting the individual from the tyrannical rule of the state, as Tocqueville emphasised, civil society provides the primary ‘public sphere’ within which individuals can come together through co-operative ventures and public fora to communicate and challenge one another (Habermas, 1974). Yet to offer these benefits, civil society needs to be grounded within resilient institutions and constituted by highly motivated individuals. A vibrant civil society, in other

words, requires a high stock of ‘social capital’, the primary measure of inter-personal trust, co-operation and positive feeling between individuals (Paxton, 1999). It is this notion of social capital that provides the central basis to this particular deliberative solution to the tensions and anxieties in multicultural polities.

It is contended in this chapter that this strategy places an unreasonable burden on democratic interactions. As it is argued first of all, deliberative democracy requires significant changes to existing socio-political institutions. It is not enough that people interact as such; a process-orientated deliberative democracy instead requires generalised interactions between individuals who would otherwise not cross paths or have any means of communication. Such interactions, it is subsequently shown, can only be fully inclusive while still offering opportunities for learning in a democratic system specifically based upon civil associations. A deliberative state, therefore, must be able to facilitate and regulate the formation and interaction of these associations if it is to achieve its goals. It must guide associations, that is, so that they promote empathy rather than antagonism, and genuine understanding, rather than confusion. These are indeed noble aims, but it is difficult to see why they embody guidance rather than simply control. For a start, the state must decide what form civil associations must take to promote these goods. And even if it gets this right, as the fourth section argues, there are few reasons to believe that it would be able to accurately or coherently interpret the results of civil deliberations anyway.

In this chapter we therefore begin to see the inherent limitations of the deliberative system. Ultimately, the reliance on the state to regulate the individualism in a Habermasian deliberative society cannot help but result in the state *directing* that society according to its own plans. This need not be ruinous, to be sure. But it offers little chance of realising any of the epistemic potentialities of a deliberative system. More to the point, neither would it be able to claim the legitimacy promised by the deliberative method. Thankfully, deliberative democracy does not provide the only approach to associations and civil society. In the final section, it is shown that the philosophers of the Scottish Enlightenment convincingly argued that social order can only be genuinely achieved when individuals are given access to a truly free civil

sphere. Indeed, the Scottish philosophers suggested that individuals would use these freedoms to engage in the very kinds of shared governance activities desired by individualistic deliberative democrats. By way of conclusion, it is thus suggested finally that substantive individualists could learn much by considering the deliberative benefits of spontaneous action.

### **Deliberation, social capital and civil society**

The central aim for an individualist deliberative democracy is to promote learning within society by forcing individuals to account for their actions and beliefs to those who take exception. This learning would have both personal benefits, in that it would allow the individual to negotiate a coherent path through the multiple facets of their identities, and public benefits, in that it would secure and institutionalise substantive goods and freedoms which could not otherwise be democratically attained. To achieve this deliberative aim, Benhabib (2004: ch. 5) argues that the processes of democratic engagement must be 'iterative'. 'Democratic iterations', she (*ibid.* 179) writes, entail

complex processes of public argument, deliberation and exchange through which universalist rights claims and principles are contested and contextualised, invoked and revoked, posited and positioned, throughout legal and political institutions, as well as in the associations of civil society. These can take place in the "strong" public bodies of legislatures, the judiciary, and the executive, as well as in the informal and "weak" publics of civil society associations and the media.

Democratic iterations therefore require the democratic process to be both universally encompassing and deliberative, so that those affected by different political and legal norms can at any moment mount a public challenge, demand to hear their purposes and suggest alternatives. It would be up to society's various public and private bodies to offer reasonable explanations for their actions, or else they would be expected to change their behaviour to meet social requirements. As such, the rules governing society and conduct in an iterative democracy would be constantly re-legitimised and updated according to the evolving beliefs and experiences of political actors.



On this argument, the empirical blends curiously into the normative. Assuming that inequality offends the requirements of justice, Benhabib (2007: 455) argues that empirical claims about the potential of deliberative iterations to erode inequalities entail the political imperative to make democratic processes more iterative. At the same time, the efficacy of the iterative process itself requires political action to promote universal autonomy and give individuals the power they need to challenge injustices (Benhabib, 2004: 209). Thus, where equality of autonomy is compromised by social divisions, as a society we have a moral duty to come together as individuals in an impartial mediating process, in order to both explain ourselves in mutually understandable terms and learn what it takes to fit our identities peaceably together (*ibid.* 192-193). It follows, then, that democracies should foster and incorporate deliberation by both facilitating discursive political engagement in the citizenry and removing the barriers which limit political legitimation to formal and exclusive institutions and traditions. Interactions and deliberations that take place at every level of society and at all times should be taken seriously as democratic dialogue (Benhabib, 1996a: 73-74). The boundaries of the political, in short, should be limited only by the boundaries of communicative interaction.

Ensuring that deliberation meets the standards of fairness and justice requires more than simply extending the political across the range of institutions and multiple levels of the polity, however. It is also necessary to pay attention to the effect the structural constraints on social interaction may have on the efficacy, or what Jürgen Habermas calls the ‘rationality’ of communication. In particular, communication in the context of liberal, capitalist institutions is likely to be fundamentally distorted by the influence of money and the desire for prestige (Habermas, 1996a). If our interactions are to be open and uncorrupted they must therefore be freed from the material constraints of capitalism. According to Habermas (1987: ch. 6), they must take place within an autonomous ‘lifeworld’, wherein individuals would seek not efficiency and control, but rather understanding and rational agreement.

Habermas’s conception of the lifeworld is significant because it manifests the ethics implicit in all practical discursive interactions. While commanding, mocking and

other such non-interactive uses of discourse exemplify an attempt to dominate, *conversation* embodies a shared commitment to reach understanding and truth. Participants to a conversation treat one another as equals, so they interact with the expectation that the results of their discursive engagement will be determined wholly by ‘the force of the better argument’ (Giddens, 1985: 131). Accordingly, the lifeworld suggests that the benefits of deliberation are dependent upon the *quality* as well as the quantity of deliberation. It is not enough that people retain the simple freedom of self-affirmation or the ability to challenge others, for these freedoms are inward-looking and are often used for self-interested purposes (Habermas, 1996b: 25). Instead, the vibrancy of the life-world depends upon the inclusivity of the terms of communication between different groups.

Habermas thus calls attention to the significance of individual motivations in discursive interactions. It is not enough for deliberative participants to be self-selecting, because this would bias the political process in favour of the most fervent and sectarian. Instead, deliberations need to be generally inclusive, so that political institutions have no choice but to acknowledge them (Habermas, 1996a: Appendix 1). In the first instance, therefore, individuals should be consistently willing to engage in political activities on an on-going basis, rather than only when they have a particular grievance. As Gabriel Almond and Sidney Verba’s (1963) study of ‘civic culture’ suggests, this means that individuals need to be aware of the depth of heterogeneity extant in society, so that they can identify their own possible contributions and feel confident that their involvement would be worthwhile. Being willing to engage with different groups, however, is not sufficient for deliberative success. Individuals must also be confident in the collective, shared benefits of political institutions. That is, they must be able to trust these institutions to be fair and even-handed, and they must trust other groups to be equally concerned with the collective good. As Robert Putnam (2000) argues, society must have a high level of generalised trust in order to support successful participative democratic institutions. Participation requires strong ties between society’s various groups and communities, so that individuals are not tempted to ‘defect’ from the political process by either free-riding or following their own personal interests (Dasgupta, 2005).

Deliberative democracy, in short, requires a high level of ‘bridging social capital’ in society. Pierre Bourdieu (1986) and James Coleman (1988), who are usually credited with formulating the concept, conceived of social capital as the connections between individuals outside of the formal institutions of the market economy and the nation state which offer information or opportunities exclusively to those individuals. The concept took on a wider significance, however, when Putnam called attention to the public benefits of such private connections. By comparing the political and social conditions in the north and south of Italy in the early 1990s, Putnam (1993) demonstrated that different levels of social capital were correlated with different levels of institutional performance and citizen satisfaction. What is perhaps most notable in his study is that he attributes the north’s comparative success to its relatively weak but numerous ‘horizontal’ connections between citizens and political institutions (*ibid.* 109-115). In the terms Putnam (2000: 22) introduces later, these connections ‘bridged’ the differences between diverse individuals and allowed for greater trust and co-operation, which led individuals to invest more time and faith in their local governing institutions. In sharp contrast, the strong ‘bonded’ relations which held southern individuals tightly together in exclusive kinship groups sustained more insular and selfish behaviour.<sup>19</sup>

Thus, according to Putnam (1995: 66), the ‘quality of public life and the performance of social institutions’ depend upon the strength of the weak ties underpinning civil society relative to the more intensive relationships occurring inside. This is an intuitive argument, but it does seem to be supported by experience. Lindsay Paterson (2000), for instance, shows that the modern Scottish norms of self-sufficiency and moral unity grew out of the extensive civic culture created in the 18<sup>th</sup> century. After Scotland’s original political institutions were removed to England, its citizens lost their political autonomy. During successive economic upheavals they had to learn

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<sup>19</sup> It is important here to acknowledge the controversial nature of Putnam’s arguments. As Ellis Goldberg (1996) argues, Putnam’s exclusive focus on social capital obscures as much as it illuminates about the real differences in historical and institutional development between Northern and Southern Italy. The arguments presented here do not rely wholeheartedly on Putnam’s empirical claims, however. Instead, it is enough to show here that the *nature* of social capital and individual relations in the north and south led to very different types of participation between the two. And it is indeed the case, as Putnam’s argument suggests, that the *active* and *multifarious* forms of participation found in the North of Italy would be more conducive to the requirements of a *deliberative* – rather than simply a representative – democracy.

instead to rely upon one another for support. Various voluntary organisations and local committees emerged to provide welfare services, which brought the Scottish population loosely together as a national community. As Putnam's argument suggests, these interactions militated against factionalism and gave rise to the peculiar Scottish national identity, which the Scottish authorities have nurtured ever since (*ibid.* 45).

The connections which bridged the regional and social differences within Scotland grew out of a sense of common purpose. Where this sense of common purpose has been undermined, such as in post-Thatcherite England, individuals have tended to turn away from common outcomes towards private interests (Szreter, 2000: 75-76). Simon Szreter blames this privatism on the general sense of insecurity and inequality which has become pervasive amongst the citizenry. As the English population has struggled to cope with economic and political changes, there has been an increase in factionalism and group conflict. This has undermined the capacity and commitment of citizens to even communicate with or understand one another, which has, in turn, only exacerbated the inequalities which undermined civic ties in the first place (*ibid.* 65-69). Perhaps unsurprisingly, then, whilst Scottish nationalism is associated with the left, English nationalism has been embraced by the xenophobic far right.

It follows from this argument that the strength of society's social capital, and consequently the likelihood of deliberative success, rests ultimately upon the commitment of the state to facilitating a vibrant, multi-faceted civil society. Indeed, as Michael Walzer (1995) shows, the freedoms and capacities of individuals to sustain genuinely diverse forms of life in society *at all* are fundamentally dependent upon the actions and philosophies of political institutions. If individuals are to be liberated from traditional and inherited power structures, they need to actively participate in those civil and democratic activities which unite individuals in common goals and teach them the skills necessary for democratic competence. On this account, civil society ought to be realised as a 'project of projects', wherein individuals learn how to realise their goods in harmony with others through the interplay of associations built upon different values and for different purposes (*ibid.*

27). Accordingly, it is up to public institutions to genuinely enliven civil society, by enabling the public reasoning which arises out of the sometimes confrontational, other times co-operational interplay of social groups and actors. The practice of democracy, in short, must be re-located as far as possible to the associations which bridge the gap between the state and the individual.

### **Associational democracy**

In order to privilege the discursive and associational intercourse of civil society as the principle democratic ‘mechanism’ operative in society, it is of course necessary that the social ‘system’ of civil associations be suitable for the burden of decision-making (Perczynski, 2001: 72-73). As Mark Warren (2000: 10) asserts, there are ‘no obvious generalisable ways in which associations enhance democracy’. While some groups do have the potential of enhancing democratic institutions and activities, others are potentially harmful. The various benefits associations may bring, moreover, are not necessarily mutually compatible. Groups which enhance the public sphere may very well undermine the social and communal cohesion necessary to form stable or orderly coalitions on public debates, for instance (see *ibid.* ch. 4). The promise of freeing democracy from the confines of liberal state institutions and their attendant problems of path-dependency notwithstanding, allowing the everyday interactions of citizens and established interests to assume a formative role in democratic decision-making makes no appreciable difference to either the centrality or size of the state’s role. It is still necessary for a strong centralised state to structure society in such a way as to tease out the desired mix of democratic behaviours. It therefore remains an open question as to precisely how such an ‘associational democracy’ would be implemented.

The key division amongst associationalists concerns the relative merits of a ‘top-down’ approach to associations, which views them as the mechanisms by which decentralised information is formalised into formal policy blueprints, and the ‘bottom-up view’, which sees civil organisations as the mechanism by which decentralised information can autonomously inform and drive the provision of public

goods (Perczynski, 2001). These two options sit either side of a trade-off between systemic manageability and democratic inclusivity, and it is not at all obvious that they can be coherently combined. Yet they are both intuitively necessary if Benhabib's vision of a deliberative democracy is ever to be realised. The deliberative turn towards civil society as the practical answer to the difficulties of diversity thus simply shifts the epistemological problem a level higher, from the question of what policies to enact to the question of how we should choose the policies which should be enacted. Associational democracy, in short, still relies upon the political authorities presupposing a unitary, controversial set of social ends which is unsustainable alongside genuine moral pluralism.

That this is the case may at first be surprising. After all, the intention of the individualistic form of deliberative democracy is to allow *all* citizens to publicise their differences and identities in a way not allowed by impartial liberal institutions. Being able to freely associate with others allows individuals just the kind of self-expression necessary here, as well as the intrinsic benefits which come with a feeling of 'belonging' to a self-defined group which, Archon Fung (2003: 518-519) argues, should appeal to liberals and democrats of all stripes independently of its effects. Pamela Paxton's (2002) widely lauded empirical study, furthermore, shows that 'a vibrant associational life' does indeed help to 'maintain' and strengthen democratic values and institutions (these terms are used throughout her article; see Paxton, 2002: 272-273 for a summary of her results). And Fung and Erik Wright (2001) use several examples to show the power of citizen participation and association in both politicising social problems and invigorating nepotistic and faltering institutions in the developing world. Granting civil associations a grander place in political practice, in short, does seem to offer real democratic benefits. To overcome the twin dilemmas posed by societal heterogeneity, however, an associational democracy must offer more than this; it must be able to both secure fundamental liberties and empower individuals to pursue shared substantive goals which may threaten those liberties. Neither the top-down nor the bottom-up approach to associations looks able (or willing) to combine these goals.

This is despite a number of formidable claims made on behalf of associations. Fung (2003: 518-529) sets out five apposite possible contributions (next to the intrinsic good of association) which associations can make to democracy. For our purposes, it is useful to divide these contributions according to their relevance to the equality and ontology dilemmas. Firstly, then, the potentials to help us *learn* about one another, both within and without our associations, and to *publicise and resist* injustices and inequities pertain generally to the equality dilemma. It is likely that when the balance between the substantive goods and protections a society provides and its commitment to procedural and negative liberties is skewed too far in either direction, the main mechanism of correction must be to call attention to the injustices which arise and mobilise social forces to enact change. Associations are a seemingly ideal vehicle for these efforts, because they can unite disparate individuals in order to amplify their often unheard voices.

Similarly, the potentials of associations to *represent interest groups* and to *enable direct governance* are directly relevant to the need to balance the protection of communal agency with individual freedoms. If individuals are to be free to pursue private ends whilst acting within a cultural environment stable and cohesive enough to allow collective action, individuals must be free to institutionalise their relationships in order to pool resources in a reliable and predictable fashion. Associations thus allow individuals to act upon the common causes they follow (or indeed those they do not) and to promote (criticise) these causes both by example and through public advocacy. The fundamental mechanism underpinning each of these potentialities is Fung's fifth potential benefit, the deliberation and persuasion by which individuals both construct and reproduce their associational identities within groups and legitimate these identities outside of the group.

Cohen and Joel Rogers's state-centred approach to associational democracy aims broadly to capture each of these democratic benefits. They contextualise their project by critiquing the extant 'neoliberal' apprehension towards associations (Cohen and Rogers, 1995: 14-21). The assumption that associations inevitably lead to factionalism and rent-seeking is both sloppy and fails to appreciate those associations

which form autonomously in reaction to the ‘injustice of purely market-based resource distributions’ (*ibid.* 19). Contra republicanism and even what they call ‘egalitarian pluralism’ (*ibid.* 27) groups differ significantly, both in their make-up and their possible effects on public attitudes and democratic processes. Civil groups and associations ‘reflect structural features of the political economy in which they form’, even as they act themselves as the influential structural conditions within which individuals act (*ibid.* 46). The key task for the deliberative democratic polity is therefore to guide and influence its civil associations towards compatibility with and ultimately support for ‘the norms of democratic governance’ (*ibid.* 9; this argument is expanded in Cohen and Sabel, 1997, to include less formal and apolitical civil organisations).

This top-down approach to associations is complicated from the start by the continuing relevance and centrality it accords to existing representative institutions. According to Cohen and Rogers (1995: 69-73), so that associations contribute to rather than detract from democratic processes, their role must itself be subject to representative democratic oversight. This is seemingly understandable; according to the Habermasian logic set out above, if associations are to contribute to just outcomes, they ought to be concerned with the common good, rather than private interests. Representative institutions and their democratically mandated ‘conventional policy tools’ are necessary to regulate associational behaviour, both by rewarding generally beneficial, other-regarding activities and by providing a means for individuals to identify and sanction the self-service and free-riding which would otherwise undermine the public good (*ibid.* 44; Mansbridge, 1995).

The superficial effect of this oversight is to make associations accountable for their internal openness and accountability, their accessibility to those they affect, and their engagement with external critics and opponents (Cohen and Rogers, 1995: 48-49). According to Cohen and Rogers, these conditions should make civil associations the site of constructive deliberative democratic action, where rival interests can scrutinise and challenge one another, and where individuals are empowered to confront the externalities of more powerful groups. The deeper effects of this



politicisation of civil life, however, are likely to manifest in opponents across associational boundaries becoming *less* likely to engage with one another and more likely to resort to central democratic institutions in order to ‘veto’ and frustrate their opponents (Immergut, 1995). As long as people disagree about what precisely the common good consists of, drawing associations into the political realm is as likely to encourage individuals to make use of the new destructive political tools at their disposal as it is to encourage co-operation.

This is not to denigrate the Madisonian strengths of this proposal. By subjecting their disparate positions to wide and critical scrutiny, democratic deliberations would force associations to change and adapt rather than simply amalgamate and represent entrenched interests (Mansbridge, 1995: 140). Moreover, as Cohen and Charles Sabel (1997) argue, formalising the deliberations within and between civil associations would legitimise their role in the political and democratic process. Regulated associations would be less like self-interested lobby groups, which arouse suspicion and resentment, and more like genuine co-operatives seeking only to publicise otherwise invisible information and viewpoints. They could be ‘matched’ to specific policy problems, in order to increase and improve the flow of information towards the political centre, and to deliver services and implement policies where appropriate. In this way the top-down approach to associational democracy therefore fulfils the deliberative aim of publicising apparent injustices and preventing the artificial divisions between citizens from creating and enforcing inequalities at any level. It does this, however, by disallowing any real or meaningful group solidarity or cohesion.

The rigidity that Cohen and Rogers’s system would impose on associational life seems ultimately self-defeating. As Young (1995) contends, they see groups as too directly oriented towards political advocacy and policy formation. Conceiving of groups as rationally constituted in this way, and indeed directing their internal structures so that they approximate this form is likely to marginalise what Young (*ibid.* 210) calls the ‘natural’, non-rational affinities which exist in society between those who share a culture or way of life. In a democratic environment where

associational discourses must be openly and institutionally legitimated and cloaked in politically correct terms, there can be little space for the nascent and unpolished conversations through which individuals can become aware of underlying injustices in society. As a result, the ability of individuals to call attention to general patterns of exclusion embodied in everyday life is likely to suffer. As Andrew Levine (1995) similarly argues, the problem with drawing groups into neo-corporatist arrangements is that it blunts their ability to emancipate themselves. They become a part of the very structural system they need to reject. Where this has happened in recent British political practice (albeit in a far less consciously deliberative fashion), and pressure groups *have* become 'too close' to government, their inevitable compromises have undermined their radical social appeal (T. Wright, 2000: 138-141).

Paul Hirst (1995) rejects as implausibly hopeful the vision of the state underpinning Cohen and Rogers's neo-corporatism. It is too much to ask, he argues, for states to be able to 'craft' civil associations coherently or without distorting and undermining their formative purpose or goals. Associations regulated from above would in fact be subject to fleeting, inconsistent political attention and would be hampered by bureaucratic inefficiency and failures of implementation. Where associations *do* support democratic processes, Hirst contends, this is likely to be the result of their members' aims and resources rather than their design. As such, the state in an associational democracy should at most facilitate the voluntary formation and running of associations and civil institutions (Hirst, 1994: 200-202). Their conduct should be left to their members and the free choices of the citizenry. This means, on the one hand, that individuals should have a strong right of exit. On the other, it requires the availability of public funds, which should be assigned to associations according to how many members they have or how many people solicit their assistance. Indeed, where an association serves a particular community or provides a public service, it should be free to effectively compete for custom (and the attendant public funds) (Hirst, 1994: 128-135; see also Schmitter, 1995 for an analogous 'voucher' system for funding associations). But it *must* be free to do this on its own terms.

This framework is ostensibly more suitable to a diverse and pluralistic society for three reasons. It firstly requires a far thinner consensus around political norms than the top-down approach. In a Rawlsian fashion, Hirst (2002: 418-419) argues that there is a general, far-reaching consensus around the basic tenets of pluralism, democracy and the 'primacy' of markets which underpin the bottom-up vision of associational democracy. Secondly, Hirst (1994: ch. 3) gives much attention to ethnic and moral communities in his system. While recognising the importance of such communities to their members, he contends that they should nevertheless be responsive to social needs and choices. Associational democratism thus offers both the public support for cultural groups and their constituents whilst providing alternatives to those with itchy feet. Both group life and individual choice would, in consequence, have formal legitimacy. Thirdly, then, Hirst's system promises to provide the social capital necessary for deliberative gains. For Hirst (2002: 414-417) the trust and solidarity captured by social capital relies upon individuals having security and being able to make stable expectations. Decentralising the mechanisms of governance provides this security by mitigating political caprice (*ibid.* 419). Hirst's system would therefore provide the generalised trust and openness to engage necessary for deliberations over public issues by removing the zero-sum conflicts over universal rules.

While the bottom-up vision of associations offers a convincing account of how direct governance can chart a route between the Scylla of group cohesion and the Charybdis of individual freedoms, it is less obvious what agency it gives to those who seek to root out wider injustices and inequalities. Allowing groups agency and autonomy logically compromises strict oversight of the deliberative dynamics of group life (Bader, 2001: 190-191). This is not necessarily a point about finding a balance between the norm of deliberative justification and group agency, as Veit Bader implies, but rather that the very norms which regulate Habermasian discursive interactions need not always and everywhere apply when groups are left to their own devices. While civil groups may well rely heavily on discursive means both for internal purposes and to locate themselves within the associational milieu, these means may not always embody the norms of equality and reciprocity. It is just as likely that they will be based upon hierarchical, exclusive or elitist norms which

circumscribe discursive topics for the sake of wider goals. As Nancy Rosenblum (1998) argues, such exclusive or illiberal discursive groups play an important part in democratic societies, so they cannot be written off. They give people a space and the confidence to voice their grievances, feel a sense of belonging, and give dangerous beliefs a public airing. Yet they do little to strengthen norms of equality or to bring people together, and they may very well promulgate explicitly inegalitarian norms and behaviours.

When these criticisms are considered in the context of social diversity, they become especially troubling. Hirst's argument relies upon Hirschman's (1970) logic that, when combined with 'voice', 'exit' provides an irresistible spur to organisational change. The trouble with groups and associations which do not seek to consistently enforce norms of equality and autonomy is that they may very well undermine the ability of individuals to leave in search of betterment. Religious schools, for example, pose a particular worry, because they risk creating an 'ethnic underclass' by neglecting the skills necessary to build associations or prosper in an associational setting (Bader, 2001: 192-198). Elsewhere, Hirst (1993: 63, quoted in Wenman, 2007: 814) perhaps shows why he never considered this as a problem, when he argues that pluralism must be limited if 'society as a whole is not to be torn apart by the consequences of certain beliefs'. Hirst's solution is thus for the state to guide associations towards common public goals, such as the efficiency and economic prosperity which *all* groups require to pursue their particular ends (see, for instance, Hirst, 1994: ch. 4).

This attempt at unification, however, is completely unwarranted. Of course, imposing a common set of ends upon different associations may indeed mitigate their exclusionary tendencies. Where schools have to follow a national curriculum, for instance, it is likely that they will all produce citizens with at least a basic grasp of social norms and duties. Relying on the centre to set out these norms and duties *a priori*, however, would be to 'presuppos[e] a unified social purpose' (Wenman, 2007: 810-812). This would undermine our general plurality of ends in favour of the majority culture, and it could possibly inflame social, ethnic and religious relations.

More to the point, it would run counter to the intended decentralisation of Hirst's project. Nevertheless, given the deliberative aims of associational democratism, it seems irresistible. Hirst's bottom-up system, then, is as reliant as Cohen and Rogers's top-down alternative on an implicit set of common ends regulating society. As such, it is just as unsuitable for general, systemic democratic deliberations.

### **The epistemic problems with decentralised deliberation**

The general problem facing individualistically minded deliberative democrats is that a deliberative society requires the very social capital it seeks to build in order to function in the first place. In the absence of this capital, both the generalised mutual obligation to engage and compromise and the social avenues through which such engagements can take place are too weak. In diverse societies especially, it is all too easy for groups who diverge over central moral and ethical issues to self-segregate rather than invest the time and effort in potentially costly concessions to opponents.

As Mark Wenman (2007: 813) contends, the problem posed by 'agonistic' pluralism is that when individuals and groups *do* diverge over basic principles of political co-operation, such as the ends such co-operation is supposed to further, any political settlement must be found at a higher level. It was this reasoning, Wenman argues, which led Carl Schmitt to advocate a strong form of nationalism in order to unite the citizenry and undermine more parochial connections. Perhaps unwittingly, this is the route Habermasian deliberative democrats also seek to travel down in order to institutionalise their deliberative politics. For obvious reasons, they are unwilling to embrace Schmitt's logic and declare war on pluralism. Nevertheless, by glossing over radical divergences, they follow his approach by using the state as a kind of intellectual broom-cupboard, where the considerable burden of organising and constructing a harmonic society can be hidden away.

Choosing between a top-down and bottom-up approach to associations is thus part of a far wider problem for the deliberative state. To succeed it does of course need to

find a way of combining the benefits of self-definition and self-governance with the top-down guidance necessary to ensure that diverse groups interact with one another. Even if they *could* be coherently combined, however, central democratic institutions must still forge and sustain a sense of unity around its policy programme, in order to maintain the public commitment to the deliberative system. While the deliberative process might be important, participants will lose confidence unless they can discern tangible results. Thus, the effects of public deliberations would have to be seen to be fair, even if society itself remains unfair. But in order to formulate inclusive but fundamentally coherent public policies, the state would have to be able to ‘read’ the tenor of public conversations and interactions, in order to aggregate and convert the multifaceted and dynamic discursive contributions thrown up by civil society into a common denominational language. Neither the types of datum offered by mass deliberations nor the ability of the state to understand these data seem even remotely suitable for this task.

The first obstacle facing the institutions governing a deliberative society is the raw form in which data would arise from the various iterative interactions. This data would not originate as a set of clear or easily comprehensible policy prescriptions but would instead comprise in the first instance a complex mix of opinions, reactions, beliefs, speculations and rebuttals. Undoubtedly, in some cases it would clearly indicate a preference for a specific policy or substantive goal, such as when individuals clash explicitly over existing policies or their externalities. But since a large proportion of the interactions occurring between citizens and groups would effectively be individuals merely learning about and considering one another, it follows that their results would mostly manifest simply in changed opinions or a new openness (or indeed revulsion) towards different ideas. Such variegated epistemic developments are not easily deciphered into the language of policy. Traditional representative democracies, of course, circumvent these problems by voting, and this is often mooted as the final mechanism by which deliberative decisions are made (see, for instance, Cohen, 1989: 25, Knight and Johnson, 1994: 286 and Habermas, 1996a: 178-179). Yet it is hard to see how voting would do anything other than obscure the outcomes of deliberations, because it relies upon an appeal to individual *preferences* rather than reason (Richardson, 1997: 352-357). The deliberative state

would thus be stuck with an unwieldy mass of information offering multiple interpretations and policy implications.

The pattern of beliefs that arises from generalised deliberations, moreover, cannot be simply accepted as the result of free deliberation and thorough consideration. In any associational system, the substantial outcomes arising from communication and learning would be to all intents and purposes random. Even a strict set of guidelines governing discourse would not be able to regulate the precise aspects of deliberations seen as significant by participants. For example, in a confrontation between ethnic groups (*qua* opposed interests), individuals may look variously towards the plausibility and persuasiveness of the opposing group's arguments, their behaviour and openness to compromise or even their image and credibility. Deliberative participants, furthermore, might either end up simply following the crowd (see Tindale *et al.*, 2001, for evidence of this effect), or else they might automatically polarise as they simply become more aware of the gulf of the differences between them (Sunstein, 2002). Since the executive would be unable to discount any of these possibilities, it would be unable to take deliberative outcomes at face value. It would instead have to weight contributions according to their sincerity, a task that would itself require the ability to judge between how considered and subjectively important viewpoints are.

Supposing this information can be weighted and policy prescriptions derived, policy planners would face a further problem when they come to aggregate this information, because it would almost certainly be internally inconsistent and incompatible. This is because the associational setting of a deliberative civil society would effectively seek to remove individuals from the resource constraints their decisions ultimately face, locating them instead within an environment governed by the dictates of 'fairness'. This would diminish rather than enhance the inter-associational capacity for communication, because it would deprive group members of prices, the only universal, impersonal and consistent measure of value we have available to us. As a result, individual actors would inevitably act upon differing, incompatible and in most cases incorrect suppositions about the consequences of their actions. Because

they would not face painful trade-offs themselves, they would demand goods and outcomes which, in the aggregate, would turn out to be simply unreasonable and unaffordable.

It will be recalled that it is precisely because of this kind of ignorance that classical liberalism advocates market freedoms. Kirzner (1987: 13) suggests that the Austrian free market argument is simply a realistic form of welfare economics, because it demonstrates that the best way we can eliminate those errors which lead to suboptimal outcomes – such as our incompatible wants – is to empower the market’s capacity for discovery. Yet this can only happen if localised individuals are forced to divulge the marginal value they place on different courses of action, so that profit-driven actors at the national level can step in whenever those actions can be performed more cheaply or in a manner more compatible with the desires and actions of others (*ibid.* 15). Without prices, these entrepreneurs simply cannot divulge this knowledge, so in a ‘fair’ deliberative system such as that discussed above, there would be no way of moving effectively or fairly beyond our myriad of localised and incompatible demands. State actors would thus not simply be forced to select arbitrary ends for society, but like the hypothetical planners at the forefront of the economic debates of the 1930s and 40s, they would be bereft of any mechanism by which to direct society towards their desired ends at all.

That this would occur in an associational setting is perhaps not obvious. Information could well flow from the top-down about real-world public fiscal constraints, and associations could be asked or required to budget their activities and demands. A bottom-up system, moreover, could be organised to capture the benefits of markets, so that individual choice could automatically allocate public funds, as in Hirst’s system, or so that individuals themselves could be given control of how to allocate those funds as in Philippe Schmitter’s (1995: 180) ‘voucher’ system. Yet neither of these systems carry the necessary data to the decision-making citizenry. As shown in chapter three, prices work only when they are the result of the interplay of producers interacting with individuals subject to *their own* resource scarcities. It is because individuals themselves have to choose how to allocate scarce resources that in a free



society they are forced to divulge valuable information – by no means all of it market related – which goes on to inform the decisions of others.

Confronting individuals and associations with a complex set of data on the public finances therefore does nothing to mobilise this information; it is likely to simply increase demands on the state to swell its coffers. Similarly, when choosers do not pay, but instead *bring* funds with them, the scarcity which provokes individuals to learn what they will and will not trade-off at the margin is not operative. A voucher-based system does indeed alter the distribution of public funds in a welfare system and this would likely provide the incentives for improvement and greater equity (Le Grand, 2006). Yet, under associo-democratic conditions, such a system cannot replicate the equalisation of supply and demand. Since the size and, crucially, the *purpose* of the voucher are centrally or democratically decided, it does not and cannot reflect individual judgements about comparative value, so individual choices cannot act so as to require others to effectively adjust their behaviour to meet those demands. Further, since democratically governed associations cannot set prices, make profits or go bankrupt, the scant information provided by individual choices can neither transmit through society nor mediate the incompatibilities of associo-deliberative demands on the state. A voucher system can at most guarantee full access to a service. It cannot inform that service of how to change to fit in with wider social needs.

The upshot of these problems is that fitting society's numerous and incompatible demands into a single, mutually satisfactory policy framework would be an implausibly difficult task. It is perhaps worth emphasising that it *would* need to be a unitary framework. Providing contradictory and competing policies would provide opportunities for rent-seeking amongst groups each pursuant of resources for their own ends. Consequently, the central state would have to make an essentially arbitrary choice between competing moral frameworks in order to interpret its deliberative data. It could run the risk of inflaming and marginalising anti-liberals, for instance, by choosing a Rawlsian political compromise. It could choose egalitarianism, and pursue Fraser's aims of ultimately guiding everyone towards a set

of practices which realise material equality. Or it could choose to pursue utilitarianism, and formulate policies according to what deliberations suggest would maximise overall well-being. In the final analysis, then, it would matter little how efficacious the deliberative democratic process is, because the final outcome of the deliberative process would inevitably reflect the *state's* interests, rather than society's.

### **The continuing resonance of civil society**

Deliberative democrats in the style of Benhabib and Habermas offer a valuable observation when they show that the universal inclusion of all interests, minorities and groups of disparate individuals in determining the future of society relies on the contours of civil society. They also present a strong case when they suggest that these contours rely heavily on the commitment of the state to upholding a stable and open public sphere independent of government interference. Their principal error is to idealise the relations within this sphere, assuming on the one hand that a vibrant civil society is one that in a quasi-republican fashion parallels the sphere of government and politics, and on the other that this vibrancy is the principal measure of society's well-being. These assumptions valorise explicitly political behaviour whilst simultaneously undermining the legitimacy and scale of achievement possible through other types of co-operation. As we have seen in this chapter, if society must manifest deliberative iterations in order to be seen as fair and legitimate, then it is unclear how the public sphere can be 'independent' from the state in any real sense. Since the state is required to play such a large role in guiding and mediating civil relations, a deliberative civil society is nothing more than an extension of the state itself. It is ultimately a realm of compulsion, rather than freedom.

Needless to say, civil society need not be construed or constructed in this way. The state must of course play a role in regulating civil society, but it need not be a tyrannical role. John Locke, for instance, saw the role of politics and the state as simply providing an orderly alternative to the chaotic state of nature within which individuals would be fully entitled to make conflicting and mutually incompatible

though sincere judgements about one another's actions (Dunn, 2001). To provide a *legitimate* improvement to that environment, he asserted, the state must offer the security and opportunity 'to resolve in a relatively impartial manner the endless conflict between their irretrievably partial personal judgements' (*ibid.* 57).

With the beginnings of capitalism, this argument was expanded by the Scottish tradition beginning with Thomas Reid and continuing with Smith and David Hume. On the Scottish Enlightenment argument, capitalism could result only in an ever-growing and ever-diversifying set of needs and desires. A civil and ordered but otherwise free society was essential, it was argued, to allow individuals to precisely co-ordinate these needs and desires (Oz-Salzberger, 2001: 63-64). As Smith (1984) in particular shows, the interdependencies created by this co-ordination would stimulate the growth of an inter-subjective public morality, where individuals act always with an eye to the possible reactions of others. Political governance could therefore hope only to *aid* this process by providing stability. It could not seek to construct the public morality itself.

What follows from this train of thought is that the legitimacy of civil society does not rest upon the state. The legitimacy of the state is instead determined by the conditions in civil society. When these are conditions of diversity, the legitimacy of the state must be wholly separated from the question of the 'justice' of its institutions or outcomes (Kukathas, 2003: 5-6). For in a diverse society, the very question of justice itself is contentious. Accordingly, if the state is to provide that legitimate alternative to the war of all against all advocated by Locke and his followers, then it cannot seek to impose any values, norms or participative institutions upon its population. The state, on this argument, would concern itself only with securing public order.<sup>20</sup> It would not seek to fulfil any explicit norms of impartiality (cf.

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<sup>20</sup> On the classical argument, 'order' includes the provision of public goods, policing and justice, and possibly education too (see Hayek, 1960, pt. 1, for a thorough explanation of the public conditions which must be provided for the publicly beneficial mechanisms of civil society to work). These requirements, especially that concerning education, are likely to raise eyebrows amongst democrats. Do these requirements themselves not require democratic oversight, and thus state meddling in the free society? According to Smith (1981, bk. 5), this does not have to be the case. Whilst the state must fund these services, they need not be publicly provided. Familiar arguments about education and

Barry) or fairness (cf. Kymlicka), and neither would it seek to spread the burden of order fairly across groups. It would seek instead only to institutionalise tolerance and the freedoms of conscience and association by keeping the overall tenor of public society independent of the power of any individual, interest or group.

Crucially, leaving civil society to develop in this undirected fashion would probably realise the very benefits Habermasian deliberative democrats seek. A society which upholds a truly free civil society embodies the very process of public reasoning they so admire (see Kukathas, 2003: ch. 4). When people disagree about the good life they have no objective standards of truth to which they can appeal. They can only try to persuade others of the value of their positions in a free and open process of justification. Accordingly, moral reasoning and ethical judgements are accepted as meaningful only when they are universally seen as correct with respect to their strongest alternatives. On the one hand, this leads Kukathas (2003: 85-86) to argue that individuals must be free to hold and propagate their own positions for the simple reason that until we have a consensus, we have no justification for doing anything else. But on the other, it suggests that an undemocratic public sphere would not realise the factionalism and marginalisation so feared by democrats such as Cohen and Benhabib. Since force would not be open to the mutually interdependent citizens in the public sphere, individuals would have to reason with one another where externalities exist and individual goods overlap or conflict. This reasoning process would require mutual adjustment, and would help to construct the very social capital sought by those who reject liberalism (Meadowcroft and Pennington, 2007). If only for this reason, then, democrats and associationalists should take notice of the merits of traditional liberalism.

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health markets allow individual choice while still leaving a space for the provision of public funds. To be sure, the amounts taxed and spent on different services require some form of regulation, but this need not be by centralised democratic institutions. A strong constitution and overlapping centres of political power could be just as effective.

## **Conclusion**

This argument is of course explored more fully and in the context of the twin dilemmas faced by diverse societies in chapter eight. The point here has been simply to show the myopia of modern deliberative arguments. Certainly, in following the Hegelian tradition of viewing civil society and its associations as the ‘source’ of institutional vitality in the state, which can be traced through Kant to Hume and Locke (Kaviraj, 2001: 23-24), they offer a plausible argument about the kinds of relations which ought to obtain within civil society in order to ensure a benevolent state. Because they ultimately seek to use the state to regulate these relations, however, they catch themselves in a rather circular argument. This chapter has shown that this argument breaks down as soon as a society is posited which is either governed by a less than omniscient elite, or which lacks the required autonomous deliberative interaction in civil society. They fall, in other words, into a familiar problem with the republican vision, which has to posit individuals as naturally sociable and other-regarding before it can work. As liberals have consistently sought to show, however, individuals cannot be counted upon to exhibit either of these traits. Basing a whole system of social and political organisation on their presumption would, therefore, appear to be a misguided and ultimately dangerous project.

## 6. Procedural Communitarianism and the Philosopher's Stone

Procedural communitarianism distances itself from the conception of deliberation as an end in itself by conceiving it instead as a tool which can be used to *discover* what is substantially valuable. As such, procedural communitarians concentrate on improving the epistemic quality rather than the sheer quantity of political deliberations. On their argument, a deliberative democracy can be realised by simply improving existing representative political institutions. In contrast to substantive individualists, procedural communitarians present a seemingly workable deliberative argument, which builds upon the liberal democratic norm that the quality of a decision depends upon its legitimacy. Where a position commands legitimate support, it must, in some sense, be *right*. Yet this standard is problematic; a decision can only be legitimate when everyone affected has in some sense consented to it. Rather short-sightedly, procedural communitarians treat this problem mainly as one of inclusivity. But the problem of legitimacy goes much deeper. The tallest obstacle to the deliberative ideal is the inexorable influence of dissipated and hidden structures of power. Accordingly, the chapter finishes by arguing that the only way the promise of deliberative reasoning can be kept in practice is to either scale down our epistemic requirements for success, or else to simply abandon the deliberative project altogether in favour of a more liberal route to legitimate outcomes.

### A realistic deliberative democracy

In contrast with substantive individualism, the main characteristic of procedural communitarianism is its unwillingness to treat deliberation as an end in and of itself. In doing so, it avoids the tricky task of justifying why the outcomes of deliberations should be treated as sacrosanct simply by virtue of being deliberative. For, as David Estlund (1997: 190-194) shows, if deliberation is favoured merely because it is fair, there is no reason why its advocates should not go further and support decision-making according to the even fairer flip of a coin. If, on the other hand, deliberation is desirable because it embodies and institutionalises the norms of solidarity, empathy and cohesion, then it is unclear why deliberative theorists do not *fully* follow Schmitt's example and openly advocate statist nationalism. Since neither of these alternatives would appeal to deliberative democrats, it follows that they must

move beyond the instinctive valorisation of deliberation to provide a ‘procedure-independent’ justification, which demonstrates why deliberative institutions lead to better outcomes than their alternatives (*ibid.* 180).

It is this appeal to independent norms which provides procedural communitarianism with its seemingly contradictory name. The form of deliberative democracy advocated by Gutmann and Thompson and explored in chapter two, for instance, works from a similar critique of ‘procedure-oriented’ democratic theories to Estlund (see also GT, 2003). Such theories, they argue, must assume a set of overarching, free-floating norms by which to judge political practice and democratic outcomes. As Gutmann and Thompson see it, however, the very point of democratic theory is to show that the requirements of justice can only be discovered and realised democratically. Because we cannot know in advance either the precise content of these requirements or how to achieve them, we must rely upon generalised democratic deliberations, guided by the procedural norm of reciprocity, to discover those public ends which because required by justice apply and ought to be realised across the community (*ibid.* 33-37).

By locating their theory within the context of the twin problems of legitimacy and knowledge, Gutmann and Thompson point to what is perhaps both deliberative democracy’s greatest strength and its greatest weakness: its circumvention of the metaphysical problem of ‘truth’ by appealing to common agreement. As the second section of this chapter shows, this epistemic approach provides the best possible defence of the deliberative ideal. While it is undeniably the case that there are no definite political or moral ‘truths’ to which we can point to guide us, we can still act *as if* something is true if we all agree with it. Deliberation is thus valuable because, with no objective facts about morality or ethics, it allows humans to come as close as possible to the discovery of such truths by seeking legitimate agreement through the free interplay of human reasoning. The fatal problem for deliberative democrats, however, is that it is by no means clear that such interaction needs to be *democratic* in order to fulfil this promise. Indeed, as it is subsequently shown, there are reasons

for thinking that the institutions of democracy are likely to hinder rather than enhance deliberative reasoning.

The key question for deliberative *democrats* concerns how the benefits of free and effective reasoning could be realised in practice. The fullest answer to this question is provided by the various suggestions for and studies of ‘deliberative polling’ and ‘Deliberation Day’, provided largely by James Fishkin. While the question of institutions is largely neglected by other deliberative theorists, Fishkin’s work is significant because it offers a realistic analysis of what it would take to involve the citizenry of a large liberal democracy in a coherent national conversation. Accordingly, the third section explores the strengths and weaknesses of Fishkin’s arguments. On the one hand, these arguments are instructive, illustrating precisely what is necessary to prioritise deliberative learning so that it can inform political practice. On the other hand, however, they demonstrate that this achievement comes only at the cost of inclusivity. If deliberations are to be detailed enough to matter, then the number of participants must be limited. But, crucially, such limited decisions cannot attain legitimacy. As such, the deliberative ideal entails trading the conditions for meaningful interaction for ever grander yet ever more meaningless discussions.

Further institutional innovation, of course, could well solve this problem, and as Fishkin (with Ackerman, 2003: 30) suggests, his arguments are intended as much to pose the question of realism than to answer it. It is significant, therefore, that Fishkin’s work uncovers another, less obvious problem, which arises from relying on the institutions of the state. Regardless of how democratic, legitimate and effective the policy-making process may be, if the policy is altered without democratic consent before it becomes a reality, then its effects will be neither right nor legitimate. The fourth section shows that the problem here arises from the discretionary and largely un-manageable power of the bureaucracy. And as Henry Richardson convincingly argues, the only solution to this problem from a deliberative point of view is to bring the bureaucracy into the deliberative process, in order to democratise the bargains and trade-offs which ultimately shape policies. This moves us away from Fishkin’s



detailed institutional blueprints, to be sure. But it provides the most advanced explanation of how the effects of deliberative reasoning can be spread throughout the political system.

Nevertheless, it is shown that Richardson is too sanguine about the epistemic potential of his system. Given the complexity and incompatibility of our desired ends, a genuinely thorough consideration of the various substantive decisions which must underlie any government action would likely gridlock the political system. In practical terms, the most we could expect from deliberative democracy would be its circumscription of the autonomy of political elites. Curiously, this is precisely the role reserved for democratic institutions by classical liberalism. Accordingly, the final section returns to these arguments. If it is indeed important that we pursue legitimate courses of action, then the fact that we cannot discover these through democratic discussions means that we need to rely instead on institutions which allow us to use our *practical* reason. As it is concluded, the patterns of behaviour that arise out of free choices provide us with the best data we could possibly have on how to live our lives, so it is to these choices we should turn in order to mobilise the epistemic benefits of human reasoning.

### **Legitimacy as truth**

It is instructive to view the instrumental claims for deliberative democracy in the context of what Levine (2002: 11-12) sees as the post-Hobbesian aims of modern political philosophy. Hobbes's most important legacy, Levine argues, was to re-cast politics and the state as the antidote to human failings, rather than the epitome of human society. On Hobbes's pessimistic view of human nature, an omnipotent sovereign is necessary to facilitate peace. As such, by its very nature the state appears to be legitimate because it is fundamentally intertwined with the public good (*ibid.* 53-54). Yet this account leaves the question of what this good actually is open, and Hobbes's tendency to relegate all divisive normative judgements to the sovereign neglected the possibility that the sovereign's good might be a public *bad* (Edwards, 2002: 54-55).

As such, Rousseau took up the task of legitimising the active state, by equating the common good with public sovereignty (Levine, 2002: ch. 2). The state acts legitimately, Rousseau asserted, in so far as it acts upon the will of the people, and the individual acts legitimately in so far as she works with others to uncover and realise this will. Rousseau thus demonstrated that legitimacy is contingent on the democratic inclusivity and efficacy of the political process; it is not intrinsic. Nevertheless, and despite this assertion, it is difficult to see any real difference between Rousseau and Hobbes. When there is but one common good, and when that good results from the proper process, then anyone who ends up disagreeing must be wrong. Such individuals must submit to the sovereign, defying Rousseau's own imperative that the individual must not be subjugated to any other, and undermining the very aspect of democracy that gives it legitimacy (Estlund, 1997: 184-185). Rousseau's arguments were therefore rejected by philosophers as different as Constant, Burke and Hume, who turned instead to various forms of representative democracy to solve the problem of legitimacy. To be sure, their theories continued to view the demos, however narrowly construed, as sovereign. But their movement towards majoritarian, constitutional liberalism was more a result of their suspicion of this sovereign than their desire to emancipate it.

For Dryzek (2000: 27), this struggle with Hobbes's long shadow has damaged the democratic ideal by interlinking it with the aims and fortunes of liberalism. In particular, its protracted emphasis on rights and liberties has served only to attenuate the links between theory and reality. This is clear as much in the work of liberalism's erstwhile critics such as Habermas, who have lost touch with the limits of real-world democratic practice, as it is in that of its post-Rawlsian defenders, who neglect all sites and avenues of political power other than the state (*ibid.* ch. 1). And this is to say nothing to the numerous problems which plague majoritarian liberal democracy. As Dryzek shows, social choice theory and the inability of voting to tackle issues of cultural inequality undermine any case that can be made for the kinds of liberal democracy that saw out the 20<sup>th</sup> century in the west. Liberal democracy, in short, has taken us no further towards the goal of democratic legitimacy than Rousseau did.

The epistemic, ‘deliberative turn’ (as termed by Goodin and Dryzek, 2006: 219) seeks to address this theoretical stagnation by abandoning the central Hobbesian assumption driving liberal thought. For procedural communitarians, politics is not a solution for the problems of human nature and conduct but is rather a means to the ends of co-operation and community. In a quasi-Hobbesian fashion, epistemic deliberative democrats therefore leave the exact nature of these ends undetermined. But unlike Hobbes’s pessimistic view that whatever is in an orderly society is *good*, they look optimistically to the *demos* itself to realise its true potential. It is in this vein, for instance, that Fishkin (1992) critiques the logically complete ‘systematic’ theories of justice which we have seen proffered by theorists such as Rawls and Dworkin. Such theories, he argues, cannot legitimately impose their essentially arbitrary political and moral obligations because they make no appeal to actual democratic discussions (*ibid.* 5-19). In sharp contrast, the messy and at times incoherent set of political obligations knowingly, freely, and willingly chosen in a *rational* process of ‘self-reflective’ collective deliberation are legitimate precisely because they are based upon our conscious reasoning (see *ibid.* 129-144).

A deliberative democracy would thus be immune to the voting paradoxes and arbitrary outcomes which afflict modern democracies. Since it expects individuals to devote time to the consideration and discussion of their decisions, rather than simply express raw snapshots of their subjective ‘consumer’ preferences, a deliberative democracy would likely uncover and utilise information which would otherwise stay hidden (Elster, 1997). As David Miller (2003: 191-193) demonstrates, this allows deliberation to effectively solve the problems presented by social choice theorists. When individuals collectively display intransitive preferences, they are likely to disagree not only over the choice at hand, but also over the best way of *thinking* about that choice. Such conflicts of secondary-order interests will often be the result of erroneous beliefs, in which cases collective discussions would be likely to mobilise more accurate information. Moreover, even in the case of genuine differences, moving the debate to higher levels would render it more manageable by restricting the ‘domains’ across which disagreements occur (Dryzek, 2000: 42-47). In such manageable discussions, individual positions would be less likely to be intransitive and more amenable to compromise (*ibid.*). And compromises would not

be unlikely; extending the debate would help to elucidate precisely how an agreement might be reached, given what is at stake and the type of decision that would need to be made (Miller, 2003: 193-196).

In any case, a transformative debate is likely to have less at stake than a competition between preferences. In contrast to the ‘win or lose’ dynamic of the latter, democratic deliberations promise to offer inclusive and mutually beneficial outcomes. Cohen (1996: 102) exemplifies this viewpoint when he contends that deliberation brings people together as a community:

All who are governed by collective decisions—who are expected to govern their own conduct by those decisions—must find the bases of those decisions acceptable. And in this assurance of political autonomy, deliberative democracy achieves one important element of the ideal of community.

For Cohen, this ‘element’ is the ‘equal membership of all’ (*ibid.*). When the decision-making process is universally inclusive, the participants to a discussion will be those who regard the issue as important. The key element of the deliberative system is thus the equal standing between individuals, which is guaranteed by the liberty of expression and the requirement that decisions are made collectively (*ibid.* 103-104). Under such requirements, individuals would have to give reasons that others regard as reasonable in order to be taken seriously. They would have to ‘launder’ the raw self-interest out of their reasons in order to couch them in terms which can persuade others (Goodin, 1986). As such, and regardless of participant motivations, deliberative discussions would be directed towards communal ends, since no one would be able to achieve overall control. Of course, this is not to say that participants could not use rhetorical flourishes or the other subjective forms of expression emphasised by Young (2000: ch. 2) as essential for democratic inclusion. Indeed, as Dryzek (2000: 70-71) contends, such modes of reasoning can help guard against the coercive use of argument. But, similarly, they will also be subject to and controlled by argumentation themselves. Where they do not convince others on their own terms, these types of reasoning would be rightly inconsequential.

The outcomes of such a public reasoning process would therefore have the legitimacy which modern democratic decisions lack. Since everyone is able to 'have their say', and/or object to those reasons which do not show the requisite respect for what they see as the common good, deliberative outcomes would embody the fairness, openness and inclusivity required to legitimately distribute political obligations (Cohen, 1989). Yet these outcomes would not be legitimate simply because fair, open and inclusive. Instead, they would be legitimate because they would, effectively, be 'right' and based upon 'truths'. This is not, as Cohen (2009: 23-28) asserts, to assume a controversial or metaphysical position on truth. Instead it is to embrace a 'political' conception of truth, which recognises both that people hold claims they see as important because they are true, and that it is important that these claims are debated with the background assumption that it is their truth or untruth that is being assessed. Indeed, it is precisely this assumption which leads individuals to take deliberation seriously, and it is *because* deliberation is taken seriously that it should be used as an accurate gauge of the common will (Cohen, 1986: 34).

To put this somewhat differently, where we can be confident that the deliberative process approximates that which would be ideally necessary to discover truth, its real-life operation would enable us to *approximate* truth. Thus, so long as participants are truly confident in the fairness and openness of the deliberative process, they would be confident in its efficacy too. They would, in other words, be prepared to rationally revise their views according to the Bayesian decision rule that the probability of  $p$  increases with the number of people who believe  $p$ . In the face of majority support for  $p$ , then, those deliberative participants who initially believed *not*  $p$  would nevertheless accept  $p$  as true and legitimate (Goodin, 2003: ch. 5), even if they reserve some doubt in their minds that *not*  $p$  might still be the case (Estlund, 1997: 187).

This epistemic argument for deliberative democracy usefully illustrates precisely what deliberations would need to do to overcome the problems set out against substantive individualism, *vis.* that the state would find it difficult to interpret and realise the implications of deliberative interactions. As long as the deliberative

process is both open and inclusive, and, crucially, *designed to cover the key policy decisions*, then efficacious deliberations can inject the suitably developed public will directly into the policy-making process. These requirements, however, raise more questions than they answer. Perhaps the most obvious, and certainly that which is most often posed against deliberative democrats, is whether deliberations could really be open and inclusive in real-world, large-scale democracies (see, for instance, Walzer, 1999, Parkinson, 2003 and W. Friedman, 2006). As Robert Goodin (2003: 170) concisely contends, even in small political districts, ‘it is simply infeasible to arrange face-to-face discussions across the entire community’. The principal challenge for deliberative democrats, it would seem, is thus institutional rather than theoretical, to discover how to realise deliberative decision-making without limiting the number of participants involved or topics covered (*ibid.* 172-178). Yet even this is to miss the point. As it is shown below, the various institutional innovations suggested to transform deliberative democracy into a realistic possibility simply serve to illustrate how difficult it would be to make deliberations relevant to political practice, regardless of their impressive inclusivity. The real question for deliberative democracy, in short, is one of relevance.

### **The battle against scale**

The size and scale of modern democracies is perhaps seen as the principle obstacle to the realisation of deliberative democracy because, as Raymond Pingree (2006: 201-202) puts it, the very aim of deliberative democracy is one of ‘full reception’. If political decisions are to be truly deliberative and inclusive, each citizen must be equally able to both make themselves heard to all others and to receive and consider each and every contribution given in return. Yet even within small groups, the sheer amount of information this would entail each individual absorbing would put them under immense cognitive strain (see *ibid.* 203-206). Participants in such discussions tend to have trouble following and remembering complex arguments and causalities, and they usually simplify what they hear into key judgements or heuristics, the reasoning behind which they quickly forget. On top of this (and probably largely because of it), small groups presented with problems do not tend to use their time very effectively. Despite struggling to reach any significant agreements – especially

with regards to issues of judgement – they tenaciously and laboriously try to solve each stage of the problem as a group (*ibid.*). Accordingly, and since the difficulty of reaching agreement would only increase as group size increases, it seems to follow that democratic deliberations would struggle to deliver on their promises in real-world settings.

Nevertheless, the assumption seems to go, if these problems *can* be overcome, democratic deliberations can realise real-world epistemic gains. Pingree's (*ibid.* 209-214) own solution is instructive here. He argues that collective deliberations could only work if individuals can divide their mental labour. Individuals, that is, need to be able to access and search the individual problem- and solution-claims that make up each topic of discussion. They would then be free to add new claims where it appears to be necessary, and, given the requisite facility, to evaluate and 'rank' existing claims according to their persuasiveness. Participants would thus be able to use their time and attention efficiently by focusing only on those topics they can actually contribute to. In so doing, they would add clarity to the debate by elucidating and evaluating ostensible chains of causality. Significantly, it would not be necessary to reach a society-wide consensus in order to construct a legitimate set of aims in this system. Instead, it would be sufficient to pay heed to the rankings which stabilise out of the more targeted deliberations, since these would effectively demonstrate society's totality of reflexive knowledge and opinions – that which we denoted above as the political 'truth' (see *ibid.* 211).

In this context, Fishkin's 'deliberative polling' project, a tried-and-tested forerunner to his more thorough and idealistic 'Deliberation Day' is especially relevant. Fishkin (1991) grounds his project in a rejection of liberal democratic attempts to bring the benefits of small-scale decision-making to large-scale electorates through direct democratic means such as elections, opinion polls and referenda. Such tools, he contends, do little more than subject various minority groups to the tyranny of mindless majority whims. In contrast, *deliberative* polling would provide a way of modelling 'what the public *would* think, had it a better opportunity to consider the questions at issue' (Fishkin, 1995: 162; original italics). The idea is to take a random

sample of citizens and give them an opportunity to discuss pertinent political problems and their possible solutions, both amongst themselves and with state representatives, civil servants, and other policy entrepreneurs. A standard opinion poll is taken both at the beginning and at the end of the process to measure changes amongst the samples viewpoints, and the results are presented publicly, so that the government and citizenry alike might use them to inform their future decisions (Luskin *et al.* 2002: 484).

Deliberative polls thus allow liberal democracies to combine the epistemic and emancipatory benefits promised by in-depth, small-scale discussions with the equality intended by the universal franchise (Fishkin, 1991: ch. 1). By working with a random sample, the deliberating group could be both big enough to accurately mirror the wider society, and small enough to ensure that every participant would have the time to ask questions and proffer viewpoints. Moreover, the structure provided by the polls would guide the discussion past many of the problems with small-group discussions whilst still allowing the freedoms necessary for epistemic efficacy. Thus, since the clear aim of the process would be to achieve only a more enlightened position, rather than consensus, it would be possible to both time-limit each topic and to keep simple records of opinions, suggestions and disagreements as the discussions progressed. Yet the format would still be flexible, so the group would be able to add new topics and perhaps call upon new witnesses if necessary. Participants and witnesses alike would therefore be able to introduce or question existing problem- or solution-claims according to their expertise. Whilst these claims would lack the ‘peer review’ suggested by Pingree’s ideal, their plausibility and authority would nevertheless receive judgement by the rest of the group in the poll results.

The obvious question that arises here concerns the vast majority of the population who are *not* polled. Deliberative polls would contribute little if they cannot disrupt the mechanisms through which the population subjects (and submits) itself to majoritarian caprice. Fishkin’s answer to this question, quite simply, is that the population would have a responsibility to take note of the polling results (*ibid.*). If it



were to do this, it is plausible to claim that deliberative polling *would* offer tangible epistemic benefits. For, if the results were broken down according to their constituent claims, they could help fill in the gaps of public knowledge. Where individuals are informed on an issue, the debates would likely provide prompts for reflection and judgement (judgements which could be further sampled and recorded in an ‘Any Answers’ style forum).<sup>21</sup> Where they are ignorant, the polling results would offer a clear set of suggestions as to what they would probably think and why, if they were informed. If all such individuals were to absorb the results, the overall movement of individuals *towards* their hypothetical fully informed position would likely far outweigh any movements away (Fishkin and Luskin, 2005: 187-188). And in any case, whether or not individuals agree with the outcomes of the deliberative polls, they would provide a rough but generally accurate picture of the legitimacy of government policy.

It is not clear, however, whether the public has any such responsibility. Regardless of how edifying their opinions might be, other people cannot deliberate *as* us or even *for* us (Ryfe, 2005: 52-53). Fishkin’s reliance on statistical representation belies the fact that ‘representativeness’ is not an objective concept. One has to choose the characteristics they want represented, and this choice cannot be neutral. As an example, consider a randomly chosen sample which broadly reflects the distribution of age, religion, skin colour and political views in society. Suppose this group were to discuss arranged marriages and, after consideration, come down hard against them. It would seem to follow to the rest of the population and the government that it is indeed the case that arranged marriages are wrong and that it is right to ban them. To the significant number of supporters of such marriages in the population, however, this decision would seem at worst like disenfranchisement, and at best like the very tyranny of the majority Fishkin seeks to banish. For when results are seemingly conclusive, and when the whole political establishment – including opposition parties – accept them, then such individuals will have very few opportunities to actually make themselves heard. From the minority’s point of view,

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<sup>21</sup> ‘Any Answers’ is a BBC radio show which allows listeners to respond to the contributions and opinions of political, media and academic panellists on the companion current affairs panel show ‘Any Questions’.

the only thing a random sample might represent is its own marginalisation. If this is indeed undesirable, it follows that a representative discussion must give time to a minimum number of individuals from each minority position (though what this would mean in practice is an open question). But this would be to contradict the very epistemic basis of deliberative polling.

It is perhaps understandable, therefore, that Fishkin's *ideal* form of deliberative democracy goes beyond mere representative sampling. 'Deliberation Day', which Fishkin proffers with Bruce Ackerman (2004; summarised in Ackerman and Fishkin, 2003), is a two-day national holiday designed to take place shortly before each election. In a similar fashion to its polling counterpart, Deliberation Day seeks to overcome the problems of scale by having people debate in small groups. Unlike the former, however, the latter does not intend for these to be exclusive. Instead, everyone would be encouraged to take part by attending their local event, wherein they would be randomly allocated to small groups. On the basis of a pre-deliberation briefing, these groups would be invited to decide, via a series of discussions and ultimately a vote, on the content of the main issues facing the electorate. These issues would then be fed back initially to the group and, ultimately, through media reports to the wider population. As such, Deliberation Day would give *all* marginalised groups an equal opportunity to make themselves heard, and none would have fair reason to bear a grudge against the system if their case was not accepted.

Yet this accomplishment requires us to abandon the epistemic aims which motivated deliberative polling in the first place. Because of the sheer number of participants, all Deliberation Day can realistically offer is an opportunity for each meeting to pose a small number of its vote-winning issues as questions to local political representatives at the end of the process (Ackerman and Fishkin, 2004: 26). There is no sustained engagement, nor any ability to question the responses of these representatives. As such, Ackerman and Fishkin (*ibid.* 29-30) point primarily to the communal advantages which would arise out of participants coming face to face with members of other social groups and neighbourhoods. By pushing the boundaries of the exclusive groups which govern most of our social interactions, Deliberation Day

would confront individuals with perspectives and problems radically different to their own. As a result, the citizenry would likely develop a greater sense of the common good, and this would be reflected in deliberations and conversations carried on after Deliberation Day. Ackerman and Fishkin thus return us to Cohen's ideal, whereby it appears to be the community which thinks and deliberates, rather than the individual. But we are given no detailed mechanisms through which these deliberations take place. The polling structure which allows for the division of mental labour in deliberative polls is absent, and yet the question and answer session assumed in their place is assumed to do little more than motivate political parties to engage more at the local level (*ibid.*). It is unclear, therefore, why voters would make better political decisions after a Deliberation Day than after any other political campaign.

In any case, it is difficult to see what a better voting decision could mean. The all-consuming quest for inclusive deliberative decision-making – illustrated so well by Fishkin's ultimate desire to replace a workable (if flawed) system of deliberation with an unworkable but more inclusive alternative – belies the fact that in a democratic polity system, it is the institutions of the state, rather than the voters, that ultimately make all of the political decisions. In the UK, for instance, 160 separate pieces of legislation came before the 2008-2009 Parliament, ranging from an attempt to re-define the Union Jack to a decision to classify 'gamma-butyrolactone' as an illegal substance (UK Parliament, 2009). The content of these bills was decided by the government even before they went to Parliament. And how they are eventually implemented will depend upon the future decisions of thousands of civil servants. Clearly, it is simply unfeasible that such a range and wealth of decisions could be judged in any detail by a pre-election deliberation. This might of course be a good thing; as Ian Shapiro (2003) and Philip Pettit (2003) argue respectively, a representative government has the advantage of concentrated knowledge, and it can ensure consistency over successive acts. But it *cannot* be a good thing for deliberative democrats. If a government can shirk responsibility when bucking public opinion by claiming that it is better informed, then there seem to be few grounds on

which the public could ever judge its legitimacy.<sup>22</sup> If, however, the state ought to be held to account, and if deliberation is the best way of doing this, then deliberative democrats like Fishkin must look beyond the mere goal of inclusion. In order to show how they can actually hold the various quasi-autonomous institutions of the state to account.

### **Public choice and the problem of implementation**

Epistemic deliberative democrats err by treating policy-making as if it mirrors David Easton's (1953) 'black box' model of the policy process. On this simplified model, democratic deliberations serve principally to feed legitimate, truth-tracking political aims into the black box of the state which, seemingly automatically, turns these aims into concrete policy programmes. The results of these policies and their effects on public opinion thus go on to spur further democratic deliberations, and so the process repeats itself, *ad infinitum*. On this reasoning, it is indeed important to have an inclusive deliberative process, so that the citizenry can have as much control as possible over the actions of the state. It seems rash, however, to assume that inclusivity is equivalent to control. The 'black box' (or, perhaps more accurately, the black hole) of government is not made up of neutral super-computers but rather of large and complex state bureaucracies which, as Weber and Foucault so assiduously observed, possess and exert considerable power simply by virtue of their rational and legalistic structures. As such, before deliberative democrats can assert the conditions under which their systems lead to legitimate and epistemically ideal outcomes, they must first provide an account as to how deliberative democracies can exert control over bureaucracies. Yet moving deliberative democracy in such a direction, as we shall see, must be to abandon any pretence to truth-tracking, epistemically virtuous results.

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<sup>22</sup> The drawn-out public row about the legitimacy of the UK to join forces with the US and invade Iraq is illustrative of this dilemma. According to the UK government's specialised knowledge, Britain was right to invade because of the threat posed by Iraq to Western Europe. Yet the UK government turned out to be wrong, and successive rows have erupted over whether it should have trusted its monopoly of knowledge and indeed whether its ownership of this monopoly makes any difference to the legitimacy of the action at all.

Consider the internal dynamics of the ‘black box’ of the state. When we conceive of public servants not as impartial altruists, but rather more realistically as individuals acting according to a bounded rationality and competing motivations, it is clear that government policy will be largely affected by the structural incentives provided by the bureaucracy. As such, the complexity of the state’s various administrative bureaucracies and their relations with one another pose a significant problem for democratic idealism. Since government action relies upon bargaining and co-operation between and across different levels and departments, state officials and public servants have numerous opportunities to pursue their own personal and political goals. While some seek to expand or protect departmental structures in order to enhance their status and power, others seek simply to adapt and shape their missions to further their careers or political agendas (Dunleavy, 1991). Such behaviours need not be cynical or self-interested, of course. As Anthony Downs (1967) argues, many bureaucrats simply develop a personal and emotional commitment to their existing programmes and clients. Such individuals nevertheless contribute to bureaucratic inertia, and prove as resistant to change as those who simply want to cling to their prestigious salaries and titles.

The key problem for deliberative democrats is that these institutional dynamics cannot be easily changed, such as by simply tinkering with structural incentives (as the ‘New Public Management’ revolution attempted to do with public service delivery; see Hood, 1991). It is implausible that the precise details regarding the implementation of a public policy could ever be formulated at the same time as its aims. These details can only be worked out as the policy moves back and forth between the various agencies involved in its realisation. Yet as it moves back and forth between these agencies and stages, the likelihood of ambiguity and conflict is such that its final form will inevitably reflect its institutional background as much as its original parent aim (Matland, 1995). State actors, in short, will always have *de facto* discretionary power over the final shape of a public policy. And, in so far as state actors are human, their use of discretion will always reflect their personal attributes and interests, which may or may not overlap with their commitment to the democratic process.

It is thus surprising that normative democratic theory has largely neglected the threat of ‘bureaucratic domination’ (Richardson, 2002: 8-9). After all, the deliberative bar for this form of repression is remarkably low. Since the deliberative conception of legitimacy requires that democratic action be based upon the free interchange of reasons, legitimate policy must be such that it can be clearly traced back to and justified on the basis of these discussions and the ‘deep compromises’ that participants must be party to (*ibid.* ch. 11). Where policies cannot be traced back to these compromises, their restrictions on individual freedoms will inevitably appear arbitrary and will lack legitimacy.

To paraphrase Thomas Christiano (2005: 213-214), one might nonetheless argue that the standard of legitimacy can be usefully used to judge democratic institutions, even if those institutions can never meet those requirements completely. For, as Christiano seems to assume, there are no other institutions capable of meeting these requirements. Following this logic, Richardson (2002: 30-31) rejects as ‘crude’ negative, market based ideas of liberty. Such institutions presuppose an untouchable set of norms which, because not born of or mediated by democratic reasoning, must leave people open to capricious interference and domination. Public, democratic institutions, in contrast, can at least be called to account by the demos. In this way, it is always possible that a process of public deliberation might exert influence over public institutional outcomes (*ibid.* ch. 4).

How this might work in practice is usefully illustrated once again by the black box policy model, which we might usefully use as a model of the division of policy-making labour in a deliberative system. For Richardson (2002: 222), it is ‘debilitatingly naive’ to suggest that a democracy could achieve its aims without relying to a large extent on the discretionary powers of the bureaucracy. The kinds of reasoning which the public and the legislature could be reasonably expected to employ would never incorporate the kinds of contextual knowledge which bureaucrats have. This is right and proper, of course; as citizens we want to be able to see the wood through the trees. As such, and as the very people who have to live with the conditions created for us by the bureaucracy, it is up to the citizenry instead

to set *general* aims, much as a taxi passenger might declare a destination, on the expectation that the driver will choose his own route (this simile is borrowed from Richardson, 2005: 227). Significantly, the content of these aims will determine the kinds of reasoning and justifications bureaucracies must employ in their identification and formulation of specific subsidiary policy ends (Richardson, 2002: 227-228). Thus, if one's destination is the Accident and Emergency Department, the taxi driver ought to choose the quickest route, not the most picturesque. So long as these ends and their justificatory reasons are publicised and left open to further deliberative and legislative revision, the citizenry will ultimately be in a strong position to either change their aims in response to changing circumstances, or else demand that the bureaucracy revise its reasoning, which would generate new policy ends (Richardson, 2005: 227-228).

Deliberative democracy, in short, *can* hold the state to a measure of legitimacy. But it does this at a considerable cost. By limiting acceptable bureaucratic forms of reasoning, Richardson's deliberative system would effectively translate the decisions, trade-offs and deals made by and between public servants into, for want of a better term, 'plain English'. By and large, this means that individuals would not face insurmountable barriers to understanding the bureaucracy and holding it to account. And it ensures that individuals would always be able to bring the results of their deliberations to bear upon the policy process (compare this with Fishkin's proposals, which would leave individuals open to bamboozlement and would likely see the citizenry and the state talking at cross-purposes). Yet the price of this clarity is that all of the heuristics and technical tools which allow bureaucracies to make decisions, such as cost/benefit analyses (which Richardson (2002: ch. 9) decries as 'stupid') must be banished. All decisions, in short, become matters of moral judgement. Now, it is one thing to treat the *general* aims of government policy as matters of judgement, which should therefore be evaluated according to strict deliberative standards. It is quite another, however, to consider every sub-decision taken in the realisation of these policies in the same fashion.

When decisions must be taken in prosaic terms, and when they are all open to moral

objections, it is an open question as to whether anything would ever get done. On the one hand, this is a technical point. There are many policy decisions – ranging from those the health authorities must make regarding which drugs to administer through the NHS to the tricky balance the central bank must strike between inflation and unemployment – which must make use of some technical modelling, data or research. Such technical reasoning not only renders these decisions easier and quicker to make, but it also allows the use of some information which would be difficult to use in a reasoned argument. Consider a health and safety decision, such as that made by airline regulators, as discussed by Richardson (*ibid.* 240-241). For Richardson, specifying how much aeroplane seats should retard flame is a simple matter of balancing values (the need to protect individuals versus the need to allow airlines to cut costs). But how could such a trade-off be made if not mathematically? There is no form of verbal reasoning here which is not essentially meaningless (imagine if the requirement was to provide ‘a lot of’, ‘sufficient’ or ‘reasonable’ protection). Yet any numerical reasoning not based upon technical modelling would be arbitrary (imagine: ‘enough to save 95% of the passengers in a fire’). Cost/benefit modelling, in contrast, would allow the authorities to estimate how individuals would trade freedom against safety *in practice*, thus providing a precise and non-arbitrary policy solution (see Kahneman and Tversky, 1979).

The question of efficacy notwithstanding, problematising each aspect of the policy process poses a further, more considerable problem. Richardson’s system depends on the reasoning process being oriented fully towards *ends*. For, in holding the legislature and bureaucracy to account, the only way to judge whether policies represent a desirable movement from less specific to more specific aims is to discuss what those aims should be (this argument is developed at length in Richardson, 1995). Treating everything in terms of ends, however, can only multiply the sites of possible conflict. While an ambiguous means might find supporters of many different stripes, a concrete end will appeal to far narrower field of beliefs. Take, for example, the proposals to increase the school leaving age in Britain to 18. There are many reasons to support such a policy; we might want to keep young adults in a supportive environment for longer, to keep troublemakers off of the streets, to increase the number of poorer students in universities, *et cetera*. As such, individuals



with various political views may count themselves as supporters. Now consider a plausible policy end, to decrease unemployment amongst young adults by increasing the length of compulsory schooling. Such an end might of course be seen as a useful means to *further* ends by a variety of people. But its specification means that it will alienate other erstwhile supporters of the original proposal. In societies characterised by extensive disagreement over moral and political ends, the deliberative aim to have everyone discussing ends in this way would be very likely to result in political gridlock.

This analysis might appear alarmist. Individuals have neither the time nor the inclination to go to such lengths to challenge policy development. Moreover, and in any event, Richardson (2002: ch. 14-15) grounds this deliberative process as merely an essential aspect of the current representative, majoritarian democratic system. As such, deliberative decision-making need not be endless nor arbitrary because, after everyone has had their say, it can be settled quite conclusively through the electoral system. Thus, as long as the political system represents a wide cross-section of genuine public sentiments, the policy process can both gain the benefit of having its actions scrutinised (Richardson, 2005: 225), and can lead to legitimate outcomes (Richardson, 2002: 212-213). If this is the case, however, it is difficult to see precisely what democratic deliberations really achieve. Undoubtedly, they provide an efficacious way of subjecting state institutions to scrutiny, and of politicising the otherwise hidden bureaucratic dynamics which can distort the policy process. Yet the epistemic virtues of this process are doubtful. When the final ends of public policy result from a vote, there can be no synthesis of knowledge or aims. Despite Richardson's contestations to the contrary, it seems to follow that such a deliberative system would be no more likely to produce legitimate outcomes than existing forms of liberal democracy.

### **The epistemic appeal of classical liberalism**

As chapter three demonstrated, the classical argument for the minimal state can be constructed on an epistemological basis which should prove attractive to epistemic

deliberative democrats. Traditional liberals favour the institutions of free agency, it was argued, because they embody a process of social experimentation. On the Austrian view, voluntary acts – be they contractual, charitable or civil – effectively constitute hypotheses about future effects. Just as Richardson’s deliberators proffer general political aims on the expectations that these aims will lead to certain outcomes, we plan and execute our private acts as means towards our intended ends. As such, the interaction of actors in voluntary institutions is analogous to the deliberative interactions of citizens in a democratic forum. In both situations, individuals reason collectively about what to do. But while the latter have to consciously construct a legitimate social policy function out of their conflicting reasons and preferences, this function emerges independently out of the private choices people make within voluntary institutions. For when individuals can act without the fear of arbitrary interference, the results and implications of their actions will automatically feed into one another’s successive decisions. Significantly, the pattern of ends that arises within a free society will therefore effectively resemble that set of interconnected ends which would otherwise be democratically chosen, if the demos possessed the requisite information and cognitive power.<sup>23</sup>

In so far as we rely upon public institutions to deliver our ends, this argument suggests that they ought to be guided and regulated by our practical, rather than deliberative reason. And the simplest way of doing this would be to subject them to market competition. In the marketplace, when we consume a good or a service, we do so on the expectation that its provider is fit to produce and provide the consumable to the required standard. Our choices, in other words, embody judgements about the philosophies, structures and leadership of the different producers in the market, whether or not we know anything about them. Indeed, it is only because most of the work involved in these judgements has already been carried out through the price system that we are not more conscious of this process. Nevertheless, this ignorance notwithstanding, every choice we make is as much a

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<sup>23</sup> This should not be interpreted as a naturalistic fallacy. It is by no means certain that a social preference function arising out of a fully inclusive and efficacious social reasoning process would be, from any one point of view, desirable. Politics in practice is a matter of compromise, rather than ideals, and the compromises our national politicians agree to often seem less desirable than the original alternatives. As such, this liberal argument simply says that market institutions are more likely to derive those compromises which *accurately* track our beliefs than political forums.

‘vote’ for an organisation as it is a purchase of a good. Those organisational types which realise our desired ends amass our ‘votes’ and flourish, while those that are too inefficient or ineffective wither and fail. Given how successful this process of competitive selection has been in providing us with the means of survival and comfort, it follows that we would do well to apply it to our public ends as well, and approach them more as active consumers than captive subjects.

One way of promoting such behaviour is to create markets in public services by providing individuals with ‘vouchers’ and leaving them to choose, as consumers, from autonomous providers (see M. Friedman, 1962: ch. 6). In areas such as education, healthcare, housing and legal aid, this would allow private and charitable organisations to form and compete on fair terms with their public counterparts, which would otherwise have monopoly power. As a result, the terms of our collective reasoning about the public services would be left open. Anyone with a new idea about how to organise and provide for the population’s various preferences would be able to enter the market and offer it for evaluation, and in so far as that idea offers a more efficient and effective way of satisfying our political and moral demands, it would be successful. So long as such organisations were free to succeed, expand and make profits *and* fail, contract and make losses, the implications of their ideas would therefore be transmitted throughout the polity. And so long as individuals could ‘top-up’ their vouchers, so that the value of the organisational choices made by the different providers could be reflected in price differences, *every* citizen would therefore have the opportunities both to contribute to and learn from the on-going collective deliberation about public service delivery.<sup>24</sup>

Vouchers cannot cover all of the public services however, and, as it was emphasised in the last chapter, the public services are only one aspect of wider political debate. We also need to choose our public goals, and we need to agree on their sources of funding. These issues are also a matter for public reasoning and legitimation, so they

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<sup>24</sup> Sweden provides an example of a state which has sought to use vouchers to improve the quality of schooling. Unlike Britain’s more rhetorical policy of school choice, Swedish parents were given the ability in the 1990s to choose between competing private and state schools. As Paula Blomqvist (2004) shows, this led to a marked improvement in the performance of Sweden’s education system.

too could benefit from competitive evaluation. The most effective way of doing this would be to devolve the ability to decide on domestic issues to local authorities and regions. Though problems of scale would still exist, the creation of local legislatures would allow far more relevant and far more detailed deliberations than a national Parliament. Furthermore, in such a system, individuals and businesses would be able to 'vote with their feet' and choose that locality which best satisfies their moral, political and economic ends. This is not to say that individuals should be able to pick and choose between the different taxes and regulations on offer, of course, as this would be to invite collective action problems in the funding of public goods. Instead, as Shearmur (1996: 217) argues, it is to say that there should be competition between different public bodies with distinct constitutions and governing philosophies. For this is the only system which would promote competition both between substantive political commitments *and* the procedures used to construct those commitments, both of which epistemic democrats from Gutmann and Thompson to Richardson seek to legitimise.

There is much more to be said about this argument, but it is worth finishing by simply noting that, regardless of its merits, the undesirable consequences that would arise out of this competitive process cannot be held as reasons against it. Any competitive process is bound to create winners and losers, and, in so far as the losers are cities, local authorities or public service providers, the costs of these losses could be high. Moreover, the inequalities created by devolution, regional differences and competition are unfailingly politically explosive. To a large extent, however, these inequalities and losses would be an inevitable consequence of any movement towards legitimate government. For the equality (such as it is) that exists within unified political systems is largely a consequence of the *lack* of legitimacy possessed by those systems. The fact that, for example, the NHS is an opaque government monopoly forecloses choice and means that most British citizens simply never have an opportunity to consider any alternative arrangement, while those who *do* desire an alternative have few options to choose from. If individuals were prompted to choose their priorities themselves, they would inevitably make different choices, and those choices would inevitably have different costs and benefits. Indeed, this is absolutely essential if we are to have an effective reasoning process. It is only when individuals

are able to see the real-world effects of their different ideas that they can make an informed choice about the kind of polity they want. And it is only when they can make *this* choice that we will be able to accept the true legitimacy of our political and social environment.

## **Conclusion**

The common attraction of democracy over the free market economy is that it seeks to select ends and goals on the basis of legitimacy, fairness and, in some sense, correctness, rather than because they appeal to our unconsidered desires. This compelling argument forms the basis of procedural communitarianism, which promises to overcome our political and moral conflicts by simply discovering their correct solutions. As we have seen, however, a practical deliberative democracy – even one tailored to maximise epistemic benefits – would struggle to discover either the grounds that diverse individuals share or the agreements they would need to forge in order to circumvent their differences. Moreover, even if technology were to develop in such a way as to render these discoveries possible, deliberative democrats ultimately offer no solution to the distortive effects of bureaucratic discretion on political action. Of course, if it were the case that the only alternative would be to fall back on the unconstrained pursuit of our base desires, we would nevertheless have reason to favour epistemic deliberative democratism. But it was shown above that the competitive, free market environment *does* require us to constantly consider our ends in response to the reasoning of others. Ironically, it is only because we do this automatically and successfully that more people are not cognisant of this fact. As such, and if they can countenance the imperfect nature of what would really be considered ‘legitimate’ in society, it is contended here that procedural communitarians would strongly benefit by spurning deliberative democratism for traditional liberalism.

## **7. Substantive Communitarianism and the Movement to Markets**

Substantive communitarians depart from liberal and deliberative democrats alike by calling attention to the inequalities of power and freedom created by rule-bound, morally hubristic and exclusive democratic practices. On their critique, the most political institutions can hope to provide is an inclusive forum in which individuals have the ability to challenge political practice. As long as there are plural, antagonistic claims on the terms of social co-operation, the quest for morally authoritative principles to guide behaviour must give way to a pragmatic search for compromise on specific issues as and when they arise. Substantive communitarians thus advocate radical forms of democratic participation, in order to foster tolerance for diversity and difference. Yet it is shown in this chapter that their arguments rest perilously on the assumption that harmonising motivations is enough to solve social problems and reduce cultural frictions. They ignore the intractable problems posed by public ignorance and unintentional consequences. Because information is culturally mediated and unequally dispersed, the most that could be hoped for in a radical democracy would be an ultimately unfair political settlement based solely upon the distribution of power. To avoid this self-defeating outcome, it is shown that agonistic democrats ought to look beyond nominal freedoms towards the realisation of *genuine* liberties. For, it is concluded, we will only be able to achieve a just and desirable society when all of our acts and plans are given the same influence over social outcomes.

### **The agonistic anti-solution**

The point of departure for substantive communitarianism is a rejection of the quasi-Cartesian appeal to impersonal reason inherent in modern understandings of democracy. In contrast to liberal and deliberative democrats alike, substantive communitarians reject the supercilious belief that democracy in itself can form or contribute to the 'good' or the 'right'. For, since their emergence in Ancient Greece, democratic institutions have systematically excluded and undermined different groups even as they have claimed moral and political authority (Trend, 1996). And these claims have only strengthened since the Enlightenment. After Hobbes and Locke, and latterly Rawls, Dworkin and Habermas, our democratic thinking has

focused so heavily on the philosophical derivation of impartial democratic principles and justifications that we have blinded ourselves to the lived and varied experiences of radically diverse peoples. Indeed, for Mouffe (1996b), this contemporary obsession with theoretical elegance is so unhelpful that we *must* indeed return to Schmitt's abhorrent, anti-liberal thought before we can think usefully about the messy trade-offs between liberty and unity that confront us at every step of the democratic process.

In place of liberalism's abstract reasoning, and the attempt to outsource this reasoning to the demos by deliberative democrats, substantive communitarians advocate an agonistic understanding of democratic politics as a space in which latent confrontations can be publicised (Gursozlu, 2009: 366). This radical vision of democracy spurns the 'monist' goals of legitimacy and rationality in order to respect what Isaiah Berlin saw as the essential pluralism of human values. Since the various objects and goals which undergird and give substance to our competing visions of the good life are fundamentally incompatible and often mutually contradictory, democratic institutions cannot reasonably pursue or effectively realise any one system of values. Such an approach would be to 'den[y] the political', to attempt to construct and reify a unitary political identity by marginalising and rendering delinquent any contesting claim to our loyalties (Mouffe, 1996b: 21-24). For reasons of prudence, therefore, as well as fairness and mutual respect, agonism seeks to 'embed' and extend the realm of democratic choice to include the principles of democracy themselves (Bader, 1995: 230).

Substantive communitarianism thus offers a form of pragmatism based upon an appreciation of the non-ideal claims which motivate really-existing politics and lead to pervasive conflict. As the next section of this chapter shows, the foundations of this pragmatism lie in a normative appreciation of the value of disagreement and difference to human life. Following Hannah Arendt and Friedrich Nietzsche, agonism treats adversarial political interaction as the substantive basis of all contingent and derivative human value. Since contested morals and reasons are insufficient to ground and unite a political community, the substantive

communitarian project aims instead to construct this community out of the practice of politics itself (Bader, 1995: 232-235). Rather than originating in an antecedent, transcendent reality, the agonistic 'right' can only be elucidated and extended through a democratic politics which resists completion. In this way, substantive communitarianism seeks to offer an ever fairer and more inclusive approach to moral questions without committing the fallacies of moral relativism.

The obvious implication of the commitment to an open-ended and inclusive democracy is that such a process must allow the populace to directly participate in the democratic process. This is necessary on the one hand to avoid the abstractional tendencies of representation, whereby individuals are subsumed by 'interest' groups and socio-demographic characteristics. And on the other, it is necessary to avoid representation's reliance upon aggregation, which effectively disenfranchises any given individual (Simons, 2005: 152-153). Radical democratism thus points to the need for a 'strong' form of direct democracy which, as the third section illustrates, seeks to manifest a thick conception of citizenship, whereby *all* aspects of our identities are brought into the public realm. After such a thorough politicisation of identity, the populace would be united not by abstract, legalistic ideas, but rather through the concrete social dynamics which would arise out of the confluence of our various characteristics. As the section goes on to show, these dynamics promise to instantiate a truly respectful and stable form of pluralism, rooted in and sustained by the basic social commitment to the democratic process.

The problem for radical democrats is that this commitment need not necessarily translate into democratic success. In the first instance, the nature of a truly diverse and plural society means that the most we could expect individuals to agree on is what is unacceptable in society, rather than what that society should look like. As such, the further the reach of democratic institutions into the private sphere, the more democratic agreements would need to resemble a *modus vivendi*, which simply charts the compromises necessary to avoid conflict. Yet such an extension of democracy would likely undermine the very ability of the citizenry to *make* those compromises. The scope of agonistic politics would be so vast that nobody would be



able to follow anything more than a modicum of political discourse and action. Individuals would therefore be reliant for their well-being upon the efficacy of democratic institutions and processes. As the fourth section shows, however, the meagre information channels and extensive principal/agent problems created by an agonistic democracy could only increase the vulnerability of the individual.

An agonistic democracy would thus require more than substantive communitarians are willing to equip it with; it requires a set of institutions and forms which are able to both accommodate deep diversity and guide individual behaviour. As the final section of this chapter shows, classical liberal, free market institutions offer just these possibilities. By promoting automatic mutual adjustment on each pertinent issue arising between competing groups sharing overlapping goals, markets would come far closer to the terms of an ideal *modus vivendi* than any democracy could. And at the same time, it is argued, they would ensure the very universal respect and freedoms which are required by a thoroughgoing commitment to pluralism. As such, it is concluded that, like their liberal and deliberative counterparts, agonistic democrats would do well to recognise the fundamental contribution that could be made by the institutions of a *free* society to their vision of the *good* society.

### **Politics as an open system**

Substantive communitarians find the inspiration for their agonistic politics in the contrarianism of Nietzsche and Arendt. Like these writers, their theories at once attempt to both elucidate and radically change real-world politics, by pointing to the hidden dynamics which constrain political agency and suppress conflict. Indeed, on the agonistic argument, political conflict lies at the very heart of political community. Since we are all distinct, with unique characteristics and outlooks, we must continually thrash out and revitalise both a common political language and a common set of goals in order to communicate and co-operate. These foundations are constructed largely in secret, however, so they tend to coerce and direct us without our ever knowing. The normative task for political theorists, therefore, is to shine

light on these latent conflicts in order to democratise the demos and empower marginalised constituencies.

This democratic project, however, is complicated by the paradoxical nature of politics. In order to cohere in an organised and orderly fashion, political communities require precisely those norms and institutions which are supposed to result from organised political activity (Honig, 2007). As such, democrats can offer no abstract explanation or constitutive ethic for the origins of our communal obligations. They must instead accept that modern democracies are the result of an elaborate, peculiarly European struggle for power, the legacy of which still threatens to undermine the just and fair distribution of political opportunities.

It follows that the deliberative democratic emphasis on legitimacy is completely wrong-headed (*ibid.* 3-6). As we have seen, deliberative democrats follow Rousseau to assume that the only requirement for a stable democracy is to find within the chaotic mass of individual wills a common good. Since the discovery of this good must limit future individual freedoms, deliberative democrats inevitably turn in one way or another to the deontological Kantian norms of mutual reciprocity and the categorical imperative to legitimise their approach. Yet the way in which Kant philosophically derived his deontology from human history can be argued to rest upon a partial and partisan understanding of historical events (*ibid.* 8-13). Thus, as Nietzsche powerfully showed, the Kantian ideal of transcendental reason does nothing more than turn individuals into a means towards a spurious metaphysical end (Honig, 1993a: ch. 3). People are inherently conflicted and imperfect, and holding them to saintly deliberative standards can only lead to guilt and self-hate or else rebellion and delinquency.

The principal task for democrats is thus to free the citizenry from the tyranny of morality, to supplant the quest for transcendental 'virtue' by embracing our existential 'virtu'. As Nietzsche demonstrated, this can only be done by rejecting the burdensome notion of the 'subject' from the centre of our identities (A. Moore, 2006:

325-326). For it is the coherency required by this 'subject' that makes the senseless lack of truth in the world seem so problematic and dangerous. After the death of God there can be no higher purpose or afterlife, so value can only exist in those moments and events that we *find* valuable. In place of the idea of a coherent 'life', in other words, it is necessary to see the human experience as instead disjointed or 'eternally recurrent' (*ibid.*). Having no metaphysical end, human lives are contingent upon our lived acts, which themselves delineate the ends of time and determine our (alternative) existence(s). Values, therefore, can only be chosen, never given (Nolt, 2008).

On this account, personal and political freedoms are inseparable. Indeed, in an Arendtian fashion, radical democrats see public, political action as *constitutive* of the individual (Honig, 1993a: ch. 4). For Arendt, in contrast to the closed world of the private, wherein all aspects of identity and behaviour are physiologically and environmentally determined, when we enter public spaces we enter a realm of unprecedented, agonistic possibility. In public we have an audience of unique others, whose actions and reactions cannot be known in advance, and whose co-operation can provide opportunities to realise new social forms and produce new ideas. As such, it is only in public that the individual can create and renew an identity that has meaning to others. And it is only through this creation and renewal that the individual acts freely, unburdened by the determinism of the private (d'Entrèves, 1992: 154-157). Accordingly, unlike liberal, communitarian and deliberative conceptions of democracy, Arendtian agonism requires that the public, political sphere be completely cleansed of unchallengeable interests and pre-ordained 'truths', so that the individual might have maximum access and freedom.<sup>25</sup>

Because these freedoms have no metaphysical status, however, agonism avoids

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<sup>25</sup> This last point refers to a notable disagreement between interpretations of Arendt. Bonnie Honig (1993a: 116-125) contends that Arendt's vision of the public/private distinction allows for more politicisation of private aspects, such as race and gender, than Arendt conceived of. Yet, as Monique Deveaux (1999: 15-16) suggests, this reading may have more to do with Honig's own desire to allow the politicisation of group identities than Arendt's wish to emancipate *all* individuals, regardless of race or gender. It rather displaces the public subject at the centre of Arendt's arguments, and for this reason, should be abandoned.

descending into an anarchic form of unbridled individualism. Like Nietzsche's, Arendt's philosophy is simply a philosophy of 'natality', of endless new beginnings, whereby a 'something' is created out of a 'nothing' (Arendt, 1958: 247). In both cases, it is the individual who creates this 'something' by carving out a unique space and identity for herself in the world (Honig, 1993a: 67-68). Accordingly, virtuosic action should be seen as analogous to a public performance. While individuals may be proud of their presentations, like works of art the 'true' value of these presentations can only be judged after they have been subjected to public scrutiny. Now, as Dana Villa (1992: 282-283) contends, this does indeed commit Arendt and Nietzsche to an 'aesthetic' vision of action, whereby value inheres in appearances. But it is important not to treat this aestheticism as baseless (*qua* relativist), as Villa goes on to do. On the agonistic view, the Nietzschean-Arendtian account of virtue is one of excellence rather than arbitrariness (see Honig, 1993b). In a similar fashion to Machiavelli's conception, it simply asserts that we must be challenged by the vagaries of the world before we can fully demonstrate and fulfil our potentials.

Nevertheless, the brave new agonistic world offers opportunity and danger in equal measures. The radically unsituated individual is simultaneously defined by both a constitutive 'lack' of coherence and an 'abundance' of potentiality (Laclau and Mouffe, 1985: ch. 3). Individuals are thus inherently ambivalent; they aspire to 'fullness', an undivided commitment towards a harmonious and fulfilling set of beliefs even as they are continually horrified and destabilised by the presence and temptations of the 'other'. Nietzsche's individuals might choose moments of value by which to understand and live their lives, for instance, but they will always entertain a suspicion that another set of values might contribute to a more rewarding life. As such, any moment of peace and social harmony contains the possibility of an outburst of destructive and divisive social conflicts, as different discursive formations, such as ideologies and political movements, compete, often violently, to provide the most compelling account of the world and our place within it (Mouffe, 2000: ch. 4).

The promise of agonistic democracy therefore depends upon its ability to

domesticate and democratise the individual's constitutive 'lack' (Simons, 2005). According to William Connolly (2005: 125-126), a free and diverse society can only remain stable and tolerant if it embodies the 'civic virtue[s]' of 'agonistic respect' and 'critical responsiveness'. These virtues require individuals to recognise the immanence of their own identities in the institutional and behavioural patterns of society. Since our senses of self are contingent upon our interactions with and the reactions of different others, our identities are necessarily emotionally and ethically interimbricated. We automatically internalise our differences and the self-doubt they cause, in other words, so conflict is inevitable unless we can learn to appreciate and enjoy rather than resent the constitutive role different others have in our lives (Connolly, 1991: 164-181). This means that we cannot take the claims of culture – either sectarian *or* liberal – at face value. The agonistic virtues instead require us all to view discourses of order and unity with suspicion, and to foster the emergence of new cultural forms as opportunities to learn and develop by subjecting one another's beliefs and identities to critical scrutiny (Connolly, 2005: 46-49).

As David Owen (2008: 221-222) notes, Connolly's argument here owes much to Nietzsche's claim that the distance between the nobility and the slaving masses is instrumental in fostering the former's autonomy. For obvious reasons, Connolly cannot embrace this argument wholeheartedly, but his suggestion that pluralism provides the space necessary for reflexive growth reproduces the observation that we can only become aware of our own capacity for agency by observing human agency in the external world. Thus, whilst Nietzsche's noblemen grasp their autonomy only after enjoying their superiority over others, Connolly's agonists grasp their inner autonomy after observing the breadth and scale of different inner choices in their diverse millieux. Yet this argument relies upon the implicit assumption that when individuals look around, they see people *like them*, a condition which is not guaranteed in societies divided by disagreements over acceptable freedoms.

The key requirement – and, indeed, achievement – of an agonistic polity is therefore to radically extend the boundaries of democratic inclusion so that the antagonistic and bitter disputes between 'enemies' can be subsumed into simple, good-natured

differences between ‘adversaries’ (Mouffe, 2000: 1-17). In such a polity, disagreements would be publicised and normalised in order to wholly remove them from the private sphere. All citizens would need to be free to enter into or instigate any political process, so long as they obey the basic institutional and democratic rules, and everyone would be encouraged to offer their own viewpoint (see Mouffe, 1993: ch. 1 and 69-73). No issue would be immune from politics, and no disagreement or dispute would ever be allowed closure. In this way, the power which inheres within large-scale, totalising narratives and which has the ability to mobilise otherwise disparate groups against each other would be broken up. It would attach instead to smaller, personal discourses, so that the potential for alienating coalitions would be dissipated by the inevitable and obvious differences which both divide and, counter-intuitively, unite everyone. In this way, an agonistic democracy would militate against the reification of any differences between an ‘us’ and a ‘them’. Citizens would come to see one another’s ethical standpoints as broadly equal in status, and the differences which threaten to undermine cohesion would instead become a source of communal energy and motivation.

This is an alluring position, but it poses a number of institutional questions. The most obvious concerns the form which agonistic democratic institutions would take. While Ernesto Laclau and Mouffe (1985: ch. 4, see also Mouffe, 2000) clearly favour a form of liberal democracy, for instance, Honig’s (1993a) Arendtian account looks rather more republican. In practice, an agonistic democracy would have to try and walk the fine line between these two positions, in order to combine the openness to plurality with the normative commitment to participation. As we will see in the next section, however, in seeking to solve one set of problems, this precarious agnostic strategy creates another. For the deeper a democracy becomes, the more difficult it is for individuals to make sense of the mass of information presented to them. Accordingly, unless their accounts are to rest upon an unsustainable confusion between intentions and outcomes, radical democrats need also to provide an account as to exactly what form of political control individuals could have in an agnostic system.

## Agonism and direct democracy

The agonistic project to re-locate the practice of democracy in the demos must entail some form of collective outcome, even if it is only provisional, if democratic participation is not to become a form of tyranny in and of itself. Individuals, that is, must collectively define at least a limited set of interests and identities so that they can lead their everyday lives. It is thus apposite here to consider Steven Wall's (2000) discussion of the various radical democratic arguments linking freedom and collective self-rule in order to see what kinds of freedoms could be reasonably expected in a radical democracy. Broadly speaking, Wall (2000: 228) separates the weaker contention that self-government *in general* is *instrumentally* valuable to the individual from the stronger claim that *successful* self-rule is *intrinsic* to human freedom. Notwithstanding these latter assertions, which will be discussed momentarily, the weaker contention is notable because it is the most plausible and least demanding of all those advocated by radical democrats (*ibid.* 250). It is thus worth beginning by exploring this modest approach.

Carol Gould (1990) offers a good example of a radical democratic argument based on the goal of enhancing autonomy. For Gould, neither liberal nor socialist forms of democracy can meet the basic democratic goals of equality and self-development. As the capacities to learn and to form autonomous opinions and identities are fundamental to being human, we have a collective responsibility for their promotion (*ibid.* ch. 1). To this end, Gould (*ibid.* 71-72) argues that we ought to realise an extensive form of reciprocity, which goes beyond the mere mutual respect of reasons to include tangible opportunities for growth and advance. To respect one another's humanity, that is, we must each actively contribute to our collective self-development. On this account, therefore, a genuine act of democratic emancipation would require a complete overhaul of existing social relations in order to give everyone the ability to actively participate in the democratic control of all those institutions which have a bearing on their personal autonomy.

The most significant aspect of this overhaul would be the abolition of labour market

competition, in order to equalise power between workers within capitalist organisations (*ibid.* 142-147). This would render all economic institutions voluntary, co-operative ventures. There would be no arbitrary division of labour which would leave many devoid of any opportunity to influence their economic futures, because everyone would have equal ownership and agency over the direction and relative success of their organisation. Similarly, individuals would not be artificially divided, but would be free to build meaningful and useful relationships in the absence of competitive tensions. Furthermore, major social and cultural institutions such as universities and churches would be brought into the political process and required to give their users an effective input. This would involve more than a simple airing of views, since users would have the right to question organisational and policy decisions, and would be offered direct representation in these decisions (*ibid.* 256-257). And this would all take place within a participative, local democratic setting, whereby the citizenry would have a strong say in all aspects of policy-making, including the economic, social and cultural investment of public funds (*ibid.* ch.9).

At first sight, and on its own terms, this extension of democratic norms is commendable. If nothing else, it would make people much more aware of the value conflicts and resource limitations which necessitate compromise in all aspects of social, political and economic life. By learning about the sheer complexity of the social world, and the implications of that complexity for collective human action, individuals under Gould's system *would* become more autonomous, in so far as their ideals and behaviour would likely adapt to better reflect and fit their non-ideal circumstances. Nevertheless, there is clearly nothing to say that this adaptive behaviour would improve chances for individual self-development. For Gould's politics say nothing to the divisions which undermine the coherence of political communities and which would surely only be exacerbated by her changes to the size and role of the state.

Gould's approach thus illustrates the limitations of any weak form of communitarian agonism. By aiming at the institutional level, it does too little to address the constitutive 'lack' at the heart of our identities and too little to motivate our



potentiality for a respectful pluralistic community. Individuals would not be *truly* agonistically autonomous (in Connolly's sense of understanding their relations to different others) because the ideological conflicts which would now overlap the public/private distinction would still be able to exercise unchecked influence over their identities and positions. Indeed, the sheer number of routine decisions that would be politicised would surely only energise these conflicts. At best, Gould's system would therefore be paralysed by gridlock, while at its worst, it could provoke violent and revolutionary cleavages. Gould's extensive *political* autonomy would thus *erode* freedoms since, in a reversal of the usual collective action problem, individuals would probably realise that their withdrawal from politics would hand power to their opponents. Thus cursed by their nascent acumen, the citizenry would therefore quite rationally sustain unwinnable political conflicts out of a simple fear of defeat.

Since greater access to decision-making is alone insufficient to ensure civility and respect between autonomous individuals, radical democrats must therefore provide an explanation as to how an agonistic democracy can lead directly to political harmony. Returning to Wall's distinction, that is, they must rely on the more rather than less stringent link between freedom and self-government. On this strong interpretation of political autonomy, freedom requires not only the collective administration of political power, but that the citizenry personally identify with this administration and its outcomes (Wall, 2000: 232). It is not enough to empower individuals, in other words, simply to foster agonistic respect. It is also necessary to consciously incorporate and legitimise the plurality of moral views within democratic institutions, in order to encourage citizens to internalise the intimate connections between their plural identities (Owen, 2008: 223-225).

This is broadly what Benjamin Barber (2004) seeks to do by embedding democratic politics as a 'way of life'. For Barber, the strength of a democracy rests upon the strength and depth of the bonds between the citizenry. Since pluralism will always tend to pull people in different directions, it is never guaranteed that, collectively, the citizenry will act as a 'community'. Thus, in contrast to what Barber (*ibid.* ch. 9)

characterises as neglectful, ‘thin’ approaches to *will* the community into existence, through hypothetical liberal devices such as the social contract, and tyrannical, ‘unitarian’ attempts to force it, through nationalistic mythical foundations, an effective, strong democracy would simply strengthen the civic bonds between the citizenry. Citizenship, in other words, cannot rest upon mere rights or a shared history. To be truly autonomous, the demos must instead learn and seek to come together as neighbours – rather than flounder apart as strangers – in order to collectively identify and address their common concerns (*ibid.* 200).

Thus, by turning to participatory democratic politics, Barber returns us to Honig’s political paradox. Like Honig, he sees the problem and solution as cyclical; the desire to understand and engage with one another is itself the product of efficacious democratic engagement (Barber, 2004: 198, 223). Yet as he is keen to point out elsewhere, the demos must always recognise its freedom from artificial foundational constraints (Barber, 1996: 352). As such, politics, understood as ‘a necessity for public action, and thus for reasonable public choice, in the presence of conflict’ is an inevitable consequence of communal living (even if we do not recognise this) as much as it is the intentional outcome of other-regarding behaviour (Barber, 2004: 120-121). The key to an effective democracy, then, is to recognise every collective activity as an opportunity for democratic politics and communal self-governance, in order to develop individual identities as citizens, concerned with ‘the common ordering of individual needs and wants into a single vision of the future’ (*ibid.* 224).

Accordingly, Barber’s proposals (set out in *ibid.* ch. 10) are mainly intended to strengthen the personal bonds between the citizenry by creating and strengthening various communities and sub-communities. Through such mechanisms as the decentralisation of both legislative and judicial powers to local assemblies, and the extension of civic duties to include service on these assemblies, his proposals seek first of all to force people to take collective, communal ownership of their immediate affairs. To avoid parochialism, however, a second, wider layer of community would be fostered, by bringing separate localities together through long-distance town-hall style meetings. In these meetings, different communities would be encouraged to

both work together on shared problems and to assess and challenge one another's practices. These processes would be aided by a still wider, third layer of community, which would be created through compulsory forms of civil and military service and volunteer programs. Such programs would serve to create random but strong connections between individuals from different communities in order to channel information from the national to the local levels. And at that national level, the various layers and communities would all help to regulate one another through direct representation in parliamentary institutions and participation in regional and national referenda.

In Barber's thoroughly democratised society, there would therefore be little room for people to privatise their ethical and normative commitments. Yet there would be little room for endless conflict, either. Individuals would be so interimbricated in one another's affairs that they would simply have to come to practical agreements. To put this more positively, a strong democracy would offer almost endless opportunities to encounter and learn from differences, and to experience autonomous agency by forming working agreements. Indeed, this seems to be the very point of the exercise for Barber, who sees the aim of strong democracy as forging a 'creative consensus', a dynamic, collective agreement arising from 'citizens' active and perennial participation in the transformation of conflict through the creation of common consciousness and political judgement' (*ibid.* 224).

To paraphrase Wall (2000: 237-238), it is nevertheless important not to confuse the equanimity that might be gained by tying people so closely together with the affable civility required for agnostic pluralism to be itself a source of personal fulfilment and satisfaction. Indeed, successfully strengthening democracy might come at the cost of actually weakening the long-term commitments individuals have to society. As Gray's (2000a: 6) more pessimistic arguments demonstrate, all that can be reasonably expected from the kind of agonistic politics offered by Barber is a '*modus vivendi*', a set of 'terms on which different ways of life can live well together' under 'common institutions'. For, our plural values are incommensurable, in that they are often mutually contradictory, and indeterminate, in that they cannot be rationally

ordered or contained within a coherent *set* of values (*ibid.* 6-10). As such, once our beliefs and lifestyles are all politicised, it is not enough for political institutions to merely show neutrality between the different moral doctrines which would arise, because this neutrality would itself have to presuppose a specific and controversial moral vision. They must instead abandon their hubristic appeals to reason and accept that political settlements will always be situated and provisional (*ibid.* ch. 4).

To embrace this agnostic agonism, however, is effectively to return the citizenry to a kind of ethical ‘state of nature’, whereby people must conduct politics with little or no reference to the ‘right’ (Gray, 2000b: 15). The collective judgements that will be made in any one setting, that is, can only reflect the contingent trade-offs and concessions deemed *necessary* by the parties involved. Political actors would therefore be less principled and more maximising, progressively sacrificing their marginally least valuable goal for reciprocal benefits until the value of the sacrifice equates to the value of the benefit. As such, the only dimension along which a *modus vivendi* could be evaluated would be its rationality, the Pareto efficiency with which it attends to the interests of its various parties. Yet such a shift in public perceptions would put a tremendous amount of pressure on the democratic process. Whilst efficient outcomes could be expected to maintain public harmony and retain public support, it seems likely that systematic *inefficiencies* would lead to anomie, disillusionment or even rejection and extremism. To fully understand the possible fate of an agnostic system it is thus important to turn ultimately to the question of how effectively it could actually satisfy its citizens.

### **The weakness of strong democracy**

The key problem for any democracy is that, by and large, the intentions of political actors make little difference to democratic outcomes (J. Friedman, 2005: xiii-xv). This is, first of all, simply a problem of knowledge. As it was argued in chapter three, societies and their problems are simply too large and complex for any one individual to fully understand. Social dynamics, individual actions and the myriad past and present government policies are intertwined in such a way that it is

effectively impossible to decipher and outline the chain of causality which led to any particular social phenomenon. And, to make matters worse, social phenomena always occur to us as largely historical events, so the only way we can theorise about them is through difficult counterfactual reasoning (*ibid.* xii). For all intents and purposes, therefore, the social world is not a world of individual (or even governmental) intentions and results, but rather a world of pervasive and cross-cutting *unintended* consequences, in which no one can really be held responsible for anything more than a fragment of the overall pattern of social outcomes.

Since we cannot understand our impacts upon the social world, it follows that, secondly, we cannot exercise control over it. For one thing, we are ourselves a product of numerous inputs and events which we cannot fully understand, so our actions will themselves channel social dynamics independently of our intentions (*ibid.* xiii). Even if we were completely autonomous, however, it would still not be possible to exert effective control because we can simply never know what the effects of our actions will be. Moreover, this problem is only compounded by democratic politics. As citizens, we are required to make decisions not only on those aspects of society which affect us, but on the whole social agenda. And we do not decide directly, but by either voting for or lobbying to change the direction of government. As voters, we therefore need to know not only what it is that needs to be done to exert desirable change, but also how and where exactly we need to exert influence in the complex institutional structure of government to enact those changes (Somin, 1998: 418). Evidence shows, however, that very few voters even understand what different branches of government exist, let alone how they work (*ibid.* 415-419).

Remarkably, the agonistic argument nevertheless suggests that a radical democracy would not impose particularly demanding constraints on political activity. As a pragmatic search for a universally acceptable polity, rather than any particular ideal, the parties to a *modus vivendi* would merely be required to compromise and negotiate so as to head off possible incendiary issues (Gray, 2000a: 105). On Rawls's (1993) famous argument, of course, this movement away from pure, abstract reasoning

would be a descent into amoral bargaining. Yet, on a closer reading of the agonistic argument, it does not even demand this much. The whole point of Barber's strong democracy, for instance, is for the multi-layered forms of democratic interaction to be self-regulating. They would mobilise practical and decentralised 'experiential' reasoning, whereby the limits to collective judgements would simply reflect that which the demos deems acceptable to allow (*qua* concede) its various groups at the margin in order to sustain communal ties (Barber, 2004: 164-167). Since this acceptability will have limits, it is thus plausible to claim, as Horton (2006: 164-165) does, that a *modus vivendi* will always be 'in some sense "acceptable" to the parties to it', *without* their having to know in advance what the limits to this acceptability are.

While it *seems* to be the case that an agonistic democracy solves some of the problems of liberal democratism described by Friedman, however, in fact it simply commits them on a grander scale. For it relies perhaps more than any other form of democracy on the assumption that intentions are synonymous with outcomes. So long as people are immersed in democratic institutions, and so long as they get into the democratic spirit, it'll all work out in the end. Yet this optimism belies the fact that a radical democracy would still have to solve the same range of problems which confront and confound contemporary liberal democracies. To name but a few recent British examples, they would still have to deal with issues ranging from demographic change and immigration to standards and fees in higher education, and from the liquidity requirements of recession-hit banks to the problems posed by powerful civil servants discussed in chapter six. Indeed, these problems would surely only be exacerbated, as even more aspects of private life would be politicised and problematised as issues of fairness and equity within ever more complex democratic institutions.

At first sight, this increased politicisation is perhaps indicative of the value of a radical polity. The only way in which an issue would reach the agenda would be that it *does* constitute a problem between a set of citizens or groups. Accordingly, allowing individuals ever greater agency to instantiate political interaction does seem

to be an important step towards ending the marginalisation of minorities. In so far as individuals *are* unfree in liberal democracies, however, it is not because they cannot get involved in the political process as such, but rather because they are not able to make those choices which directly affect their quality of life. It is when these choices are made on our behalf in the interests of others that we are oppressed, because this leaves us unable to achieve the well-being and prosperity that we could otherwise achieve.

In a radical democracy, we would be similarly unable to make these choices. Bereft of the common, monetary medium of exchange, we would have no way of understanding the true costs and benefits of the choices in front of us, because there would be no way for others to communicate to us their likely reactions in the event of each of our choices. That is, since we would all harbour different expectations about the consequences of the options we face, we would inevitably make agreements based upon a misunderstanding of one another's beliefs – agreements which, if we had *accurate* knowledge about their consequences, we would not have chosen. As a result, a radical polity would quickly become chaotic, as our preferences would reverberate through society only in a chronically distorted fashion. The remote individuals we rely upon for our quality of life would have no idea (and no incentive to find out) how their actions could better incorporate our interests, and we would constantly be left dissatisfied. Participative democratic processes would leave us impotent here, as they would prevent us from learning precisely where our decisions led to unacceptable costs. Instead of encouraging manageable and mutually beneficial adjustments, the promise of radical democracy would leave individuals trapped by their own ideals, lacking any reason to face the unromantic reality that not all of these ideals can be realised at once.

Consider the nature of decision-making in a direct democracy. The institutional structure therein would largely direct the attentions of the citizenry towards local decisions in order to ease and encourage their practical engagement with the political life of their society. After all, the most plausible epistemic claims for agnostic democratism are that it allows those with the most relevant knowledge to make

decisions on any given issue. On the specific questions of what it is an individual wants or does not want, this is indeed a plausible claim. But as the issue widens to include how to combine those preferences with other individuals' preferences, as it must agonistically, it becomes more tenuous. It is not enough for a direct democracy to simply mobilise reactive preferences regarding other peoples' choices, because the key requirement for the decision is for these preferences and choices to dovetail. Unless the issue is *purely* local (*qua* trivial) – regarding, say, where to place a memorial – local issues cannot be decided purely at the local level, because they have unavoidable fiscal and moral implications for others. It is this, surely, which motivates both Gould and Barber to embed their local politics within regional and national systems. Once this is accepted, however, it follows that local political issues are just subsidiaries of wider, national politics. If a local decision is to be minimally acceptable to all, it must tap into national streams of information.

The attempt to mobilise information from our daily, localised lives thus relies upon the implicit assumption that one's daily life is representative of the polity as a whole. But because it is rarely representative in this way, it is largely unhelpful. As Ilya Somin (1998: 420-421) shows, most people interact with no more than a tiny number of the issues which fuel politics in their day-to-day activities. And when they *do*, it is still necessary to have a very good knowledge of what their experiences really show, and what course of action they correspondingly suggest. Yet possessing this knowledge would tend to render one's daily experiences largely irrelevant. Those who do rely upon their daily lives as a source of information are thus probably the least able to make good use of it. Ominously, such individuals are likely to fall into the destructive trap of seeing their own viewpoint as the *only* reasonable viewpoint, and to consequentially believe that social problems are a result of bad intentions on the part of evil others (J. Friedman, 2005: xvi-xxi). An agonistic turn towards localism, therefore, might serve only to reinforce these attitudes, or else to turn whole communities against one another.

An agonistic democracy would thus have no alternative but to rely more explicitly on heuristic devices to streamline and stylise information for easy public interpretation



and consumption. Such accessible information in an agonistic polity can come, broadly, from two sources: elites and opinion leaders, and ‘issue publics’, experts who concentrate on publicising specific, otherwise impenetrable problem areas (Somin, 1998: 424-431). Notably, both Barber’s and Gould’s systems seem to mobilise these heuristics. Barber, it will be recalled, seeks to create cross-cutting communities of well-informed civil volunteers and civil champions engaged closely with national politics. Gould, alternatively, argues for the democratisation of cultural and social institutions by empowering and bringing into wider political processes those specifically affected by them. In both cases, and with both heuristics, the agonistic polity can rely upon its primary epistemic advantage, allowing the best-placed to select and transmit the most relevant information for use in wider democratic decision-making.

Notwithstanding the question of how well they could be expected to disseminate information to the demos, the efficacy of these heuristics depends upon the quality of the information elites provide. As Pareto (1935) demonstrated, however, the trouble with elites is that they tend to have their own agendas. Not least, their very position gives them a special set of interests, which are tied to gaining and maintaining power and status. As such, agonists cannot rely upon ordinary citizens performing this role because, over time, they would be changed by the pleasures and privileges of their position. Moreover, since their *modus operandi* is largely tied to justifying their own position, they would tend quite rationally to overstate their cases and place too much emphasis on the issues they are concerned with (Somin, 1998: 425). And these points are all independent of the question of how well informed elites actually are. When the relevant knowledge concerns how to dovetail different preferences and beliefs, specialised professionals and experts are subject to the same drastic cognitive limitations in the face of the same mass of information as their lay publics. What they *can* perhaps offer is in-depth knowledge about what a specific problem or position requires. But if this is the case, they will only be useful in concert, so the individual would be left with the same problems concerning the selection and co-ordination of information as in the first instance.

Given their faults, experts and commentators are likely to leave the citizenry in an even worse position than this, however. Because of the prominence given to value pluralism in an agnostic democracy, the key danger is that individuals will look to information leaders who share either their ethnic, national or religious background or their particular moral or political commitments, on the assumption that they will share the same interests. If there is a general tendency in this direction, it will privilege those who seek to unify their communities by exaggerating and prolonging ethnic and moral divisions (*ibid.*). Regardless of agonistic intentions, this would contribute to ethnic and economic segregation and turn politics into an irremediable power game, whereby each group simply tries to pursue its own artificially exclusive interests to the detriment of others (*ibid.* 429). And in such a situation, ultimate outcomes would depend upon the relative cultural and economic capital of the various groups, rather than any equalising or equilibrating tendencies inherent within the democratic process.

The upshot of these observations is that an agonistic democracy would *not* dovetail individual intentions, regardless of how altruistic and well-meaning those intentions are. Agonism, in short, is simply too burdensome for the democratic forum. Confronted with an incomprehensible mass of information, individuals would have no choice but to submit to institutions with a tendency to confuse and divide, rather than clarify and unite. Agonistic democracies would thus be as irrational in Pareto terms as their liberal counterparts, because they would lead to sacrifices on the part of some which far outweigh the benefits to others. And such tendencies towards disequilibrium and inequality could only be politically destabilising. For however ignorant the citizenry is, it is likely to be able to discern systematic inequities clearly enough, even if it cannot rectify them. It follows that if a radical democracy is to better deliver on its agonistic promises to both include and integrate disparate groups and to evince human excellence through diversity, it needs to go far beyond democratic processes limited in both scope and ambition. It needs to turn instead to the more capable decentralised institutions which evolved for this very purpose.

## **Agonistic capitalism**

Perhaps surprisingly, given its strong association with the political left, we can see that agonistic democratism lends itself strongly to traditional liberal arguments before we even begin to consider the implications of its failures. The argument from Nietzsche, Arendt, Mouffe and Connolly might support extending democratic freedoms but it also points heavily in the direction of economic freedoms as well. Indeed, with their considerably lighter historical baggage, it is plausible to argue, *prima facie*, that markets would be far more capable of realising agonistic goals than any possible democratic institution. While democracies must struggle with the contradiction between giving individuals freedom and allowing others to forcefully object to that freedom, market institutions allow people to choose for themselves which aspects of their ethical and personal lives to bring into the public sphere. Unlike democratic citizens, therefore, market actors can negotiate public agreements where possible and swiftly withdraw to the private when scrutiny is too oppressive. And it is not enough to object here that this presupposes a controversial morality of privatism, because this privacy is aimed at nothing more than allowing individuals as much freedom as possible within the constraints of human community – precisely the goal of agonism.

Markets also surpass democratic institutions by effectively constitutionalising agonistic respect. Indeed, that we cannot everywhere find this in modern democracies is itself an indicator of the failures of democratic institutions, which have proven poorly able to educate people of the clear and strong interconnections and interdependencies in modern societies. Democratic citizens, as a result, are too disposed to see themselves as individual in what Hayek (1980a) saw as the ‘false’ sense of the term. In concentrating on their self-sufficiencies and independence, they ignore how important other individuals’ choices and actions are in creating their prosperity and in giving them the freedom to *be* individual in the first place. Market actors, of course, would not necessarily be any more enlightened. But they would nevertheless act as if they were. Since all economic actions are fundamentally co-operative agreements, market participants must treat others with at least minimal levels of courtesy, tolerance and open-mindedness simply to avoid isolation and

economic failure. By bringing disparate groups together in this amicable fashion, a market would thus prompt individuals to learn about one another and to forge truly respectful, agonistic relationships where they are warranted.

This is not to say that market actors are all themselves open-minded liberals. With Gray, traditional liberalism is agonistic on moral and ethical questions. Market actors are required to do nothing more than uphold those basic conditions necessary for the continuance of the market society (more of which in chapter eight) and to respect the terms of voluntary contracts. They are therefore free to hold any particular moral doctrine and to realise that doctrine as their relations with other allow. Accordingly, the results of market activity themselves constitute a *modus vivendi*. Unlike democracies, however, market actors construct and adapt their *modi vivendi* unknowingly and unintentionally. Since market institutions automatically select and transmit the information relevant to any given individual decision-maker via price signals and profits, free market actors can make the best possible personal decisions with no reference or thought to how others will be affected (J. Friedman, 2005: xxix-xxx). In this way, individual market decisions tend to dovetail even between the most implacably opposed groups.

According to Hayek (1980b), this tendency towards dovetailing is as close as we can get to an actual equilibrium *qua modus vivendi*. Equilibrium pertains, Hayek (*ibid.* 39-40) argues, when our plans are based upon correct beliefs concerning the plans of all others' so that, *ex post*, we would find that our subjective ideas *exactly matched* the objective facts. Of course, since this concept allows no room for changes in the social and economic environment, the point of equilibrium can only ever be hypothetical, an ever-moving target which shifts before it can be known that change has occurred. Nonetheless, the information transmitted by market institutions is itself dynamic, because it is constantly modified by successive decisions. As such, the market decision is generally optimal to its time and place, because based on the best available information *in* that time and place (*ibid.* 50-52). Applied to the *modus vivendi*, this means that even though there could always conceivably be a better

agreement, as the agonistic account emphasises, markets provide the best possible non-ideal set of arrangements at any one point.

The failure of agonism is not to recognise this problem of disequilibrium. Information is not only supposed to be easily accessible, but also static, so that it can disperse around the polity without a change in initial positions requiring a new set of information to be dispersed. This has to be the case, otherwise the demos would always be in *disharmony*, perpetually playing catch-up with little hope of any constructive co-operation. Yet with an apparently infinite number of potential overlapping political debates, and a citizenry encouraged to challenge one another at every opportunity, this assumption is fanciful. The agonistic system advocated by Barber, Gould and Mouffe simply couldn't work, because those tasked with acting upon the implications of the democratic process would not be able to tell what those implications are. Instead, the danger would be that well-meaning democrats would be quickly squeezed out, because their politics would produce no results and because they would be unwilling to persevere given the unintended results of their experiment. As Hayek (2007: ch. 10) argues, under these conditions only those willing to stamp out dissent and diversity in pursuit of 'results' and 'progress' would prosper. Indeed, such individuals would willingly pay lip-service to a radical democracy which removed the liberal shackles from their demagoguery and jingoism. Yet their final ends would, in all likelihood, be collectivist, nationalist and totalitarian, because these would be the only ends able to command assent under the chaotic conditions of an agonistic society (*ibid.* 159-161).

The only way to avoid this potential catastrophe is to abandon the commitment to deeply democratic institutions and to base the agonistic project within civil and market processes, which are better equipped for and quicker at dispersing information. For it is only in this way that individuals will be able to freely converge on mutually beneficial and personally fulfilling agreements. Moreover, such a move towards a more market-based society would actually help democracy to work more effectively (Somin, 1998: 433-435). The considerable reduction in the size and scope of democratic institutions would drastically reduce the cognitive and temporal

democratic demands placed on the citizenry. And limiting the extent of interventionist state action would render political debates significantly less divisive. Since the terms of the *modus vivendi* would be effectively set in the marketplace, political debates would be able to concentrate more constructively on relatively low-stake issues concerning basic regulations and protections. Individuals would thus be freed from their reliance upon distortive and limiting heuristics. They would be much more able to construct and present their own viewpoints and would come together as a political community. Yet this community would simply not have any meaning bereft of its wider classical liberal institutional framework. It is therefore to this framework – rather than to the political – that we must ultimately look when constructing an agonistic society.

## **Conclusion**

Despite the somewhat trenchant criticisms of substantive communitarianism's agonistic turn set out in this chapter, it provides perhaps the most useful account of the problems raised by difference and diversity in modern societies. Indeed, the emergence of stubborn challenges to liberalism in the twentieth century – both locally and globally – does largely explain the movement away from traditional arguments within the liberal canon. As Gray (1995) argues, modern liberals *have* sought to shift the ground of their arguments in order to justify the imposition of an outdated and fundamentally illiberal power structure on ever more 'delinquent' groups. But substantive communitarianism errs by seeing an emasculated democracy as the only answer to this problem because such a democracy would, at best, simply collapse back into elitism. While staying true to the agonistic argument, it would be far more productive to return to the classical liberal arguments which were so readily abandoned in the twentieth century. For these arguments were not left behind because they were no longer salient, but because they would have led to the very same radical pluralism which agonists seek to realise. Classical liberalism holds no truths sacred, and it militates against established political power. In effect, it offers the very pragmatic response to historical, demographic and intellectual change which substantive communitarians seek. As such, and to understand the true potential of

classical liberal arguments to the problems and dilemmas of multiculturalism, it is to this pragmatism to which we must now turn.

## 8. Conclusion: Liberalism and pragmatism

None of the four possible democratic responses to multiculturalism is able to provide a practical solution to the problems it raises. Despite their genuine attempts to reinvigorate democracy as an epistemological method, they are blind to the obstacles which stand in the way of an efficient democratic process. In their stead, it has been shown that the best way of achieving this efficiency would be to realise the discovery processes found within civil society. It remains to be seen, however, how this liberal alternative could solve the dilemmas of multiculturalism. To fill this lacuna, and to show why deliberative and liberal democrats alike ought to embrace classical liberalism, this concluding chapter seeks to examine the classical and democratic alternatives alike through the lens of pragmatism. In so far as these alternatives are similar, it is demonstrated that this is because they each embody an open-minded, pragmatic approach to problem-solving. By exploring the development of pragmatic thought, it is nevertheless shown that the stronger and lesser democratic arguments alike err by neglecting the pragmatic requirement to treat their own methods pragmatically. Classical liberalism's comparative strength lies in its ability not only to efficiently solve problems, but to also evaluate different methods of problem-solving. In this way, it offers the best hope for solving the problems and dilemmas of multiculturalism, and it ought to be embraced as such.

### The argument so far

We began this dissertation by noting the peculiar responsibilities attached to political studies. These responsibilities arise because the study of politics is a *form* of politics, the outcomes of which inevitably elicit responses from real-world political agents. Now, as we come to our conclusion, it is worth reflecting on the fact that, after its own logic, this hermeneutical statement must itself have political implications. If we are going to alter our subject matter, our ethical intuitions suggest that we should concentrate our attentions on social problems which these alterations might plausibly help to ameliorate. We should act pragmatically, in other words, with the explicit intention of solving rather than creating social problems. And we should assess the fruits of our efforts according to their practical effects, and whether they go any way towards the alleviation of our chosen problems. In order to re-iterate the basis of this study, then, and to confirm and illustrate its practical and political implications, this



final chapter will show how and with what results it has sought to act upon these two maxims.

Using the insights of classical political economy, the several chapters of this dissertation have sought to assess how well the democratic turn in political theory can resolve rather than reify the dilemmas of multiculturalism (explored in chapter one). Thus, it has been broadly shown that the various arguments posed in response to these dilemmas offer untenable solutions. In the first instance, they are grounded by a set of moral presuppositions which are unsuited to the new world of ethnographic value pluralism (chapter two). Moreover, it has shown that their methods would be unlikely to lead in practice to anything except further strife. Since they derive their particular democratic methods from contentious and competing political ideals rather than from a genuine assessment of the epistemic problems posed by radical pluralism, deliberative democracies would surely be self-defeating. The more individualist democrats, for instance, would pit egalitarians against libertarians (chapter four) or citizens against their communities (chapter five). More communitarian-leaning democrats, meanwhile, would leave individuals at the mercy of statist (chapter six) or cultural elites (chapter seven). Even if the multicultural dilemmas were of little significance before, these outcomes would be sure to inflame them.

The various deliberative democratic arguments have therefore been shown to be distinctly *unpragmatic*. Universally, they seem to simply ignore the practicalities of real-world democratic experiences. Perhaps surprisingly, then, and especially in terms of their more critical edges, the deliberative arguments themselves have nevertheless been shown to be very valuable. This value results from their rather paradoxical proximity to the pragmatic commitment to problem-solving. It will be recalled that the deliberative and participative democratic ideals examined herein were offered in response to the perceived inadequacies of liberal representative democracies. Under plural conditions, inequalities and injustices reach down to the very foundational norms of liberalism, leaving the legitimacy and efficacy of liberal decision-making perennially open to challenge. As such, empowering individuals

through radical democratic processes seems to offer an improvement to democratic problem-solving which is seemingly pragmatic in two senses. In the first sense, it embodies a sheer improvement to the status quo. In the second, it goes much further to provide a vision of what ideal democratic problem-solving should look like.

Even if it is not convincing, this has been shown to be a powerful vision. According to the various deliberative arguments, a strong and participative democracy promises to achieve harmony by being responsive to the changing needs of its citizens. That is, it seeks to give individuals the freedom to construct and live by their own moral goods (chapter four) whilst protecting the freedom and autonomy of the civil sphere so that these goods can evolve (chapter five). An ideal deliberative democracy would therefore be dynamic, since individuals would likely be far more responsive to real-world social problems than the state. Moreover, if the deliberative process was agonistic it would guarantee restive groups the opportunity to challenge a society's moral goods, whatever their content (chapter seven), so that the outcomes of these various processes would be seen by all as fair and legitimate (chapter six). On the basis of this dynamism, the strong form of democracy explored herein promises to deliver the best possible decisions concerning how, as a society, we should act. In this sense, it is useful to view the deliberative turn not as an independent canon but rather as a direct off-shoot of American pragmatism. More to the point, these notional strengths also link it directly to the classical liberal project.

In order to understand how this classical liberal study has itself contributed to the solution of social problems, it is therefore apposite to explore the history of pragmatic thought. This is firstly because it is by viewing deliberative democratism through a pragmatic lens that we can disentangle its overall strengths from its weaknesses. As the early pragmatists described in the first section of this chapter illustrated, the measure of a political theory lies in its tangible benefits. Accordingly, it is only by seeing precisely which aspects of the deliberative account can be operationalised that we can settle upon a final appraisal of its value. Furthermore, and since we know that deliberativism is not alone sufficient, it is by exploring the development of pragmatism that we can secondly understand *how* to operationalise

these strengths. As the third section shows, under John Dewey's stewardship pragmatism *itself* developed into a (quasi-) deliberative and egalitarian position, which helpfully illustrates the more valuable aspects of contemporary deliberative arguments.

Dewey, however, did not write with a view to solving the modern problems presented by pluralism. As Richard Rorty's influential reading of Dewey illustrates, the latter's arguments presume too much by grounding our freedoms in the pursuit of a collective good. Yet Rorty's arguments also run into problems, as the fourth sections shows. If we take pluralism seriously, as Rorty instructs, it is unclear how we could ever ground a political society at all. Dewey and Rorty thus bring us precisely to the problems posed by multiculturalism, so it is by examining their impasse that we can fully understand the contemporary importance of classical liberalism.

As the chapter and the dissertation wind their way to a conclusion, it is asserted that only classical liberalism can allow us to truly confront the problems of pluralism and the dilemmas of multiculturalism. For, the discovery mechanisms embodied by classical liberalism are the logical conclusion of the pragmatic method. Since we cannot offer a genuine basis for political society without controversially trading one set of values off against another, the answer is to abandon the hope of comprehensively grounding our society altogether. We should seek instead to discover the contingent and provisional terms upon which we want (*qua* need) to live together. These terms would embody the best solutions to our ever-changing problems, because they would illustrate the kinds of trade-offs that, in practice, we deem acceptable. Classical liberalism, in short, offers the solution to the problems of modernity by pragmatically *eschewing* solutions. As such, it should be embraced by multiculturalists, liberals, and pragmatic and deliberative democrats alike.

## Pragmatism

American pragmatism emerged out of an epistemological perspective remarkably similar to that outlined in chapter three. Indeed, the early pragmatists offered a mix of subjectivism, fallibilism and experientialism which has much in common with classical liberalism's political agnosticism. This is perhaps surprising, because, as we will see, successive pragmatic thinkers have advocated increasingly radical and participative democratic processes (see, for example, R. A. Putnam, 2009). Yet the speed with which pragmatism is associated with political progressivism belies the ambiguities veiled by the development of pragmatic thought. For, pragmatism says little about how its neutral methodology should be applied. The way in which Rorty has subverted the teachings of the early pragmatists in particular illustrates that there is no pragmatically acceptable justification for exclusive and coercive political practices. As such, progressive pragmatists are open to criticism for unjustifiably elevating their politics above their methods. While this might be understandable, it is nevertheless *unpragmatic*. Pragmatism has much to offer, but it can only do this if it is *itself* employed pragmatically.

This political neutrality was forcefully defended by the first of the American pragmatists, Charles S. Peirce. Trained as a chemist, Peirce sought among other things to elucidate the role of philosophy in scientific inquiry (Colapietro, 2009: 14). In a similar fashion to the positions later taken by Polanyi, Hayek and Vanberg, he began from the argument that human inquiry in general is the result of our instinctive drive to learn about our environments (*ibid.* 21). By experiencing these environments, individuals form beliefs which act as rules for their behaviour. Since successful action requires accurate beliefs, individuals strive to keep these beliefs stable. When experience leads them to doubt the propriety of their behaviour, they automatically begin a process of inquiry in order to discover the source of this impropriety and form new, more stable beliefs (*ibid.*). It follows that all inquiry has the same basic function and structure. However, whilst we might 'inquire' by introspection or by looking to external authorities, according to Peirce only the *scientific* method allows us to genuinely improve our perceptions of the external

world (Rosenthal, 2004). As such, the social sciences and philosophy are useful, but only to the extent that they are themselves part of general scientific inquiry.

Peirce's empiricist thought was a forerunner for pragmatism, rather than positivism, because it relies upon perception through *experience* rather than perception in and of itself. Science is a superior method of inquiry because, in contrast to the suppressing tendencies of authority, it embraces doubt (Westbrook, 2005: 26). To use Karl Popper's term, the scientific method advances by trying to falsify past results. As such, though the scientific method would lead us to the truth if it were ever carried to its final and ultimate conclusion (Misak, 2004: 7), it would only do this because it offers the best approach to learning from our experiences, not because science itself approximates truth (Hookway, 2004: 146-147). Thus, Peirce (quoted in Colapietro, 2009: 23) counselled scientists (defined as all serious inquirers) to consider

what effects, that might conceivably have practical bearings, we conceive the object of our conception to have. Then, our conception of these effects is the whole of our conception of the object.

This has two implications. The first is that the beliefs which result from our inquiries are fundamentally inter-subjective, because they must be based upon effects an object has in the physical world rather than any specific property it might have. Inquiry, therefore, is secondly a *communal* endeavour, from which no one can be justifiably excluded (Hollinger, 1980: 99).

On this basis, Peirce's arguments were interpreted by William James as a justification of a subjectivist account of pragmatism. For James, Peirce's arguments showed that the independent nature of the external world is singularly uninteresting. In so far as 'truth' is a meaningful concept, it must track information useful to the lived experiences of human beings (James, 2000a: 93-94). That is, a 'true' proposition must correspond to our past experiences, so that we can be reasonably confident it will be reliable in the future, and so that it might satisfy our requirements for successful action (*ibid.*) It follows that we should disregard moral and

philosophical conundrums – which, leaving so much to our imaginations, can only pointlessly divide – in order to focus attention on those issues of practical import around which we *can* achieve agreement (James, 2000a: 39). And, as no one can speak for anyone other than themselves, the one principle we can practically agree on is the importance of allowing everyone as great a chance as possible to realise their own truths (Suckiel, 2009: 39). By implication, James’s pragmatism therefore embodies a form of methodological individualism, whereby our ‘ultimate’ truth does not denote all that inquiry could tell us (as Peirce would have it), but rather the totality of what is and could be useful to us as individuals (Pihlström, 2004: 30-31). In this sense, his pragmatism hints at an important point which was seemingly abandoned by the later pragmatists but is significant for our purposes.

In *The Will to Believe* James (2000b) suggests that individuals will often confront situations in which there is insufficient evidence to form or act upon pragmatically valid beliefs. In these ambiguous moral or political situations, the ‘right’ course of action is likely to be fiercely contested and yet we must still take action. Thus, whatever we do, whether we act or refrain from acting, our actions will embody a subjective choice (*ibid.* 218). Since we cannot turn to our intellect to make these kinds of choices, James counsels us to trust our passions or our volition, which he broadly construes as our ‘faith’ (*ibid.* 200). As Ellen Suckiel (2009: 36-37) shows, this is significant because it allows pragmatism to deal with complex and indefinite problems, such as those which presuppose faith in their solution before they can be solved. James’s (2000b: 214-215) examples here relate to religion and to collective action problems. In these cases, an actor’s basic tendencies (whether she is inclined to believe in God/whether she is willing to trust others) often become self-fulfilling, because they illuminate the very miraculous proofs (or disproofs), or create the very fact of trust (or cynicism), which she would otherwise need to discover *before* acting.

If we substitute here the belief in the democratic process for the belief in God, and the anarchy of an unregulated state for the collective action problem, we can begin to see the significance of James’s pragmatism for the multiculturalists set out above. We live in a world now so thoroughly embroiled in state-led politics that it is

impossible to know what the state is and isn't responsible for, and what would and would not be the case if the state had not intervened or if it had intervened more heavily or more democratically. It is therefore a question of faith whether or not democratism has provided us with the benefits and successes of modern life, as we need to suppose that democracy works better (or worse) than the classical liberal alternative if we are to find proof for our beliefs. As such, there can be no *a priori* solution to the political problems we face today. Just as God-fearing and atheist actors alike can look around and find evidence which proves them right *and which therefore adds value to their lived experience*, actors divided between their respective faiths in political compromises and market freedoms could, conceivably, each find evidence which proves *them* right and which improves *their* lives. The difference is, however, that while many societies offer religious and secular freedoms, none – least of all the radical democracies explored above – offer economic and political freedoms. On James's argument this would seem both unpragmatic, as it precludes our learning about other ways of living, and unjustified, as it is the very opposite of what we would need to do to improve peoples' lives.

These implications of James's thought are likely to seem unfamiliar, because James's political impact has been overshadowed by the illustrious John Dewey, who wrote directly on political theory (Westbrook, 2005: 52-54). In this sense, it is James's nominalism, which he shared with the latter (rather than his individualism which he didn't) that has had the greater influence on pragmatism. It will be recalled that, for James, our beliefs are only ever the product of our experiences. Thus, the analytical concepts we use to connect and make sense of our beliefs must themselves be subjective constructions. As our personal experiences will necessarily be limited, most of our knowledge will inevitably be a product of the experiences amassed over time and passed down, via language, in the historical record (Kloppenber, 1996: 104-105). Accordingly, James's pragmatism seems to point clearly towards the importance of the community. For it implies that individuals cannot be ontologically distinct. Since their constitutive beliefs will inevitably overlap, they must be mutually co-dependent (Westbrook, 2005: 66-69). Inquiry must always and everywhere be a co-operative, communal venture. In the context of Peirce's pragmatism, which counsels that beliefs are useful only in so far as they help us 'fit'

with the environment, it follows that *we owe it to one another* to work together to assess and update our stock of beliefs in the light of experience.

The problem for this rather settled view of pragmatism (offered, for instance, in Menand, 2001: ch. 13) is that it is not at all obvious *how* we should assess and update our beliefs (what does it mean for a belief to be ‘better?’), or what duties we have towards one another (do those materially harmed by a belief have a duty towards a greater number of people benefitted to accept it?). After all, it is these very questions which divide citizens and theorists alike under conditions of value pluralism. And as we have seen, these divisions have proven inherently unworkable. Under the tutelage of the academic left, they have degenerated into the more simplistic distinction between accepting existing distributions as they are (i.e. accepting liberal democratism), and seeking to change them for the better (by giving strength to radical democratic mechanisms). This distinction is thoroughly unproductive, because, in practice, neither position can speak to the poignant questions which concern what we want our society to look like.

Nonetheless, it is precisely this distinction which has divided pragmatists. Since pragmatism undercuts all of the false certainties which ground modern society by reducing them to language patterns derived from historical experience, we as democrats seem to be faced with a clear choice. The first option, of course, is to use our reliance upon language as the basis for an egalitarian and participative discursive democracy, wherein everyone can come together to achieve the shared aim of societal advance. Yet it might be argued that this radicalism does not take the fragility of our linguistic freedom seriously. On a more cautious reading, which emphasises how lucky we are to inherit liberal freedoms, the most we can hope to do is to simply consolidate these gains and spread liberal democracy as far as we possibly can. Roughly, these are the respective positions taken by Dewey and Rorty, who have led pragmatism along the same divergent paths which we have seen divide contemporary democrats from their liberal forebears. Since the former pair seem to offer a much more promising politics than the latter, however, we can learn much by exploring their respective failures.



## John Dewey and deliberative democracy

Dewey's extensive contributions to philosophy, pedagogy and political thought are particularly edifying for our purposes because they seek to reconcile the very structures and agents which, we saw at the outset, have diverged so problematically in modern liberal democratic societies. Indeed, Dewey's approach seems almost to pre-empt contemporary debates over egalitarianism and diversity. Thus, while his early 'Social Christianity' led him to denounce the inequalities and divisions created by liberal capitalism in the same fashion as Fraser, he did not ascribe to traditional socialism. Instead, he enunciated a form of communitarianism redolent of Taylor, based upon the self-realisation of the individual through the community (Westbrook, 2005: 78-83). This position sought not to enslave people to external political economic ideals, but rather to *free* them from the constraints of atomism by bringing them together in the pursuit of the common good. Dewey believed this common good – the basis of individual well-being – to be the desired end of pragmatic inquiry. His egalitarianism therefore led him to provide a robust defence of individual, democratic freedoms. Since we all benefit from what can be learned from one another's experiences, we have a duty to respect one another as equal and independent members of the democratic community (Dewey, 2002: 199).

This teleological view of human communities does not immediately beg the question of what the common good *is* because Dewey grounds it in a wider attempt to set out an understanding of how we might assess the desirability of human ends. As Hilary Putnam (1995) and Matthew Festenstein (1997: ch. 1-2) show, Dewey's understanding of the common good is based upon his taking the ethics of Peirce's pragmatism seriously. Since inquiry is the common human response to our shared circumstances and shared problems, individual inquiries can never be purely private. Instead, all of our decisions to act rely upon putatively true claims concerning both the circumstances that define a problem and the courses of action that can be taken in order to solve that problem (Festenstein, 1997: 40). Private decisions, in other words, are public contributions to our inter-subjective value-judgements, which describe what *should* be done in any given situation (H. Putnam, 1995: 219-220). Yet we cannot simply accept these judgements at face-value, because they are only *true* in so

far as they actually improve our fit with society. They ought, therefore, to undergo the same form of rigorous testing as claims offered to the scientific community (*ibid.* 223).

This argument injects a complex morality into Dewey's conception of individual action, which turns not upon the content or outcome of the act but rather upon the motive. Thus, individual problem-solving acts are appropriate when the actor has done all they can to increase the likelihood of their correctly identifying and solving the problem, regardless of whether in the final analysis they are correct in the steps they take (Festenstein, 1997: 47). This means that the individual must act in a reasonable fashion, given their circumstances, and that they must always accept the provisionality of their beliefs. When another, better way of understanding the problem comes to light, or where there are reasonable grounds to doubt one's current understanding, Dewey's morality requires the individual to abandon their existing set of beliefs in favour of a more suitable and appropriate set. The ends of our actions, then, are never entirely given, and they are certainly not the expression of an internal or transcendent individuality. Good conduct is not realised by being true to one's self, but rather by being true to (i.e. making good judgements about) the 'needs of the specific situation' (*ibid.* 53). To act morally is thus to act autonomously, to reflect on how our beliefs impact upon those around us and to grow by developing new beliefs which satisfy *their* needs as much as they satisfy our own.

The parallels between this approach and the Austrian school of economics ought to be clear. For, in emphasising the unique contexts in which we encounter social problems, Dewey's conception of pragmatic inquiry suggests that knowledge is only contextual. It is the 'knowledge of time and place', of Hayek's argument. While we can build up a body of background beliefs to guide our action (the same beliefs embodied by the cognitive rules identified by Polanyi and Vanberg), it is only within the specific context of action that these beliefs can be evaluated and improved. In Dewey's account, then, as in the liberal argument, knowledge consists in nothing more than how we interpret our problem-situations (Festenstein, 2001: 734-735). This has important political implications, for as the Austrian account emphasises,

there can be no *a priori* way of knowing where a problem may lie. More to the point, it reminds us that there can be no structure outside of action. As Josh Whitford (2002: 353-354) shows, Dewey's pragmatism rejects the dualism that underlies dichotomies such as this.<sup>26</sup> In so far as human activity occurs within structures, these are simply dynamic conglomerations of our actions which shape, but do not determine, our future actions. If a structure *is* significant, this is because it simply describes a set of morally significant actions. Just as it is our private decisions which determine socially beneficial prices, it is our individual acts of interpretation which contribute to the common good.

Despite these parallels, Dewey used this nascent, pragmatic form of structuration to reject liberal individualism as outdated and inappropriate. The old individualism errs, he argued, because it naively treats individuals as a pre-determined bundle of desires and wants. Since well-being depends on the satisfaction of these desires, this reductivism prioritises agency at the expense of any concept of structure. Man is in fact a social being who cannot prosper without a suitable social environment. Thus, while laissez-faire liberalism had suited the early American, petty bourgeoisie economy, it was poorly suited to the new age of rapacious and corporate capitalism (Westbrook, 2005: 83, 121). Therein, if liberalism was to remain relevant for the masses, it needed to offer workers the economic and political autonomy which was so poorly provided by free markets (Shusterman, 1994: 393). Accordingly, Dewey sought to realise a conception of freedom which combines negative liberties with the positive capacity for active and reflective judgement. On this rather Rousseauian conception, the individual must *attain* freedom through self-realisation. She will come to realise her true and most profound self, that is, when, she devotes herself to working with her community to solve rather than create social and environmental problems (Festenstein, 1997: 68-69).

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<sup>26</sup> Whitford explicitly uses his account to attack rational choice theory, a branch of neo-classical economics. It is therefore worth emphasising here classical liberalism's distance from this school, which itself assumes pre-determined truths about human motivations and their means-end analyses (Whitford, 2002: 326-329).

It is in this common good of collective self-realizations that Dewey illustrates the possible achievements of a deliberative democracy, and their relevance to the dilemmas of multiculturalism. To understand these achievements, it is worth exploring how Dewey circumvents the inevitable objection to his account of social inquiry: how can it be known which acts of interpretation and belief are ‘right’, and thus beneficial for the common good, rather than ‘wrong’ and detrimental? Dewey’s argument here is far removed from James’s agnostic subjectivism, because it requires all beliefs to be mutually beneficial. The problem for our purposes is that a belief must be open to public questioning if someone disagrees, because the act of disagreement creates the very public which individual acts should be other-regarding towards (see Festenstein, 1997: 85). Thus, pertinent moral dilemmas – such as how we ought to balance the needs of different communities or what rights we should have to privacy – will inevitably become active political problems for the plural pragmatic state.

The fact that pragmatism is concerned not with finding *truths*, however, but rather with merely realising tangible, practicable solutions to real-world problems removes much of the force of these dilemmas. Moral and practical dilemmas only bite when they threaten the stability and efficacy of our everyday mores, in which case they simply provide an impetus for ‘the operation of cooperative intelligence’ (Dewey, 1987: 143, quoted in Festenstein, 1997: 78). The first (and perhaps obvious) thing to note, then, is that the questions of how to balance individual and communal goods are not necessarily *dilemmas* at all. These questions come up in specific contexts and between specific actors, each of whom will have some goals they want satisfied, and other goods they are willing to compromise on. There is no *a priori* standard which must be satisfied in order to reconcile individual freedom and community coherence, for instance, because each individual and each community will want to realise different things. While I might offend a bohemian commune by reading Ayn Rand and eating a McDonalds, I would feel quite at home amongst home-owning cosmopolitan individualists. And if we were to find that the *world* is populated by such cosmopolitans then we would also find that our plurality of wants is not incompatible, and should by no means be the cause of political and theoretical hand-wringing.

This might be seen as dodging the problem. The reason there *is* hand-wringing is that our wants *are* often incompatible. Yet this is to miss the force of the (admittedly deceptively simple) pragmatic argument, which seeks to focus our attentions only on really-existing problems. For, it is by taking *these* problems seriously that we do justice to one another as moral beings. That is, it is by being open to the possibility that one's wants are harmful to others, and by being genuinely prepared to solve this problem when conflicts arise that we realise the moral good, which is thoroughly independent of the outcome (MacGilvray, 2000: 494-496). The acts of interpretation and belief which benefit the common good are simply those which constitute genuine 'experimental' attempts to overcome these problems, and which clarify, rather than obfuscate, the nature of an eventual solution (*ibid.*). To return to our opening theme, political scientists help by showing us where real, experience-based problems might exist in a plural society. But they do no good at all by *presupposing* a solution independent of lived practice. And they are positively harmful when they provide the impetus for state action which would close down experimentalism.

To the extent that we can solve the dilemmas of multiculturalism, these solutions will only be discovered by our muddling through the contextual problems they present, much as scientists muddle through the problems presented by the physical world. On Dewey's argument, then, the strength of a deliberative form of democracy is that it encourages the citizen to subject the results of their inquiries to the same form of critical appraisal as scientists. Deliberation, that is, embodies the free, equal and inclusive exchange of ideas and beliefs, the rigorous subjection of these beliefs to critique and falsification and the openness to change and improve their content in the light of experience which Peirce celebrated as the hallmarks of scientific rigour (Misak, 2000: 94-96). Of course, we have seen that this conception of democracy both has radical implications and raises numerous practical questions. As Jack Knight and James Johnson (1996: 87) contend, for instance, it not only requires a radical redistribution of resources to ensure 'free and equal access for relevant actors to all relevant arenas of deliberation, debate and decision', but also a sea-change in the culture of government to incorporate the results of these processes without stifling further inquiry.

Yet these questions do not detract from the strengths of the pragmatic conception of deliberative democracy. Deliberation is simply the guiding ideal of pragmatic democratism, rather than the end in itself which we have seen the various extant deliberative theories to decay into (Festenstein, 1997: 81, Misak, 2000: 98, MacGilvray, 2000: 502). It is this idealism which both unites and separates these arguments with Dewey's deliberative pragmatism. For, in the final analysis, they are both optimistic visions of the possibilities of human community. Thus, it is no coincidence that Dewey's democratism would extend both to the civil, associational democracy of R. Putnam and Hirst, and the workplace democracy of Gould (see Festenstein, 1997: 94-95), even as it seeks to ground the epistemic search for truth in the agonistic commitment to never-ending conflict (Misak, 2000: 83). But – and it is worth being emphatic here – the ends of Dewey's deliberative democratism would be realised not through deliberation itself, but through the ultimately liberal view of the individual he ascribed to. Given the different cultural, moral and practical problems the process is likely to run into, it is up to individuals themselves to realise the ideal ends of human flourishing by discovering piecemeal how to harmonise their own goods with the communal, common good.

Because Dewey's deliberative strengths turn upon his individualism in this way, it is important to ask just how much is gained from Dewey's socialist, industrial democratic idealism. In particular, it is worth considering just how pragmatic it is to prioritise autonomy at the expense of economic development. As a superficial point, it should be remembered that corporations and large companies are themselves pragmatic solutions to the problem of transaction costs which arise from large-scale economic activity (Coase, 1937). Taking Dewey's interventionist progressivism as the basis for pragmatic thought (as, for instance, Kloppenberg, 1998 does) seems rather rash. Moreover, and despite the indeterminacy of his deliberativism, like his modern-day democratic counterparts Dewey is also weak to the claim that his unremitting emphasis on deliberation and exposing oneself to questioning comprises an unpragmatic moral good at odds with pluralism (Festenstein, 1997: 99). For this norm of reflective self-realisation effectively disallows individuals a private life. Since there is so much to be gained from pragmatism, it is thus worth exploring the

greatest illustration of these problems – Rorty’s rather more self-defeating pragmatism – to see how we can save it.

### **Richard Rorty’s liberal democracy**

It is useful to see Rorty in the context of what Richard Bernstein has called the ‘resurgence of pragmatism’. Bernstein (1992: 815-816) argues that Dewey’s ‘classical’ form of pragmatism declined with the rise of logical positivism in the 1930s. Positivism seemed to systematise all that was valuable in pragmatism, but it did so in rigorous, commanding terms imported from Europe. As academic philosophy became increasingly technical in response to this rigour, philosophers and political theorists steadily lost the social and political prominence which Dewey and James had enjoyed, and pragmatism’s influence waned (Shusterman, 1994: 403). Eventually, of course, positivism’s rule came to an end. But when the postmodern linguistic backlash came, it was conducted in the same super-formal, sophisticated and effectively unintelligible terms which had characterised positivism (Bernstein, 1992: 834). Rorty sought to reject this obscurantism, in favour of a more accessible, decentralised, and genuinely radical politics of emancipation (*ibid.* 831-832). While he agreed with the postmodernists that individuals are inherently constrained by their use of languages, Rorty sought to turn this structural constraint into a pragmatic basis for agency. As with Dewey, then, there is much that we can learn by considering Rorty’s perspective as an attempt to overcome the dilemma of structure and agency.

The principal feature of Rorty’s ‘philosophy’ (which, admittedly, he would have been loath to see labelled as such) is his anti-foundationalism. He wholeheartedly rejected the analytical tradition within which he was trained, because it assumes the existence of a ‘world in itself’, something objective that could guide our investigations and that promises to tell us something of truth about ourselves (Westbrook, 2005: ch. 6). On Rorty’s view, there is simply no such thing as ‘truth’. There is nothing we can objectively know about ourselves, and nothing in the world which we haven’t ourselves put there (Boffetti, 2004: 611). Thus, whilst making a superficially similar point about the kinds of inquiry we should avoid, Rorty’s

pragmatism takes us far beyond Dewey and the classical pragmatists. Westbrook (2005: 147-148) notes that James and Dewey did not deny the presence of something external to us. They simply denied that we had to describe it in a certain way in order to track it. For Rorty (1989: 9-10), however, this belief is mistaken, because it ignores the fact that without our specific context which provides the contingent reason to look at one thing rather than another, and without a context-specific vocabulary with which to describe it, there would not be an external ‘thing’ at all.

If we take Rorty seriously, then, it follows that we must see everything – our identities, our beliefs and our ends – as relative to the contingent contexts in which we live. To be sure, when we share enough contingencies, and can empathise enough to use language, then we can co-operate through shared meanings (*ibid.* 14-15). We cannot get away from the fact that these meanings will be relative to the vocabularies we use, however. When we come across individuals whose vocabularies lead them to startlingly different conclusions from our own, there can be no way of proving the other wrong. For those individuals will not just *think* differently. By virtue of its dialogical construction, they will actually perceive *reality* differently. Thus, to use Rorty’s (*ibid.* 53) oft-quoted example, even if we were to come across a hate-filled Nazi, we could not prove him wrong. At most, we could ‘push him up against a wall’, only to discover that it is constructed from an alien vocabulary to which we can do no more than turn our noses up in disgust.

As befitting a radical critique of philosophy, this argument leaves little for the philosopher or political theorist to do. Indeed, in one of the few instances Rorty (*ibid.* ch. 6) does speak positively about philosophy, it is with reference to Derrida’s skill in deconstructing the very notion of ‘authority’ to which, like so many other disciplines, philosophy appeals. The only role left for the embattled academic is to simply become an ‘ironist’, and to devote her time to taking stock of and defending the freedoms and institutions which have so fortuitously boosted our well-being in the prosperous liberal democracies of the west (*ibid.* 93-94). On Rorty’s vision of freedom, however, this is not a cause for lament. For, on reflection, Rorty (1987: 565-567) is sure that we will agree that we owe our prosperity to our social



democratic institutions and negative liberties. Accordingly, he (*ibid.* 572) instructs academics to use the tools of postmodern linguistic analysis and deconstruction to fight spurious moral authority wherever it can be found and to push for the alleviation of human coercion and suffering. In a subversion of Laclau and Mouffe, Rorty sees this agonistic attempt to *limit* politics as the route to turning our ‘them’s into a ‘we’ (Tambornino, 1997: 69).

As John Tambornino (*ibid.*) argues, this is a troublesome commitment to hold, given Rorty’s self-enforced agnosticism. Why should we try and strengthen liberalism, he asks, when doing so is likely to impinge upon the freedoms of others to *not* be liberal? Rorty’s (best) possible defence here is enlightening, because it adumbrates his understanding of agency. Robert Westbrook (2005: 175-176) notes that Rorty rests much of his argument upon his esoteric, postmodern readings of Dewey and James. In particular, he interprets James’s *Will to Believe* as emphasising the basic importance of human needs (Rorty, 1998: 30-31). Once we have given up on the idea of truth, all we are left with to measure our well-being is our needs. And, crucially, once we have given up on truth, there can be no reason not to fulfil those needs. As pragmatists, then, we should evaluate human beliefs only in terms of how useful they are in delivering on our needs, and where an individual is satisfied with their beliefs the best thing we can do is to leave them in peace. Perhaps justifiably, Jason Boffetti (2004: 610) bristles at this rather creative reading of James, but it illustrates an almost Rawlsian aspect to Rorty’s argument. While it can be beneficial to have any set of beliefs in private, it is only prudent in public to allow (and if necessary, to provide) others the freedom to have *their* private beliefs.

Rorty’s account, then, yields a rather different understanding of agency to Dewey’s. But it is an understanding which elucidates yet another aspect of the classical liberal account. For Rorty (1998: 28), an individual’s self-development is a personal, rather than public achievement. The relevant structural ‘good’ with which their actions must converge in order for their personal ‘realisation’ is self-contained in their own personal vocabulary, rather than embodied in an external measure of community health. If we transpose here Hayek’s conception of ‘mind-maps’ with Rorty’s

emphasis on vocabularies, this suggests that Dewey's pragmatic focus upon our 'knowledge and time and place' need provide no consistent conclusions across different actors. For, our knowledge of time and place is not merely physically or socially contextual – in which case it would ultimately offer the same conclusions to all – but is rather just another contingent occurrence which depends upon the unique history of the interacting agent for its interpretation. Whilst Dewey points to the democratic process to synthesise our multiple contextual inquiries into one common good, Rorty (and classical liberals) would be loath to countenance this synthesis, because it would inevitably ride roughshod over all that is unique to our individual interpretations. Though the individual ultimately relies upon having the opportunities to pragmatically discover for themselves what is of value in their lives (a sentiment, Rorty (*ibid.* 32) reminds us, that can be found in Dewey) Dewey's progressive democracy would inevitably result in relatively fixed and ultimately authoritative interventionist policies. Far from allowing us to realise our goods, these policies would likely *sanitise* those goods in order to fit them into the collective need.

While Dewey usefully shows the role a deliberative democracy can play in identifying problems in need of resolution, Rorty makes it clear that we must clarify this role. Since our well-being is itself contingent upon being able to 'be' ourselves, Rorty's account challenges us to consider whether or not we find well-being important. If we do, then we must accept that we cannot 'redescribe' others without dismantling and ultimately humiliating them (Rorty, 1989: 89-90). Regardless of what they believe, forcing another individual to justify their beliefs in order to immediately tear them down is akin to cruelty. And as we have seen, this cruelty is only increased when those forced to justify themselves are minorities who must battle an overwhelming cultural majority on the latter's terms. In the face of the deliberative, participative and even the liberal democrats examined in this study, Rorty's arguments thus prescribe caution (Tambornino, 1997: 64). Following James's subjectivist argument, deliberation should be employed only when it is necessary to discern a clash amongst our private goods, in which case we should resort to the tried and tested mechanisms of liberal democratism. Under no circumstances, Rorty emphasises, should we indulge in fantasies concerning the 'public good' (Shusterman, 1994: 401).

Despite leaning towards classical liberalism, therefore, Rorty curiously brings us round to the substantive individualism of Mill and Rawls. Yet the very reason we abandoned this political liberalism is because it is unsuitable to our modern world of deep and thorough-going pluralism. Rorty cannot deny this pluralism, for as Bernstein (1987: 552) illustrates, he makes use of it to ground his case. More to the point, as both Bernstein (*ibid.*) and Tambornino (1997: 69-70) contend, Rorty's view of liberalism is too sanguine, for the 'bourgeois' freedoms he celebrates in countries like the US do not come close to the kinds of freedoms Mill and Rawls advocated. Instead, these states have struggled with precisely the kinds of political and moral problems identified by the various multiculturalists. These problems call for a pragmatic solution, rather than a dogmatic denial. And as James suggests, it is only when we search for a solution with the belief that we will find one that we could ever succeed (Boffetti, 2004: 614-615). To find this pragmatic solution, we must therefore look beyond Rorty, because his relentless aversion to either metaphysical or theistic truths ultimately closes off all but the most conservative of inquiries.

Fortunately, this comparison of Dewey and Rorty offers some helpful pointers as to where we can turn. In particular, in their parallel accounts of structure and agency, it has identified a common commitment which might be taken forward. Both use their conception of structure to guide their pragmatic judgements about which acts are beneficial, and to be encouraged, and which ought to be shunned. Dewey, of course, constructs a strong democratic account of our common good as the relevant measure. Recognising that this overbearing commonality is untenable in our modern world, Rorty looks instead to the individual's own contingent identity. The difficulty with this is, however, that in *all* of mankind's contingent environments Rorty's argument would inevitably recommend the same protection of negative liberties, so that individuals might realise what is of value to them. Rorty's account is thus unavoidably rather than contingently liberal. This means that he, too, must look to something like a common good, so that his arguments do not collapse into incoherence.

As such, the only aspect of Rorty's arguments that can separate it from Dewey's is his concern for negative liberty. Since his pragmatism looks ultimately to individual self-fulfilment for its (admittedly reticent) common good, the final end of society must pertain to a complete harmony of ends. Rorty (1989: 63) suggests as much, when he applauds Mill's assertion that liberal democracy is the best way of balancing the respect for privacy and the prevention of privation as the 'last word' on social development. Yet this is a particularly unpragmatic statement, which illustrates the limits of Rorty's account. For it fails to do justice to Mill's instrumentalism. For Mill, negative liberties are more 'pragmatic' than an interventionist public sphere because they allow the largest plausible amount of social inquiry. We ought to respect negative liberties, therefore, not for any contradictory anti-foundational reason, but rather because they help us to transmit and interpret socially useful information. To do this effectively, however, they require a much more laissez-faire attitude to society than Rorty, Mill or Dewey would be prepared to accept. To see how we can operationalise pragmatism's strengths in practice then, and to see how they apply to the dilemmas of multiculturalism, we must return to the classical liberal account first set out in chapter three.

### **Liberalism as pragmatism**

This brief discussion of pragmatism suggests not only that pragmatists are faced with a dilemma similar to those facing egalitarians, but that they have the solution to this dilemma within their grasp. Their dilemma, in short, is this: while both Dewey's and Rorty's arguments are essentially solutions to the failures of really-existing liberal democratism, Dewey's attempt to correct liberal democratic inequalities through deliberative democracy is incompatible with Rorty's attempt to protect individual freedoms by rejecting foundational truths. Pragmatism, in other words, offers us either a substantive, perhaps even communitarian form of equality, or a procedural, agnostic and individualistic vision of freedom. The problem is that we are likely to disagree about which of these norms we want to be guided by, just as we are likely to disagree about how we want to realise our cultural and moral goals. So, as in our response to multiculturalism, the pragmatic option seems to be to return to the very

liberal democracy which pragmatism seeks to improve, because this allows the greatest scope for realising our various differing ends at once.

On reflection, however, pragmatism need not lead to this self-defeating result. For, as James's (2000: 25) definition reminds us, pragmatism eschews the search for *a priori* theoretical solutions to real-world problems. After all, neither theoretical elegance nor logical completeness are relevant to messy real-world problems. Instead, pragmatism encourages us to consider our options in terms of the practical effects they entail for really existing actors. We can only 'solve' social problems by encouraging and aiding the transmission of this useful and relevant real-world information, so that individuals can make more informed choices and exert more control over their circumstances. Like the liberal and democratic theorists considered in this dissertation, both Dewey and Rorty err by losing sight of this epistemological necessity, and by treating their own theoretical preferences as exclusive. All of these theorists would avoid their disabling theoretical dilemmas if they simply applied the pragmatic method to their own ideas, by allowing both the bottom-up, creative destruction of the social marketplace and the top-down guidance of the democratic mechanism to exemplify their comparative merits in a competitive bid for public support.

It is here that we find the value of the classical liberal account and its emphasis on free and unbridled competition. Like deliberative and direct forms of democratic decision-making, and like the pragmatic method in general, market competition is simply a mechanism by which we can signal to one another the need to consider our otherwise unreflective and often inaccurate views and opinions. While both deliberation and pragmatism have been shown to require some kind of central direction in order to realise coherent but necessarily limited ends, however, the market is an open-ended, decentralised discovery process which itself spontaneously directs all of our individual trade-offs and practical deliberations towards the realisation of socially valuable ends. Market competition, in other words, is simply the pragmatic method in action. Because it emasculates us all from the ability to realise our ends through coercive means, our well-being in the marketplace rests

upon how well we can incorporate one another's changing interests, ideas and opinions in our own self-directed activities. This ensures that our accurate reasoning (*qua* inquiry) is systematically rewarded and selected for, whilst our poor reasoning is quickly abandoned. Markets allow us to progress and solve our collective problems, as Dewey requires, but they do so by respecting the individual freedoms which Rorty is concerned with protecting.

In so far as we are uncertain about which of our moral and philosophic ends we ought to realise, the classical liberal argument therefore suggests that we ought to subject these ends to market competition. Indeed, classical liberalism is particularly pertinent to the solution of the problems which we have seen arise from our divergent ends because it would encourage competition and innovation across and between three different levels of action.

The first of these levels relates to the kinds of consumer actions we perform privately as individuals. Though it is often maligned, consumerism provides one of the easiest and most important mechanisms by which we can signal and meet our cultural needs. Since our purchases in the aggregate define the shape and content of the economy, our individual purchases inevitably go some way towards influencing the behaviour of others. In this sense, indeed, our willingness to buy can exert more social power than government actors ever could. The ever-present market for drugs and prostitution, for instance, ensures that there will be a constant supply of these goods, regardless of their prohibition. Similarly, our aversion to certain goods can prevent them from being successful. The public aversion to the use of animal fur in clothing, for instance, means that fur-based clothing only has a very limited market in the UK, whilst disgust over the conditions of battery-farmed poultry has led to a marked surge in the supply of 'free range' products. In other cases, our preferences are more ambivalent; our divided opinions over the use of poorly paid labourers in developing countries mean that some suppliers trade upon their ostensibly ethical practices, whilst others rely purely on their low prices. In any case, our consumer choices say as much about who we think we are and what we think is worthwhile as about what we desire.

Accordingly, and though the benefits of consumerism are concentrated at the level of the individual, consumer action allows us to unite with those of a like mind to realise communal goods. The consumers of Islamic banking and kosher meats for instance, represent distinct groups who come together, albeit remotely, to act upon their religious views. The value of these kinds of associations, and the reason why it is important to encourage them alongside traditional forms of association is that markets allow us to be members of numerous disparate and even incompatible groups at once. Through their shared love and consumption of a particular fashion or lifestyle, for instance, individuals from conflicting religious or social groups can be brought together to celebrate their tastes in the same way that the religious celebrate their beliefs through religious events. This is not a flippant point: though secular, the tastes in thrash metal music and literature are not necessarily any less rewarding than the belief in God, and their festivals no less invigorating than Christmas or Easter. Since the market allows both secular and religious tastes such as these to proliferate, it follows that, compared with a society which is heavily segregated and politicised, a market society will allow the most opportunities to learn about one another and come together through shared identities.

And as it is with culture, so it is with morality. Sandel (2009) intriguingly suggests that the market is an inappropriate forum to decide our tricky moral questions, such as how we should manage organ donation, surrogate pregnancies and assisted suicides, and who we should have in our armies. Instead, he suggests, it is up to the community to discover the solutions to these problems through the common good, as if it were inscribed upon a hidden scroll, waiting to reveal the answers to all of our moral quandaries. But it is precisely this common good which we do not have access to. For, in practice, the common good can refer to little more than the sum of our individual goods, unless it is to beg precisely the kinds of challenges offered in this dissertation. Accordingly, the best way to discover that good is to expose all of our troublesome questions to market evaluation, so that we can each discover what we are and are not satisfied with. Thus, if there is indeed a problem with the sale of organs, and if the contracts governing surrogate pregnancies leave both parties unhappy, then so long as individuals continue to seek to exchange these bodily goods then the agencies which bring them together will innovate to provide the best

possible experience. If they fail in this regard, then the practices will end and we will know that, at least for the current population, these practices are unsuitable. If they succeed, however, then their innovations will spread and many people will, through purely voluntary agreements, be made a lot better off. It is hard to see why this wouldn't be commonly good.

Nevertheless, individual marketplace consumption cannot meet all of our cultural and moral needs. A specific difficulty seems to arise concerning those whose preferences extend to the consumerist actions and identities of others. For, while it is undeniable that individuals in a classical liberal system would have to learn to accept the choices of others, it is to commit the error of procedural individualism to assume that this is part of the universal 'good' of a diverse society. In particular, those of a communitarian bent are likely to object to the individualism of the marketplace, while others who are comfortable with individual diversity might object to the externalities of private consumption. In these cases, what is at stake is not our particular goods as such, but rather the norms by which we live and the common action of which we are a part. But here, too, classical liberalism is apposite, because it allows maximal freedom for innovation and experimentation in the face-to-face interactions and co-operation which take place at the second, communal level of action.

Because it would refrain from dictating and directing these norms and agreements, the classical liberal state would leave it to individuals themselves to choose the norms by which they would live. Significantly, this happens to some degree even with central and political direction; the differing norms found in cities on the one hand and close-knit villages and small towns on the other exemplify the respective goods of anonymity and fellowship, and it is very likely that these goods factor in to the decisions of those choosing where to live. Similarly, the decisions of certain religious or ethnic groups to live close together demonstrate the way in which groups can secure communal goods such as companionship and comfort by informal or implicit agreements. The scope of these kinds of agreements is limited, however, by the democratic provision of public and communal goods, because this enables



individuals to free-ride on the other goods and services provided by communal living. In the absence of this kind of political oversight, it is likely that agreements and norms would play a far greater and more explicit role in the management of community affairs, so that individuals would have to actively consider one another and their contributions to the community in precisely the fashion described by Dewey.

These agreements would be subject to collective action problems, of course, but this is part of their appeal. For, in the absence of central direction, agreements *would* have to be reached, but they would probably be quite demanding, and so it would be beneficial for all if only those with a reasonable chance of success amongst genuinely committed individuals were embarked upon. On the one hand, this would minimise unwanted coercion and would allow individuals an easy escape route to undemanding environments which allow maximum liberties. But on the other, it would make the costs and benefits of these various communal ‘choices’ more apparent, so that individuals would be better equipped to assess their marginal value. For, if it is indeed the case (as intuition suggests) that the most orderly communities are those which impose the greatest burdens, and the least burdensome those which provide the least order, it would be up to individuals to actively decide what they value most. They would have to decide precisely what they want from others, and what they would be willing to sacrifice (in terms of time and commitments) in return. In a diverse society we would expect to see a wide variety of different trade-offs in this regard, so, concomitantly, we would expect to see a wide variety of different community outcomes.

This variety would concern the extent of the commitments to collective action as well as the type. Relative to how much control individuals want over their community and public spaces, community agreements could vary from implicit norms to contractual agreements, and they could cover the caretaking and upkeep of local amenities through commitments to specific kinds of behaviour to the co-operative ownership and provision of local goods and services. Take, for example, the management of public spaces, such as parks and streets. Under current

conditions, these spaces might meet our needs because we are satisfied that we can use them as we like, in which case we will be content with their notional communal ownership (though we might still pour scorn upon those we believe to be disrespecting this ownership). Or, alternatively, these spaces might be unsatisfactory, because they do not realise a specific good which we desire, such as horticultural excellence or serenity. Where a community can organise around such a good, the classical liberal state would allow it to either impose specific rules upon its members (which prohibit littering or loud noise, or else require regular maintenance), or organise contributions to a collective fund to pay for security, gardeners or whichever other services it desires. Depending on the community's desired good and its tolerance of free-riders, it would therefore be free to exclude others from using the public spaces or else moderate their behaviour as necessary.

Another example is provided by the British Conservative Party's (2010: 53) election manifesto, which suggests that communities ought to be allowed the chance to run their local schools. While the manifesto offers merely a suggestion of a policy here, when combined with the marketplace freedoms intimated above it is a promising idea. For, to provide the kind of innovation in curricula and in teaching methods referred to in chapter three, schools would have to be able to compete in terms of both price and quality, and they would need to be able to make substantial profits. More to the point, allowing businesses to run schools would lead to many independent schools and chains alike being floated on the stock market. This would give concerned groups and communities the ability to directly influence the practices and policies of specific schools through the collective purchase and ownership of shares.<sup>27</sup> Thus, cultural and social groups or communities could come together to exert more or less control over their local schools, with perhaps the most interested groups, such as religious or philanthropic entrepreneurs, assuming complete ownership in order to realise specific, thoroughgoing goals. Again, the scope of

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<sup>27</sup> In fact, there are numerous benefits that would be provided by share ownership of schools. If communities were given shares in their local schools, for instance, they could be directly encouraged to help those schools to achieve profitability, which would thus impact positively on education outcomes and the tenor of the local milieu. Alternatively, parents could be given the option of purchasing shares at a reduced price upon commencement of their children's education, in order to improve both their commitment to the school and the impact of their 'voice' in the school's governance.

collective action here would depend upon the coherence of local or group interests and the ability of group leaders to organise collective action. In so far as consensus could be reached, cultural groups could realise collective ends which could only be dreamt of in a democratic system. Yet for those individuals who would balk at this kind of control, the market would continue to offer a myriad different schools based upon diversity and agnosticism.

Extensive mutually advantageous arrangements at this second level would probably lead to a patchwork of agreements and norms, which would allow individuals to realise many of their goods while also retaining access to the marketplace. Yet it is conceivable that even this arrangement would still leave some individuals unhappy, such as those whose goods are substantive and who object to seeing others embrace lifestyles which differ from their own. Indeed, it is the prevalence of views such as these which makes value pluralism such a tricky problem for modern liberalism. Individuals are often intolerant of others, and yet it is difficult to justify an intolerance of *them* without contradicting oneself and indulging in the very intolerance one seeks to banish. When individuals disagree about basic understandings of what freedom and equality should entail, the only way of fully and fairly respecting their contradictory claims is to allow everyone to live separately, if they so wish, by the lights of their own beliefs (the philosophical basis of this claim is defended extensively by Nozick, 1974 and Kukathas, 2003). This is precisely what classical liberalism encourages us to do at the third level of action, which relates to the regulatory and political systems we desire to live under.

The choices of individuals at this level would relate not to the specific norms they wish to realise or the goods they would like to attain, but rather the politics by which they would like to live. The classical liberal state would allow individuals to make choices in this fashion by way of a (relatively) simple decentralisation of economic and political power to a number of small federal units. Beginning from a laissez-faire base, these federal units would be free to develop their own regulations and political obligations in order to satisfy the requirements and worldviews of their various inhabitants and communities. These frameworks would very likely differ in the mix

of liberties and obligations they would offer to their citizens; their organisational norms could extend across the range of democratic methods explored above, and, depending upon their particular social, communitarian and cultural goals, they would allow different forms and different levels of self-expression. And as long as central, classical liberal state institutions remain to uphold basic criminal and civil laws, we could be as sure as reasonably possible that the adherents to these frameworks would be voluntary. For, with these laws in place, individuals would always be able to exit onerous and illiberal rules and contracts, if they so choose, by simply appealing to central rather than local legal and regulatory institutions (see Kukathas, 2002: 196-197).

As well as giving individuals the freedom to follow and live by their own philosophies, such a federal system would allow individuals to learn from their own and one another's experiments in a way that could never be achieved in a democratic system. In a similar fashion to the Aboriginal reserves in Canada, the Amish communities in the United States and the western residential compounds in Saudi Arabia, individuals opting to separate themselves from the majority culture would be able to choose precisely what rules and public institutions they want to live under. In a classical liberal state, however, these political 'goods' would have to be paid for by internal taxes rather than government subsidies, because there could be no recourse to public funds. As such, individual members of each federal framework would have to pay the costs of their implementation and face the risks of their failure directly. This would serve to direct their attention to those marginal issues which determine whether living in a particular framework is just about worth the cost or not. In effect, different communities would therefore have to compete for membership. Those political frameworks and rules which prove unreasonably costly or unpleasant would lose both members and tax revenues and could even face failure unless they could adjust their 'policies' to better satisfy demand.

This competition would teach us much about what we can achieve together. The various federalised systems would set very public examples, so that individuals would be able to learn and benefit remotely from innovations in alien communities in

much the same way that consumers of one good benefit from the responses of its producer to innovation amongst its competitors. And the public significance of learning how to live with others would rise proportionately with the difficulty of doing so. For, it would be a gargantuan task for any one group to assume and maintain control of any one federalised authority without coercive assistance. In practice, even the most insular and isolationist of groups would have to co-operate to some extent, if only to secure some form of 'opt out' from local arrangements. Due to the variety of goods that such a group would have to countenance and the scope for individual learning amongst its members, it is thus unlikely that its goals would survive unscathed. Instead, their strictures would have to be adjusted and adapted (again, at the margin) so that their realisation would be sustainable and compatible with the goals of others. On this basis, the agreements which different groups would have to make would demonstrate precisely where the limits of our different ideals lie. It would be difficult for individuals facing difficult trade-offs to escape into fantasy in the fashion allowed by democratic politics, because the difficult trade-offs faced by other groups and philosophies would be just as clear.

The competitive federal system is important in this regard because it would allow for different combinations of arrangements and agreements. Since there could be no single set of arrangements which would satisfy all groups and individuals, to prosper they would need to find those other actors willing to agree on a mutually beneficial regulatory framework. Those groups and individuals, for instance, who desire some form of substantive equality, and are thus willing to contribute to the wealth redistribution and curbs upon individualism which go along with it would be better off together than spread separately amongst liberals, cosmopolitans and individualists. Under these conditions, the federal unit would act much like the firm in the marketplace: its income to costs ratio (*qua* profitability) would depend upon how well it could bring together actors whose needs and contributions are complementary compared with other federal units. Since actors would compare these efforts according to their prices and benefits, it follows that they would tend to settle on those units which best serve their needs and match them with complementary groups.

The upshot of this discovery process is that the pattern of political and philosophical frameworks that would arise, and the pattern of compromises and concessions they would require, would embody the best possible solution to our problems of diversity and value pluralism. These problems, to repeat, arise because we disagree about the aims of social organisation. In so far as we agree that existing social arrangements are imperfect, we agree that it can be improved. Yet we disagree about precisely what kinds of improvements can be made – whether our outcomes should be more equal, whether we should have more agency, whether we should seek a philosophically derived common good, and so forth. On the classical liberal argument presented here, these are not ideal judgements which selected individuals can make on behalf of others, because they would have no way of knowing whether these subjects would be satisfied with the consequences of their judgements. They are instead exactly the kinds of choices which all individuals should be free to make for themselves. For, in having to choose between really-existing courses of action, individuals in a liberal market society would in fact be choosing between the results of the various options that are feasibly available, *given the pattern of ends similarly pursued by others in society*. They would, in short, be making enlightened choices. By settling, say, for a particular political framework, they would be settling for that form of living which, of all of those compatible with the ends of others, is the most appropriate for their particular beliefs and requirements.

In so far as these frameworks would *still* leave some unsatisfied, they would still be able to influence the behaviours and decisions of others via the consumer goods market, and they could still set about encouraging non-market normative agreements as well. In this sense, the three forms of liberal action described here would themselves compete to satisfy our moral and cultural needs. This can be usefully illustrated by the example of those whose cultural and moral choices concern the future of the environment. In a democratic system, such individuals would have to somehow persuade the majority of the population of the importance of their views, and they would have to reach some kind of consensus on how best to act upon these views. Moreover, they would also have to somehow monitor individual behaviour and continually update their beliefs and the beliefs of others according to the results

of past action. The costs of this enterprise would be so high, and the chance of success so low, that it is difficult to see how it would not end in despair.

Contrastingly, in a society organised around the market, environmentally-minded individuals would be able to choose from a wide range of actions on the basis of their effectiveness at influencing the behaviour of others. In the first instance, they would be able to choose between federal states on the basis of whether they want to contribute to the sustainable and ethical plans of fellow-minded greens or whether they want to use their consumer power to apply pressure on those who do not prioritise the environment by agitating for change in wasteful states. In either case, they would have much more influence over the environment than they would as a member of a democratic system. In the first case, as members of the greenest states, they would be able to contribute to the specific rules and requirements imposed upon those within their chosen states' jurisdictions, and they would be able to assess the efficacy of these rules by experiencing their effects first-hand. Poor and ineffective rules could be updated or abandoned, whilst those which are efficacious would set an example for others to follow. In so far as the environment *is* an intrinsically valuable good (and in so far as they are able to realise it), the effects of successful rules would thus help to publicise this value, by demonstrating to outsiders precisely what sacrifices would need to be made to achieve a flourishing natural environment. This is not to say that non-environmentalists would necessarily embrace environmentalism wholesale, but they would at the least learn what they could do to achieve marginally more green outcomes.

In the second instance, as agitators in non-green states, environmentalists would exemplify the importance of the need for even the most extreme and isolationist groups to co-operate and adjust to others. In order for federal states to succeed, they would effectively have to mobilise different coalitions of groups and interests, which together would be able to run a set of public institutions sustainably and in a way which is mutually beneficial for all. For if these institutions and rules prove unwieldy, the attrition of members would mean that they would fail and the state would default back to its *laissez-faire* base. As such, cultural outcomes would be

determined by the comparative adjustments different actors would be willing to make. Since federal states would in many cases have to incorporate numerous disparate partners such as greens and liberals in order to work, these actors would be able to extract concessions in terms either of immunities from or amendments to state rules. Whilst liberals would therefore be able to bargain in order to secure their individual freedoms in return for respecting the autonomy of other groups, greens would be able to bargain in order to secure their key environmental goals. Of course, not all groups would necessarily succeed in realising their goals in this way, but the federal system would nevertheless allow them all to find those partners from which they could extract the biggest gains.

The pattern of adjustments which would arise from these bargains would represent the most that greens could extract from others in political terms. Such a pattern would be imperfect, and it would leave some parts of society free to continue their harmful practices. In these cases, however, concerned individuals would be able to exert pressure by way of their individual purchases and common acts. The growing markets in sustainably produced clothing and food present a good example of this intention. Similarly, the attempt by some charities to purchase parts of some rainforests is an example of the possible power of consumer action. Significantly, these attempts probably experience many difficulties because of the poor enforcement of property rights in developing countries. It is likely that such schemes would be far more successful – and thus far more popular – within western, liberal nations if public resources were auctioned in an orderly fashion. Such collective purchases blur the boundary between consumption and collective action, but there are also several forms of the latter which a classical liberal system would allow.<sup>28</sup> It would be possible, for instance, to co-ordinate and encourage groups of volunteers to service the local environment or run local farms and allotments. Others might instead seek to encourage their associates to live more efficiently while still others might encourage collective investment in sources of renewable energy.

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<sup>28</sup> Indeed, since many of those concerned with environmental issues would have other goods which would preclude their joining communes, it is likely that collective and community-based actions would be the most common form of environmental action.



Which of these courses of action would be successful would depend upon the particular interests and ideas of the individual in question, and their relation to the interests and ideas found in wider society. For the three levels of action described above would each appeal to different motivations. Our acts of consumerism in the market, first of all, appeal directly to the self-interest of others. When we purchase a good, we send a signal which indicates precisely how other actors can benefit by furthering our ends. Secondly, our collective acts appeal to one another's beneficence and sense of community. This sense is largely crowded out by the state's monopoly over the provision and direction of public goods, but in a classical liberal state we would expect to see many institutions arising on this basis because for so many people see community as *itself* a moral goal. And our desire to exit the laissez-faire liberal framework and pursue our own politics would, thirdly, rest upon our appeal to one another's visceral reasoning. Perhaps more than the other two levels of action, the political ideals by which we want to live embody the very essence of our plurality. Like James's religious believers, we often cannot rationally defend our beliefs, because holding them is itself a facet of their value. Devoid of the power to coerce and absent the democratic need to state a convincing case, individual political and moral appeals at this third level in a classical liberal society would be appeals to one another's humanity. It is for this reason that we would have little to fear from a classical liberal society; unlike the destructive capacity in democratic politics to coerce individuals 'for their own good', the agreements which would underpin a classical liberal society would rest fundamentally upon a respect for the other.

The realisation of any of our particular goods would rest upon appealing to different mixes of these motivations, because our goods would be more or less private, communal and political. But it is for precisely this reason that we require a classical liberal system to enable us to solve our problems and reach our goals. For we could never know in advance (and we can rarely be sure even in hindsight) which mix we must mobilise in order to achieve a certain outcome, whether that outcome pertains to environmental sustainability, the effective education of the poorest or the cultural health of the oppressed. By resting simply upon our natural tendency to act more sagaciously, the classical liberal market state would subject all of our theories and beliefs in this regard to competition and scrutiny. It would continually indicate to us

the costs and the benefits of our decisions so that, over time, we can shift our attentions and resources to those courses of action which best achieve our ends. As a result, just like the social and cultural patterns that would arise, the actions and methods which people would depend upon to realise their ends in the market society would tend towards the best they could possibly use, given the diversity of beliefs that exists. As such, and quite emphatically, there is no reason to think that even those who fail to achieve their goals in a classical liberal society would be better off under any other system.

### **Why democrats should be liberals too**

It should be easy to see how this classical liberal solution satisfies the various theorists and positions explored in this dissertation. First and foremost, it should appeal as the most pragmatic solution to our imponderable problems because it extends beyond the mere pragmatism of means disputed by Rorty and Dewey to a pragmatism of ends as well. Thus, in the classical liberal system, the very questions which would need to be answered in order for us all to live together amicably would become progressively clearer through our interactions and agreements. Despite setting out with one set of ends, we would quickly realise through our successes and failures that these ends would need to be adjusted according to the differing ends of others. Which adjustments would be necessary, and with whom we would need to co-operate would, as pragmatism implores, become our most pressing questions. But, in contrast with the imperial theorising of Dewey and Rorty, we would approach these questions on our own terms, and at our own pace. We would be free to embrace as many foundations as we please, and to act as individualistically and selfishly as possible. Yet the market system would ensure that we would nevertheless have to be disciplined, so that the adjustments we would collectively make would lead to the only genuinely common good conceivable.

The pragmatic pattern of outcomes that would arise from our adjustments should therefore satisfy the various procedural, substantive, individualistic and communitarian positions which characterise the debate over multiculturalism too.

Individualists and proceduralists, such as Dworkin and Kymlicka on the one hand and Benhabib and Hirst on the other, should embrace the capacity for individual choice and autonomy embodied by the three-levelled market system. For the choices this system would require individuals to make would be genuinely empowering. Instead of labouring under the unrealisable ideals which a centralised political system would encourage, individuals in the market system would be exposed to those choices which genuinely embody their best possible alternatives. Compared to their ideals, these choices might well be unfavourable, but only in the way that compared to the ability to fly our capacity for walking is disappointing. And just as it is irresponsible to encourage flying, it is irresponsible to focus on our ideals, because in the presence of radical diversity, idealism is virtually indistinguishable from intolerance. In the long run, we would therefore all be better off if we embraced the reality of diversity, so that we might adjust to it as much as we can, rather than to try to wish the problems it poses away.

The market state should also be satisfactory for the various communitarian-minded theorists, however, such as Gutmann and Thompson on the one hand and Wolin and Sandel on the other. Far from encouraging the cynicism and soullessness which are often ascribed to the market, the liberal market society would give different communities the maximum freedom to realise their own truths. Because they would be able to choose with whom to interact, co-operate and live, communities would be able to act upon and propound their own principles without opposition. And these principles would be unlikely to go stagnant, as they would continually be invigorated by the need to adjust to the realities of society. Just as the specifics of the religious practice of fasting arise from the interaction of the religious value of abstinence and the bodily requirement for food, the communal truths we would all realise would result from the interactions of our principles with the social requirements for resources and services provided by others. Since the necessity and the value of the obligations owed to these providers would form a part of the 'truth' of the community, communities would converge on those 'truths' which are externally and, accordingly, socially valuable.

This ability to realise substantive goods notwithstanding, the competitive market process would also satisfy those such as Mouffe and even modern day adherents of Nietzsche and Arendt by operationalising their agonistic concerns. Whilst individuals would be free to maintain stability and truth, the classical liberal market system would know no finality, because it would always provide space for those who dissent from majority practices to exit and to innovate. The principles, beliefs, morals and norms which underpin our lives and values would therefore only persist so long as people find them valuable and useful in comparison to their competitors. Yet, unlike democratic agonism, the classical liberal system would be unlikely to devolve into violence or hegemonic power relations because our value conflicts and interactions would persist only as long as it is fulfilling to engage in them. They would offer no space for hierarchies and no succour for despots. Thus, society as a whole would continually progress and re-evaluate its sense of self, via the creative destruction of the marketplace, but, true to the agonistic argument, it would also allow those who dissent from agonism itself to remain as oppositional bulwarks of tradition and truth.

These are formidable strengths, and they ought to appeal to the majority of individuals concerned with the practical and moral problems raised by the extensive diversity of ends in modern societies. Yet it is nonetheless possible that many would object, perhaps furiously, to the classical liberal argument sketched here. They might firstly contend that a classical liberal state presupposes a specific and controversial understanding of value, which might be roughly characterised as ‘worldly’, but might also be supposed to be purely economic or materialistic. After all, aren’t the cost-benefit calculations that individuals would have to make at the margin alien to the ‘right’ thing to do? Secondly, it might be argued, this materialism would lead to a very specific, undesirable kind of society, characterised by greed and atomism. As committed democrats would enquire, isn’t it up to society as a whole to decide what society should look like? And thirdly, even those who are sympathetic might worry about the practical implications. What about those individuals who are trapped by economic circumstances in particular localities or communities, or those who lack the capacity to make informed choices? Wouldn’t their unhappiness undermine the implicitly utilitarian calculation which underpins market outcomes?

Compelling as these criticisms might appear, they rest upon a mixture of misapprehension of classical liberalism and the nascent idealism which, it was suggested above, is so dangerous for society. First of all, the market society would make *no* aspersions about the source of value. As in the few really-existing free markets, it would be left completely up to individuals themselves to decide what they find valuable and what they think can be traded-off at the margin. Now, marginal trade-offs might be unsatisfactory for idealists, but we have no practicable alternative if we want to solve rather than ignore the problems of diversity. The significance of the classical liberal argument is that it would provide as much opportunity as possible, given the make-up of society, for individuals to decide *what* to trade-off. If the compromises they are willing to make are spiritual or unworldly, it would allow them to discover those individuals or groups with whom such compromises could be made. And if these individuals or groups do not initially exist, the market system would encourage their forthcoming so long as the spiritual individuals concerned would be willing to pay the requisite price (*qua* trade-off). It is obviously possible that such individuals *wouldn't* want to pay the necessary price here, but this would only be because they find something else more important. In this instance, we might lament the fickle nature of really-existing individuals, but we should not lament the market system.

Similarly, the question of what society should look like is precisely what the market system allows us to answer. It does so, however, in a conspicuously unelitist fashion. That is to say, its solution to the dilemmas of equality and agency is to give everyone's preferences absolute equality of status, and to offer them the same chance of being realised. From the classical liberal point of view, our plural wants are guaranteed to realise plural ends, regardless of whether or not we would like them to. After all, even elitists disagree about what society should look like, so unless they are each to agitate for their own, individual dictatorships (which they *would* be free to try out), like society as a whole, they need to discover some way of these viewpoints co-existing. The classical liberal state would simply take this process a step further, by giving everyone an equal opportunity to discover the aggregate mix of ends in society, the way in which they need to adjust and change to co-exist peacefully, and what we can collectively learn from them. This may not satisfy those whose goods

rely upon coercing and imposing upon others, but since such individuals would only object if social choices go against them, it is difficult to see what other-regarding grounds they could base their claims upon.

Finally, it is certainly true that classical liberalism does not provide a panacea to the poverty and inequalities which give some individuals greater agency and better judgement than others, just as it would not be able to turn all individuals into respectful and moral altruists. Regrettably, the darker, less desirable characteristics of humanity and association would persist in a market society, as they have done in every society and under every form of social organisation in history. Nonetheless, the liberal market society would give us the best possible chance of minimising their effects and the misery they entail. If there is one thing we *can* take from democracy, it is that many people do tend to care about one another. There is no reason to think that this sympathy would not be similarly manifest in a liberal market state. Such a market state, however, would be much more efficient and effective at showing us what we could do to effectively ameliorate these problems, and it would give those individuals at the bottom of society the best chance of reaping the benefits of diversity and prosperity. For, while it would perhaps be preferable if it were not so, it is only by allowing the successes and failures of our different choices to play out that we can, as limited, ignorant and short-sighted humans, learn from one another's mistakes and emulate successes. Contrary to democratic theory, this learning and error correction can *only* be effective if it is left to individuals themselves. Accordingly, it is the pragmatic recommendation of this dissertation that this is what we, as theorists, should encourage.

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