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‘Equality, Pluralism, Universality: Current Concerns in Normative Theory’

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Normative theory flourishes best when there is no normative consensus; it is when we disagree about the principles by which we should live our lives that we most feel compelled to debate them. It may seem odd, then, that normative theory is currently in such a healthy condition, for this is supposed to be precisely such an age of consensus. Liberalism has gained an unprecedented ascendancy over socialism, old-style egalitarianism has fallen from favour, politicians jostle for the middle ground. With so many of the traditional oppositions - left versus right, direct versus representative democracy, equality versus difference - called into question, this hardly seems a good time for normative theory.

In this highly instrumental age (when all research has to be tested by its relevance to ‘user-groups’) one might also anticipate a reluctance among political theorists to describe what they do as normative theory. The category conjures up distinctions between ‘is’ and ‘ought’, descriptive and prescriptive; in doing so, it threatens to give too much credibility to the objectivity claims of political scientists while banishing to the periphery those otherworldly figures who write about equality, freedom, or justice. No one likes to think of herself as engaged in what John Dunn (1996, p30) has described as the ‘emotionally self-indulgent recycling of cherished political pieties’; and in an era much exercised by what is possible and viable, no one wants to be regarded as out of touch with practical concerns. Nowadays, normative theory also evokes images of the complacent ideologue who mistakes local preference for universal truth, who bossily intervenes to tell others what is right and wrong and fails to register the great variety

of ethical traditions. As we become more conscious of the ethno-centricity that shapes everyone's values and ideals, we are less likely to relish the description.

And yet normative theory carries on apace, with continuing work on issues of equality, justice and freedom, elaborations of older traditions such as civic republicanism, and an explosion of new literature on what are seen as the challenges of diversity and difference. This is not as contradictory as it seems, for as theorists free themselves from some of the earlier ideological stand-offs, they may be able to develop innovative arguments that bridge what used to be regarded as opposing camps. Rawls, most famously, developed a case for economic redistribution that many socialists were happy to endorse (he argued that inequalities were justified only when they could be shown to benefit the least advantaged), but he did this from within a self-consciously liberal framework. In **Real Freedom for All**, Philippe Van Parijs (1995) builds a socialist case for paying all members of a society an unconditional basic income, and does this on the basis of an argument about individual freedom. In a series of essays recently collected under the title **Democracy and Human Rights**, David Beetham (1999) argues that the process of democratic reform is not assisted by debating whether one is 'for' or 'against' liberal democracy or elaborating what one conceives to be fundamentally different conceptions of democracy. Developing an immanent rather than external critique of liberal democracy, he focuses on the core principles of political equality and popular control that underpin any conception of democracy, and is impatient with antitheses between direct and representative, majoritarian and consensual, mass and deliberative democracy that have (in his view) hampered previous debate.

This sense of liberation from previous dichotomies is also apparent in recent recuperations of republican thought. For much of the post-war period, theorists were required to attach

themselves to either a negative or positive concept of liberty. The first (presumed to be the liberal one) defined freedom as the opposite of coercion, as not being prevented by others from doing what we want to do. The second (associated with socialism, and putatively with totalitarian patterns of thought) linked freedom to self-realisation, took freedom to be possible only under specific social conditions, and suggested that alienated individuals might not be the best judges of whether they were 'really' free. The 1970s gloss on this pitted a liberal-individualist conception of freedom as the capacity to do what one chose in one's private life against a more public understanding of freedom as participation in political affairs. In recent years, both these oppositions have been redrawn. Philip Pettit's **Republicanism** (1996) delivers a 'third way' that looks more kindly on the interventionist state as necessary to secure citizens against the domination of violent husbands or unscrupulous employers, but stops short of what he regards as the utopianism of participatory democracy. Quentin Skinner (1998) employs the 'neo-roman' theory of liberty to cut through the negative/positive dichotomy, elaborating an understanding of individual freedom as crucially dependent on being a free citizen in a free state. Whether these moves really do establish a third alternative remains a moot point, but the intention at least is clear. Instead of battling on with what are perceived as arid oppositions between liberalism and socialism, contemporary theorists suggest ways of identifying inadequacies in liberalism or liberal democracy that do not require us to junk the tradition wholesale.

G.A.Cohen's work is, on the face of it, an exception to this trend, for Cohen continues to place himself firmly on the socialist side of any liberal/socialist divide. But Cohen, too, has undergone major transformation. In a fascinating introduction to **Self-Ownership, Freedom and Equality**, he reflects on his earlier disinclination to do normative philosophy. Marxism, as he then construed it, was an empirical theory about the structure of society and dynamics of history;

while the kind of theorising that involved assessing the validity of judgements on equality or justice seemed all too obvious to take up much of his time. ('I had never heard an argument against socialism for which I did not (so I thought) already have an answer in my pocket.' (1995,p4) But as the historical facts that were supposed to guarantee the transition to socialism developed a rather different trajectory, and the challenge to egalitarianism – especially from theorists like Robert Nozick - posed problems he could not so readily answer, Cohen found himself almost entirely engaged by normative questions. 'In the past, there seemed to be no need to argue for the desirability of an egalitarian socialist society. Now I do little else.' (p7)

The description suggests he has little expectation of being forced to revise his normative positions (the task being to answer the difficult objections and strengthen the socialist case), and while this captures the spirit of moral advocacy that has become crucial to his work, it understates significant developments in his analysis of both Marxism and egalitarianism. Cohen has been far more troubled by libertarian justifications of inequality than many of his more liberal colleagues; and in the process of dealing with these arguments, has incorporated into his understanding of egalitarianism what were previously considered right-wing arguments about responsibility and choice. Left egalitarians, in his view, should be focusing their attention on the unacceptable inequalities that arise out of exploitation and undeserved 'bad luck'. They should be willing to differentiate these from the 'acceptable' inequalities or disadvantages that arise out of the exercise of personal choice.

In this changed landscape, there are two sets of issues I want to address. The first relates to the shifting analyses of equality. Equality is not a particularly fashionable topic in contemporary politics, but has by no means dropped out of the normative literature. Work on equality has, however, bifurcated in a startling way, with most of the writing on economic equality focusing

on the principles that should regulate the distribution of goods between individuals, and most of the writing on social equality addressing patterns of oppression that regulate the relationship between marginal and dominant groups. The literature on economic equality takes issue with the complacencies of market allocations, and is far more challenging in its conception of equality than the post-Thatcher consensus among party politicians; but it treats inequality primarily as a matter of unfair distribution between individuals, and has become preoccupied with the distinction between justified and unjustified inequalities. The literature on social or cultural equality (sometimes referred to as ‘the politics of difference’ or ‘the politics of recognition’) has been more concerned with inequities between groups: the persistent devaluing of people by virtue of their race, gender or sexuality; the failures of equal citizenship in what are now multicultural and multi-ethnic societies; the assimilationist impositions that force all social groups into the self-same mould. If the first literature sometimes appears astonishingly indifferent to the group nature of contemporary inequality, the second often mirrors this failing by its lack of interest in the distribution of economic resources. The two then seem to talk past one another.

The second set of issues relates to the very status of normative theory. Contemporary theorists are usually well aware of what Shane O’Neill (MacKenzie and O’Neill, 1999, p9) describes as contingency: ‘the fact that the main social resources that we might draw on as critics are the chance products of time and circumstance’. The values we affirm are inevitably formed within particular social contexts, and while we may be able to establish a universally valid justification that detaches these from their contingent origins, we also know how easy it is to fool ourselves into thinking we have carried this off. This problem becomes particularly pressing in the context of a self-evident cultural pluralism, when global migration combines with global

communication to expose the latent ethno-centricity of much normative thinking. While liberalism is one sense triumphant, it is in other ways on the defensive, and a more jaundiced take on the values of the Enlightenment (eg Gray, 1995) has generated much soul-searching about the values political theorists proclaim. What then of claims to moral universalism? What is the status of normative theory?

### **I. Equality: Individuals or Groups?**

Over the last twenty years, egalitarians have mostly followed Cohen's recommendation about taking choice and responsibility more seriously, and the majority of those writing on economic equality (eg Dworkin, 1981a, 1981b; Nagel, 1979, 1991; Arneson, 1997; Miller, 1990, 1995) now work within a framework that seeks to distinguish between the acceptable and unacceptable inequalities. The defining question becomes 'what do individuals deserve?', the presumption being that we answer this question by establishing what was chosen and what was arbitrarily imposed. Is it fair, we then ask, that one individual should be so much poorer than another when she was born, through no fault of her own, with a physical or mental disability? Is it fair that one individual should live in more reduced circumstances than another because he was born - also through no fault of his own - on the wrong side of the tracks? Is it fair that the individual who inherits a powerful physique, an exquisite voice, or an extraordinary capacity for computing should be able to earn so much more than the individual born with no very discernible talents? Is it fair (to take the somewhat more structural question posed by Cohen in his 1991 work on incentives) that talented rich people should hold the rest of us to ransom by threatening to work less if tax rates rise?

The questions hark back to an argument developed by Rawls (1971) about the arbitrariness of birth, and the moral incoherence of saying that people deserve the fruits of what came to them

through no intrinsic merit of their own. Egalitarians have always been conscious of the injustices associated with social class, and the unfair consequences of family background on people's development through future life. The novelty in contemporary work is that egalitarians also question the injustices associated with natural talent, with ability and talent increasingly seen as just a matter of good luck in the natural lottery. We surely cannot say that individuals 'deserve' those goods that come to them through their chance location in an existing social hierarchy: the wealth they inherited from their parents; the educational advantages they derive from access to private schooling; the political influence they achieve through mixing in the right social class. But if this is so, we also cannot say they deserve those goods that come to them by virtue of their 'natural' talents: their greater capacity for intellectual labour; their unusual gift for dreaming up new inventions; their greater stamina or strength. 'Brute-luck' hardly counts as a justification for inequality. Where inequality can be justified, it must be through the choices we make.

The radicalism in this is self-evident: the world we live in would be profoundly different if the wealth of the rich derived only from activities for which they could claim to have been personally responsible, and if those disadvantaged in the natural lottery were compensated for their relative misfortune. But as the argument has evolved, it has focused attention more and more on distinctions between what is deserved and undeserved, and the emphasis on individual responsibility has had a number of unfortunate effects. The first is that the separation between legitimate and illegitimate inequalities generates a rather punitive frame of mind, somewhat akin to Victorian distinctions between the deserving and undeserving poor. Contemporary egalitarians will typically say that the distribution of resources should not reflect the chance differences of birth, but think it entirely right and proper that the distribution should reflect the different choices people make in their lives. What then of those who make bad decisions, the short termers, for

example, who had the same chances as others to insure themselves against future illness or poverty but opted for immediate enjoyments instead? Needs do not go away just because the needy made mistakes, yet the preoccupation with distinguishing deserved from undeserved misfortune can anaesthetise us to what now appears ‘justified’ suffering. Since most of the undeserved misfortunes will also remain in place (no one really imagines that society is going to impose a 100% inheritance tax or come up with a rewards structure that will eliminate the advantages accruing to ability and talent), we may then end up with the worst of both worlds: not much modification of the natural lottery, but a new toughness towards irresponsible individuals who must now live with the consequences of their mistakes.

A second problem is that in seeking to compensate individuals for their undeserved bad fortune, egalitarians inadvertently reinforce notions about some individuals being superior to others. In her recent critique of luck egalitarianism, Elizabeth Anderson argues that the focus on ‘brute’ bad luck as one of the main injustices to be eliminated ‘*disparages the internally disadvantaged and raises private disdain to the status of officially recognized truth*’ (Anderson, 1999, p306). So some are born talented, others are born stupid; some are normal, others are disabled; some manage fine with their natural abilities, others will depend on systems of redistribution to compensate for their lack of natural assets. There seems to be an assumption here that individuals are fundamentally different and that some are fundamentally better (or at least better equipped) than the rest, and while this could be taken just as a statement of unfortunate fact, it sends a disturbingly contemptuous message to what Anderson sums up as ‘the disabled, the ugly and other victims of bad luck’. Though the intention is radical – that individuals should not be penalised for things that were beyond their control – the effect is more conservative. It is assumed that much of the inequality in the current distribution of resources

really does reflect differences in ability and talent, and the main challenge has been around questioning whether this process is fair.

It is worth contrasting this to the rather different intuition that underpins Michael Walzer's egalitarianism: what he describes as his 'democratic wager' that qualities and intelligences are roughly distributed across the population, that no-one has a monopoly of all desirable talents, and that everyone has something to offer (Walzer, 1993). Where Walzer and Anderson start from a presumption that all individuals are worthy of equal respect - and that a systematic bunching of privileges around certain people must then derive from inequitable social structures - the attempt to differentiate the consequences of personal choice from what is just 'brute' bad luck too readily accepts that individuals really are unequally endowed by fortune. This gives far too much credence to the claims standardly made by the more successful that they got where they are by the exercise of superior talents. It also leaves the less successful in the category of those to be pitied and helped.

The final point is that much of the work on economic equality treats structures of inequality as arising from the activities and choices of autonomous individuals. Luck and choice appear as the two main variables dictating the distribution of resources, and even when the luck element has a self-evidently group component (like the bad luck of being born black in a society that favours those who are white, or the bad luck of being born to working class parents), the emphasis on individual responsibility tends to play this down. The literature is full of examples designed to test our perceptions of justified and unjustified inequality: do we think it fair that the opera singer whose voice brings pleasure to millions is entitled to the rewards of her own good luck? do we think it fair that the person who plays tennis all day should get less than the neighbour who diligently grows vegetables in her garden? do we think surfers are entitled to a

basic income? The cumulative effect is to obscure those structural inequalities that cannot be understood in such individualist terms. In a world where the 300 wealthiest individuals control assets equivalent to those of the poorest three billion – or where top investment advisors can pick up bonuses of £3 million each – the distribution of resources is clearly about something more than either natural skills or propensity for hard work. And even at the more mundane and familiar level of inequality, the advantages that accrue to individuals almost always depend on a network of relationships that have allowed some to benefit from the disadvantages of others. The wealth of the household with two or more high earners is made possible not just by the combination of their individual talents and choices; it also depends on the low wages they are able to pay to their cleaners and nannies and gardeners. The wealth of a high-earning man is made possible not just by his combination of talents and ambitions; it may also depend on the availability of a non-earning wife who frees him from housework and childcare. The good luck of one individual often depends on the bad luck of another: inequality is relational and not just comparative.

Most egalitarians will agree that inequality is structural, but in taking up the challenge set by the anti-egalitarian right they have become overly preoccupied with what Anderson describes as ‘the distribution of privately appropriated goods, such as income or resources, or privately enjoyed goods, such as welfare’ (1999, p288). Where, in this, are the social structures of oppression that are the more usual target of egalitarian political movements? Mostly in another part of the literature. As explorations of economic equality become more locked into a framework of individual comparison, the group component of inequality has migrated to a different set of debates. In contemporary normative theory, the patterns of oppression that subordinate one group to another are most commonly discussed within the framework of a

‘politics of difference’ or a ‘politics of recognition’; and the paradigmatic examples are not inequalities of class but inequalities between women and men, ethnic minorities and ethnic majorities.

The key concept in this second literature is citizenship, the key question being whether equality of citizenship has to be premised on all groups becoming the same. In an earlier framework that took class as the paradigmatic case of group inequality, difference was conceived as a barrier to citizen equality: something that either had to be eliminated (as when socialists argued that citizens would not be treated as equals so long as they were so different in their income and power), or else disregarded (as when liberals argued that people should be treated as equals, despite any differences in income or wealth). In the debates that have subsequently dominated thinking on citizenship, the central concern has been how to detach equality from its perverse association with assimilation. How, for example, to ensure that liberal polities support rather than undermining the distinctive social identities that are often central to their citizens’ sense of worth? How to ensure that women’s entry into citizenship is not made conditional on their simulating ‘masculine’ activities and values? How to ensure that the citizenship of ethnic minority groups is not made conditional on them passing Norman Tebbit’s ‘cricket test’? How to ensure that the rights of indigenous peoples are not swept aside in phoney promises about incorporation into institutional arrangements favoured by victorious settlers? Those contributing to this work come from a variety of normative traditions (and are far more internally diverse than those working on economic equality) but representative writings include Young (1990), Taylor (1992), Kymlicka (1995), Tully (1995), Lister (1997) and recent collections edited by Benhabib (1996), and Lukes and Joppke (1999). The Canadian influence is strong, reflecting a complex of political issues around multiculturalism, the status of Quebec, and the self-government demands

of indigenous peoples. The impact of feminism is also notable, reflecting what is by now a long history of discussion on the relationship between equality and difference.

The contrast between these two bodies of literature maps onto to what is widely described as a distinction between redistribution and recognition, though the deeper division, in my view, is between those who see inequality as a relationship between individuals and those who see it as a relationship between groups. Nancy Fraser (1997) has written of a tension between a redistributive politics that centres on socioeconomic injustices like exploitation, poverty or unemployment, and a recognition politics that addresses the status injuries done to people when they are subjected to stereotypical representations of their own culture or forced to subordinate themselves to the self-understandings of a dominant group. Charles Taylor and Axel Honneth (1995) come readily to mind as major figures in the development of a politics of recognition, both of them arguing that the non-recognition of one's distinctive identity is a form of oppression that can profoundly injure one's sense of oneself. Nobody particularly springs to mind, however, as an exemplar of Fraser's politics of redistribution, for her definition already assumes a more structural analysis of economic inequality - 'having the fruits of one's labour appropriated for the benefit of others', 'being confined to undesirable or poorly paidwork' (Fraser, 1997, p13) - than is evident in current work on economic distribution. What is clear, however, is that the two streams of thought now run largely in isolation from one another, so that analyses of economic inequality proceed untouched by any thoughts on diversity and difference while analyses of the conditions for equal citizenship barely engage with economic concerns.

This bifurcation in the literature is deeply unfortunate. Normative work on economic equality runs the risk of detachment from the pressing concerns of contemporary egalitarian politics (which must surely include the problems of racial and sexual domination, and how to

deal with the equality claims of minority ethnic and religious groups), while challenging new work on what it means for different groups to participate as equals in civil society risks forgetting that there are economic conditions for this. One of the central themes to emerge out of the literature on the politics of difference is that we have to fashion our understanding of equality to the plural nature of contemporary societies – seeking equality in heterogeneity, and maybe in differential rights for differently situated groups rather than making all groups the same. While this rightly alerts us to the complexities of equality, it can also shift attention from the starker disadvantages of income and wealth.

Sometimes, indeed, it seems that the critique of assimilation has generated a distrust of any kind of convergence, and that an entirely legitimate argument about equality being compatible with difference leads into a disregard for differences that really should be removed. It would clearly be absurd to suggest that divergent belief-systems should be brought together by halving the difference or that cultural convergence is the only basis for cultural equality. But it is not so absurd to suggest that equality between the sexes depends on ending the continuing segregation between male and female occupations and roles, or that equality between rich and poor depends on reducing the gap. Some differences are indeed incompatible with equality, and many of the economic differences fall precisely into this camp. (For a fuller development of this argument, see Phillips, 1999.) One of the problems signalled by the work of Fraser and others is that too exclusive an emphasis on recognition claims can mitigate the continuing urgency of redistribution. One of my hopes for the future is that normative theory will restore the balance between these two claims.

## 2. Pluralism and the Universality of Norms

The importance attached to cultural pluralism also feeds into debates about universalism and cultural particularism. The status of liberalism is central here. Liberalism attaches a high priority to the freedom of the individual, is inclined to rate the claims of the individual above the claims of any community, and tends to be tolerant of difference, so long as the differences are conceived as matters of private concern. These principles are not, however, universally shared. If we take the major world religions (not to mention the major secular divides) there is clearly considerable disagreement on the importance of individual liberty, on what counts as a matter of private conscience, or when the claims of the individual can be subordinated to wider community concerns. How, then, can liberals legitimately insist on ‘their’ principles as the right ones? Liberals often pride themselves on their tolerance and even-handedness, but there is a danger that the very impartiality associated with liberalism conceals a favouritism towards the liberal point of view.

Through much of the 1980s, debate on this proceeded through an opposition between liberal and communitarian theory, the first associated with norms that were universal but relatively anodyne, the second with norms that were more substantive but linked to particular social contexts. In the paradigmatic liberal position (usually identified, though arguably mis-identified, with the early work of John Rawls), norms of justice were derived from a thought experiment that assumed individuals to be rational creatures intent on their own self-interest. Self-interest in isolation might encourage us to support policies that simply favoured our own kind: thus the rich would be against high taxes, while the poor would want better social provision. But if we could additionally set aside what we know about our current position in society – including what we know about our desires and values and goals – we could be brought

to recognise the rationality of principles of justice that would be sufficiently favourable to each. If we did not know, for example, whether we were going to inherit wealth and talent, whether we were going to prefer opera to rock music, whether we were going to be atheists or Muslims or Jews, we would converge on principles of tolerance and moderate redistribution that could satisfy us whatever we turned out to be.

The resulting principles would tend towards neutrality on most substantive moral issues – and to that extent be rather empty of content – but they would have the great advantage of being universal in scope. In the paradigmatic communitarian alternative, it makes no sense to think of individuals outside their social and cultural contexts, for it is precisely those social practices and cultural traditions that are the source of normative value. Because of this, however, it also makes little sense to think of values as universally applicable wherever people happen to be. Instead of pursuing principles and procedures that will be sufficiently abstract to apply to any community in and historical context, communitarian theorists then see values as formed through the shared understandings of particular societies and communities. This position is usually identified with the work of Charles Taylor, Alasdair MacIntyre, Michael Sandel and Michael Walzer, though again there is a question of mis-identification, since none of these has adopted the label of communitarian theorist. Mulhall and Swift (1992) provide one of the best overviews of these debates.

Positions on these issues have been further complicated by the impact of post-structuralism and post-modernism, which offers a parallel critique of moral universalism but usually wants nothing to do with invocations of ‘the community’; and the influence of feminism, which has developed its own objections to liberal contractarianism (eg. Pateman, 1988; Young, 1990), but sees much communitarian theory as deeply conservative (see the argument in Frazer

and Lacey, 1993). Feminists have sometimes found themselves in uneasy alliance with communitarians because of a shared dissatisfaction with the individualism that characterises liberal thinking, and a shared distrust (though for different reasons) of universalism, which many feminists have come to view as a trick of the patriarchal trade. Alternatively, some feminists have aligned themselves with post-modernism, which offers a sceptical perspective on the meta-narratives of modernity and the pretensions of universal thought (see essays in Nicholson (ed) 1990).

Richard Rorty's attack on foundationalist thinking (1989) has had an astonishing degree of success – so much so that debates staged on such topics as whether democracy needs foundations tend to fizzle out when no-one is prepared to defend a strongly foundationalist position. Rorty's cheerful ethno-centrism still raises hackles, but his central point about the emptiness of claiming that our values are grounded in either nature or reason has resonated more widely, and even those most committed to the universalism of their ethical principles have registered difficulties in establishing their case. The most common retort is that political radicalism will be diminished if people cannot appeal to some independent foundation as their basis for criticising practices they find abhorrent, if they cannot establish some vantage point outside. This is, in my view, an incoherent objection, for even if removing what were once conceived as sure foundations for moral or political belief **did** condemn one to political impotence, it is hard to see what would follow. We can hardly stake the universality of our principles on the fear of what would happen if we abandoned this claim. The case against foundationalism cannot be countered by arguments of an instrumental nature, for if ever the 'preference' for firm foundations is revealed as such (we 'need' universal principles, we 'need' a secure vantage point from outside), the case collapses on itself. We cannot appeal to the

consequences as the basis for returning to foundationalist thinking; the only basis for this return would be the knowledge of sure foundations.

Debates that began in an opposition between atomistic and socially embedded views of the individual have become increasingly linked to issues of cultural pluralism and the limits of liberalism in dealing with illiberal cultures or groups. This is one of the themes taken up in the collection edited by John Horton and Susan Mendus on **Toleration, Identity and Difference** (1999), which explores the implications of identity politics for the core liberal principle of toleration. Liberalism has come under fire for failing to address the recognition claims of diverse cultural groups – for pretending to a neutrality that is in truth loaded against minority groups. There has also been a reaction against this in some recent feminist literature, which restates liberalism as central to the concerns of sexual equality (Moller Okin, 1998; Nussbaum, 1999). But as Richard Bellamy usefully notes, setting up the issue as a tension between liberalism and multiculturalism is not always helpful, for ‘the multicultural perspective unwittingly reinforces a widespread liberal prejudice that pluralist objections to liberalism derive solely from illiberal throwbacks miraculously marooned in the modern world.’ (1999,p3) Yet those challenges to the liberal hegemony that have come from cultural and ethnic minorities querying the uniform imposition of one set of values on a diversity of identities and groups are best understood as claims made in the name of equality. To that extent, they are claims made in the name of what are supposed to be good liberal principles – rather than claims that emanate from somewhere outside.

There have been a number of responses to the combined onslaught from communitarianism and post-modern anti-foundationalism, and among the most currently influential are those that stress the interaction of actual (no longer abstract) individuals in the formulation of principles

and norms. This approach detaches the defence of universalism from any lingering taint of foundationalism, and while continuing to regard norms as universal rather than contextual, treats these norms as justified by reference to the conditions under which they are produced. One variant of this, much influenced by Scanlon's essay on 'Contractualism and Utilitarianism' (1982), considers what principles reasonable and reasonably well-informed persons might come to agree on if they were operating in conditions of equal power. Rather than thinking of individuals as abstracted from their social contexts, this takes it for granted that people know a great deal about themselves and others in their society. Indeed in Brian Barry's version (1994), it is precisely this knowledge that makes them aware of the fallibility of any 'truth' claims. The presumption of equality (all citizens being regarded as equals) then combines with scepticism (no-one being able to establish with certainty that his or her beliefs are the right ones) to generate impartiality as the central - and in Barry's argument, most definitely universal - rule of justice. Reasonable people will recognise that if **they** object to policies that favour another group or another set of beliefs over their own, then others may reasonably make the same objection. To put this the other way round, it is only if people unreasonably believe they have a monopoly on truth or that their interests matter more than those of others that they would claim the right to impose their own interests or views.

What is notable about this is that it moves from the abstracted individual of Rawls' original position to a society of actual people. Normative principles then arise out of our relationships to one another. The stronger version of this – associated with notions of deliberative or communicative democracy - addresses more seriously the processes through which people engage with one another's point of view. Appeals to reasonableness alone are risky and potentially flawed, for there is always a question about what might have been smuggled into

the notion of reasonableness, and always an issue about who decides what counts as a reasonable objection. Barry's version of reasonable agreement does presume real people, but it still proceeds through private processes of reasoned argument (we each of us argue with ourselves), and this leaves the more suspicious reader wondering whether Barry's notion of what is reasonable will coincide with anyone's else's. In contrast to this, those working within a framework of deliberative democracy (representative examples range across Manin, 1987; Cohen, 1989; Miller, 1993; Gutmann and Thompson, 1996, Habermas, 1996) focus attention on the dialogue between individuals and groups, arguing that the legitimacy of norms depends on the unforced agreement of all the relevant groups.

In deliberative versions of democracy, just decisions can only be arrived at through procedures that are fair and transparent and allow for maximum engagement with competing perspectives. The intuition underpinning this is that the partiality of each perspective will emerge through its exposure to others, and that the public engagement with different experiences and arguments – which deepen understanding of the available political choices and alert participants to the legitimacy of different claims – will then enable people to arrive at their principles of justice. Some theorists (most notably Habermas) retain a strongly 'Enlightenment' notion of the universal principles that can be arrived at under ideal conditions, while others are more cautious about the permanent contestation that is implied in radical difference. In all versions, equality and publicity figure as the central conditions, for the deliberation that peremptorily excludes particular values or arguments or perspectives cannot be expected to produce the desired results.

Taken as a theory about how democracies should organise themselves, deliberative democracy often looks hopelessly utopian – too far a cry from the professionalisation of contemporary politics and the passivity of the modern citizenry. But taken as a theory about the

basis for normative judgements, it has the undoubted merit of building pluralism and difference into the very constitution of our values and norms. So where a rights-based understanding of democracy might draw up an *a priori* list of fundamental rights, deliberative democracy is more likely to stress the importance of intercultural dialogue in the formulation of central principles. And where invocations of reasonableness might 'implicitly prejudice the agenda in favour of an inherited background of settled traditions' (Habermas, 1996, p309), a deliberative understanding of democracy makes us more sensitive to the claims of those perceived as 'wild' or 'anarchic' or in some way beyond the pale. It is for this reason, mainly, that there has been such feminist interest in deliberative democracy.

In the shift from rationality to reasonableness to substantive processes of dialogue and debate, normative theorists might be said to be challenging starker oppositions between normative and empirical considerations, and taking more seriously the political and institutional framework out of which moral norms emerge. In most versions, however, this is still just a promissory note. On the crucial point of equality, in particular, much of the work on deliberative democracy remains gestural. Theorists typically insist that the validity of normative judgements depends on the free and equal access of all those likely to be affected by decisions, but do not usually bother too much about how to make sure that this occurs. Yet failing more sustained efforts to ensure that all voices **are** equally and fairly heard, deliberative models of democracy become little more than a pious attachment to informed over ill-informed decisions, or a belief in the power of discussion as making possible solutions that were impossible. As such, they risk declining into little more than glorified common-sense.

It is at this point that we can most usefully identify some differences between the British and American traditions. The first hint of difference is that the lingering resonance of Marxism in

British political debate means that British theorists are more pre-occupied than their North American counterparts with economic and material equality. They have been less willing to endorse the shift of emphasis from problems of economic distribution to problems of cultural recognition (see Graham, 1999; Baker, 1999; Phillips, 1999); and even if debates in Britain sometimes seem too close a replay of Canadian pre-occupations with Quebec and the rights of aboriginal peoples or US pre-occupations with multiculturalism in the university curriculum, there has also been resistance to this.

British theorists also seem marginally more at ease with the interplay between normative and empirical work, and tend to regard empirical plausibility as of equal significance alongside theoretical rigour. This is a self-conscious strategy both in David Beetham's work on democracy and in Richard Bellamy's recent book on **Liberalism and Pluralism** (1999). Bellamy develops a case for 'negotiated compromise' as his alternative to the liberal trimmers (who go for universalism but at the cost of restricting themselves to the least controversial issues) or the communitarian segregators (who get more substance into their normative principles but at the cost of restricting themselves to particular societies or cultures). In Bellamy's approach, the key point about value pluralism is that it exists between particular people in particular circumstances. It is when those people embark on processes of negotiation and compromise (when they get stuck into 'real' politics), that the nature of their conflicts is clarified and - sometimes - resolved. This puts more flesh onto what have seemed rather high-flown images of deliberation, and Bellamy pursues his argument through such examples as the incorporation of the European Convention on Human Rights into British law, and the competing conceptions of European citizenship that could underpin the development of the European Union.

It would be misleading, however, to conclude that British normative theory is therefore characterised by a greater sensitivity to ‘real-life’ politics or displays a greater commitment to economic equality. In normative theory, it has been more common to contrast an Anglo-American with a Continental European tradition, the first hugely influenced by the work of Rawls, the second by the critical theory tradition currently represented by Habermas or the very different post-structuralism associated with Michel Foucault. (This distinction is not to be confused with location, for some of the leading exponents of critical theory currently work in North America, while the ideas of French or German theorists are often refracted back to Britain via the USA.) It is not easy – and is perhaps in the end pointless – to mark out a ‘European’ or ‘British’ tradition as distinct from developments in the USA; and the difficulties surrounding such attempts are increased by the growing interchange between these traditions. Many have commented on the greater accessibility of Habermas’ **Between Facts and Norms**. This is partly because it is more grounded in political and legal theory than his earlier more sociological work; but it also reflects Habermas’s increasing engagement with Anglo-American theory as represented by Rawls, Dworkin, Bruce Ackerman or Cass Sunstein.

The unifying point, across America and Europe alike, has been the collapse of socialism as a viable political project, and the impact this has had on the evolution of normative thought. Many of the older oppositions that characterised debate have been reformulated, previously under-theorised issues have come to the fore, and new energy has been unleashed on assessments of the liberal tradition. Normative theory is very much alive and kicking – but I do wish it would kick a bit harder against persistent and growing inequality.

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