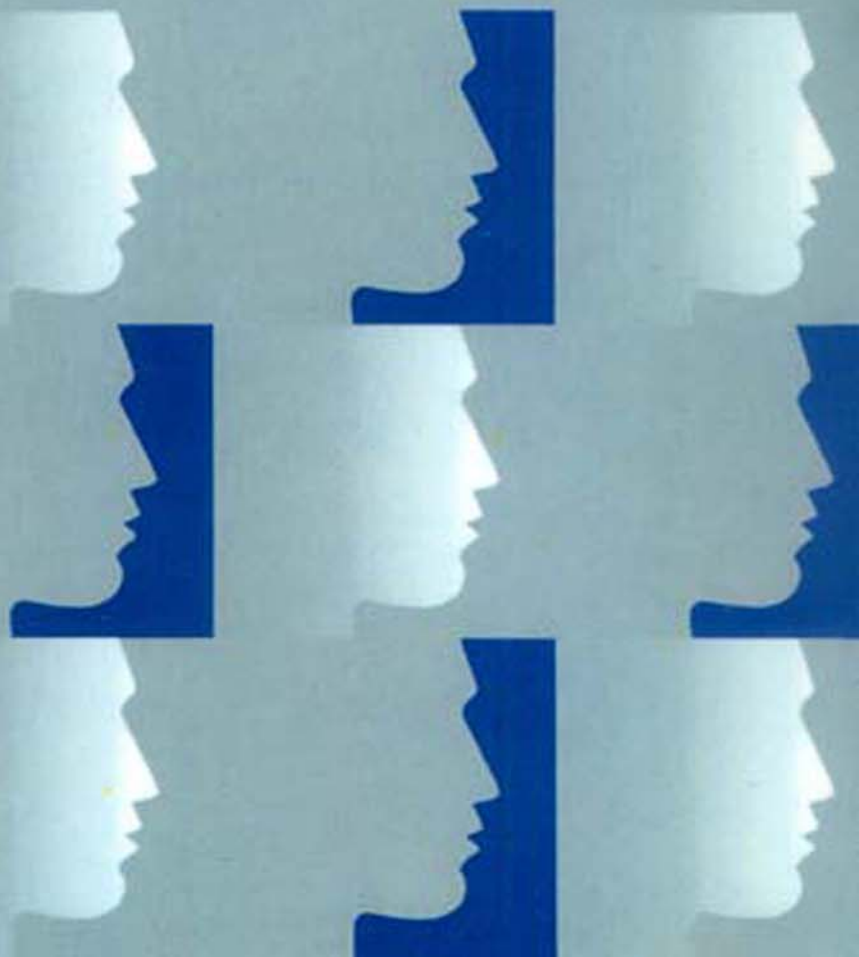
Culture & Equality

Brian Barry



Culture and Equality

To
Mrs Anni Parker
as the most eminently qualified
of all persons known to the author
either to originate or to appreciate
speculation on social improvement,
this attempt to explain and diffuse ideas
many of which were first learned from herself
is
with the highest respect and regard
dedicated

Culture and Equality

An Egalitarian Critique of Multiculturalism

Brian Barry

polity

Copyright © Brian Barry 2001

The right of Brian Barry to be identified as author of this work has been asserted in accordance with the Copyright, Designs and Patents Act 1988.

First published in 2001 by Polity Press
in association with Blackwell Publishers, a Blackwell Publishing Company.

Reprinted 2002, 2003, 2005, 2006, 2007, 2008, 2009, 2010, 2011

Polity Press
65 Bridge Street
Cambridge CB2 1UR, UK

All rights reserved. Except for the quotation of short passages for the purposes of criticism and review, no part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without the prior permission of the publisher.

Except in the United States of America, this book is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, re-sold, hired out, or otherwise
circulated without the publisher's prior consent in any form of binding or cover other than that in which it is published and without a similar condition including this
condition being imposed on the subsequent purchaser.

ISBN 13: 978-0-7456-2228-6 (pbk)
ISBN 13: 978-0-7456-2227-9 (hbk)

A catalogue record for this book is available from the British Library.

Typeset in 10 on 12 pt Times
by Kolam Information Services Pvt. Ltd, Pondicherry
Printed in Great Britain by the MPG Books Group

This book is printed on acid-free paper.
For further information on Polity, visit our website: www.politybooks.com

Contents

Preface

This book takes its origins in the many occasions on which Anni and I would linger over the dinner table finishing a bottle of wine (or two) while talking about the latest piece of foolishness, and sometimes bestiality, perpetrated somewhere in the world and defended by somebody in the name of multiculturalism. A form commonly taken by these conversations was imagining even more absurd things that looked as if they could be justified on the same basis. Not infrequently, these flights of fancy later came home to roost, illustrating the point that the *reductio ad absurdum* is a difficult argument to make against multiculturalism. It was Anni who first said that I should write a book about it, and convinced me that it was worth doing now, rather than later, despite its postponing the completion of my *Treatise on Social Justice*. Since then, she has continued to discuss the ideas with me as it has proceeded and has come up with additional examples. She has also tried to keep in check the inveterate academic propensity to qualify every statement to death, and sometimes succeeded.

These were all ways in which, according to my understanding of the matter, Harriet Taylor helped to bring John Stuart Mill's projects to fruition, so I have taken the liberty of borrowing for this book the dedication that he intended for her. Mill's plan was that it would be printed at the beginning of *The Principles of Political Economy*. In the event, however, it was only 'pasted in a few gift copies to friends', because of the opposition of Harriet Taylor's estranged husband, John.[1] With ten days to go until publication (those were the days!) she wrote to him asking for his advice. Such dedications, she suggested 'are not unusual, even of grave books, to women', and she offered as a precedent (with less than perfect tact, perhaps) August

Comte's having dedicated some tome on political economy to Madame de Sismondi – who was, though Harriet did not mention this, Comte's lover.[2] John Taylor's furious reaction scuppered the project, but the dedication seemed to me too good to let go to waste.[3]

The technology of authorship has, of course, moved on a lot since Mill's day. He would have employed a steel-nibbed pen and an inkpot, whereas writing this book used up several hundred felt-tipped pens. Mill, however, had the advantage of being able to send off his handwritten manuscript to the printer, and was then able to revise what he had written at the proof stage. Nowadays, publishers expect typescripts – even disks – and do not look with favour on authors who have second thoughts once the book is typeset. The gap between what I produce and what they want has been filled by Anni, who (among other things) deciphered some four hundred pages of fax from the Alto Adige while also superintending our move from London to New York in the summer of 1998, and then set up amid the packing cases to process a couple of rounds of revision after lugging a so-called portable computer across the Atlantic. A fortnight later came the start of the academic year. Between furnishing an apartment, teaching several new courses and working on the book, something would have had to give if Anni had not thrown herself into keeping the show on the road. Unquestionably, what would have had to give would have been working on the book, so it is in every way as much hers as mine.

Anni likes to tell the story about the occasion, about a month after we first met, on which I expounded the crux of the paper given that afternoon to an LSE political philosophy seminar by some visiting speaker. More or less as soon as the words were out of my lips, Anni gave the answer which it had taken about fifteen academics and graduate students twenty laborious minutes to arrive at. I said 'You know, you're really quite bright.' Despite this, we are still together and for that, among all the other things, this book is dedicated to her.

I should also like to thank my history teacher at Taunton's School, Southampton, who suggested, when I said I was wondering about putting in for Philosophy, Politics and Economics rather than History at Oxford, that I should try *Language, Truth and Logic* and *On Liberty* and see if I liked them. I liked them both tremendously, but took to *On Liberty* more, and inside a week had turned in an essay arguing that Mill had got it about right – a view that, as will be apparent in this book, I still retain. I am, at any rate, glad to take the opportunity of expressing my gratitude for a piece of advice that has enabled me to get paid, first as a student and then as an academic, to spend the last thirty-five years doing political philosophy.

Like the cat on Shackleton's *Endurance*, Gertie oversaw the entire operation, and made much the same kind of contribution as Mrs Chippy, her speciality being to hide the scissors and stapler (essential tools of the trade if

you write the way I do) by settling down on top of them and yielding them up only under protest.[4] More conventional, but no less sincere, thanks are owed to Elizabeth and Hans Mair and Inge and Iska Brandstätter at the Hotel Sonnenhof in Merano, where several chapters of the book were drafted in July, 1998 and much of the final revision carried out in the summer of 1999. I am particularly grateful to Inge Brandstätter for putting so many pages of draft through the fax machine – a job way beyond the call of duty to any ordinary hotelier.

I am also grateful to the organizers of a number of lectures and seminars at which some of the ideas were presented, and to the audiences for their questions and comments. These were as follows: the E. H. Carr Memorial Lecture at University College, Aberystwyth (University of Wales); the Austin and Hempel Lecture at Dalhousie University in Halifax, Nova Scotia; the Annual Meeting of the Conference for the Study of Political Thought, UK (Oxford, January 1998); the IIS Institute at the University of Bremen; the Center for Ethics and Public Policy at Harvard University; the Center for Human Values at Princeton University; the Murphy Center for Political Economy at Tulane University; the Department of Law at Edinburgh University; and the Department of Politics at the University of Newcastle. On the last occasion, Peter Jones and Simon Caney were both kind enough to give me comments in writing, and Peter Jones has also provided me with some valuable comments on the whole draft. In addition, portions of the manuscript have been discussed at various stages along the way by the Rational Choice Group in London and the Washington Square Consensus in New York.

I have been aided in the process of revision by a reader's report on the draft manuscript commissioned by Polity Press and by two (one by Ian Shapiro and one by Steven Macedo) commissioned by Harvard University Press. In addition, the following have read the draft and commented on some or all of it, in a number of cases extensively: Bruce Ackerman, Rainer Bauböck, Harry Brighouse, Chris Brown, Vittorio Bufacchi, Keith Dowding, Robert Goodin, Amy Gutmann, Jacob Levy, David Little, Andrew Mason, Philip Parvin, Alan Ryan and Stuart White. I am very grateful to all of them, and also to Oonagh Reitman and Kent Greenawalt, both of whom put their expertise unstintingly at my disposal, thus saving me from several errors of fact and interpretation in chapter 5. I should say (more emphatically, perhaps, than usual) that none of those whose names are listed above should be assumed to endorse the arguments contained in this book. Indeed, a couple of them half-seriously suggested that I would be doing them a favour by omitting their names from the acknowledgements. I am glad, however, that they were only half-serious about it.

I was fortunate during the academic year 1998–9 to be able to co-teach two graduate courses at Columbia University both of which advanced my

work on the book. In the Fall semester, chapters of the book draft were discussed in successive weeks in a seminar on 'Multiculturalism' given jointly with Jeremy Waldron. I am very grateful to him and also to the students for their penetrating comments and criticisms. Also valuable was the incentive to finish the draft created by the promise to circulate in advance chapters as yet not finished or in some cases begun. Then, in the Spring semester, I co-taught a course with Akeel Bilgrami on 'Nationalism, Secularism and Liberalism'. The lively discussions, involving him and the other participants, helped me to clarify the ideas about identity which are presented in chapter 3. In the same context, I should like to acknowledge, since it did not in the end get cited, the stimulus provided by David Laitin's book *Identity in Transition*.[5] As a member of the jury appointed by the American Political Science Association to recommend the recipient of its David Easton Prize for the most significant theoretical contribution to political science in the four years 1994–8, I am glad to have been associated with its public recognition.

Because of the critical nature of this book, it contains a lot of quotations, and it is important that the views under discussion should be accurately quoted. The indispensable job of checking quotations from the authors most often cited was undertaken by Katherine Rein. I am grateful to her for her care in checking my quotations and her enterprise in following up doubtful-looking quotations in the work of other authors. Last, but by no means least, Sarah Dancy was everything an author hopes for in a copy-editor. The readers of this book, as well as I, have reason for being grateful to her.

London – Merano – New York

Of Equality – as if it harm'd me, giving others the same chances and rights as myself – as if it were not indispensable to my own rights that others possess the same.

Walt Whitman, *Leaves of Grass*

PART I

Multiculturalism and Equal Treatment

1

Introduction

1. Losing Our Way

'A spectre is haunting Europe – the spectre of Communism.'[1] That is the famous first sentence of the *Communist Manifesto*, which was given to the world just over a century and a half ago. In the course of time, the spectre came to life, but it has now been laid to rest, apparently for good. It is not simply that 'real existing socialism' has been abandoned everywhere except North Korea, which is scarcely an advertisement for it. Equally significant for its long-term prospects is the way in which within academia it has lost ground to the point at which it is not even attacked any more, let alone defended.

Both developments are to be welcomed in themselves. What concerns me is the manner in which the void left by communism and Marxism has been filled. The spectre that now haunts Europe is one of strident nationalism, ethnic self-assertion and the exaltation of what divides people at the expense of what unites them. Moreover, the precipitate dismantling of command economies has resulted in a massive expansion of material inequality and the collapse of the public services. The same trends in less extreme forms are also apparent in the affluent countries of Western Europe and North America, and in the southern hemisphere in Australia and New Zealand. Claims for special treatment are advanced by groups of all kinds while material inequality grows and the postwar 'welfare state' shows increasing signs of strain.

These developments have their counterpart, not surprisingly, in the world of ideas. Only now that it has been so thoroughly marginalized has it become clear how important Marxism was as a bearer of what one might describe as

the left wing of the Enlightenment. What I mean by this is that Marx shared with contemporary Victorian liberals the notion that there was a universally valid notion of progress. He believed that the key to the emancipation of human beings from oppression and exploitation was the same everywhere. Although Victorian liberals would have disagreed about the institutional implications, they too would have held that the conditions for the self-development of human beings did not vary from place to place, though in many places entrenched beliefs and practices put the achievement of those conditions a long way off in the future.

In the course of the twentieth century, liberals have increasingly come to squirm at the dogmatic confidence of their Victorian forebears. They have had some reason to, since there is no doubt that the Victorians tended to attribute universal value to some purely local cultural prejudices, as we can see with the advantage of hindsight. Nevertheless, Marxism, so long as it remained an intellectual force, provided a stiffening of universalism to the liberal cause: the best response to the Marxist vision of universal emancipation was an alternative liberal one. With the collapse of Marxism as a reference point, however, there was nothing to prevent the loss of nerve among liberals from turning into a rout. With some distinguished exceptions, the ex-Marxists themselves led the way by embracing various forms of relativism and postmodernism rather than a non-Marxist version of universalistic egalitarianism.

Does this matter? It matters to the extent that ideas matter, and in the long run they do. It is true that the French Revolution would not have occurred without pervasive discontent with the *ancien régime* or the Russian Revolution without the disintegration of the Czarist empire under the impact of war. Similarly, it was the dislocation due to hyperinflation and mass unemployment that paved the way for the triumph of the Nazis in Germany. But there was nothing inevitable about the way in which the raw materials for upheaval were channelled into particular forms of political movement. Anti-Semitism, it has been said, is the socialism of fools. Whether racist scapegoating or universalistic measures to succour the needy are the response to a slump is not socially or economically predetermined. It depends on the persuasiveness of alternative diagnoses and prescriptions. Similarly, there is nothing inevitable about the way in which today discontent increasingly flows into the channels of fundamentalism, nationalism and ethnocultural chauvinism. The wiseacres who say that there is something 'natural' or 'primordial' about these forces merely reveal their historical and sociological illiteracy. It was said of the Bourbons when they were restored to the throne of France in 1815 that they had learned nothing and forgotten nothing. The same may be said of those who pursue policies of ethnocultural nationalism and particularism, and also of those who lend them intellectual support.

Many of those who (like myself) lived through the Second World War hoped that the ideas underlying the Fascist and Nazi regimes were permanently discredited. Never again, we thought, would the world stand by while people were slaughtered simply because they belonged to a certain ethnic group; never again would the idea be seriously entertained that obligations to the nation overrode obligations to humanity. The Nuremberg trials at the end of the Second World War established the principle that there were crimes against humanity that could be punished by an international tribunal even though they did not necessarily violate the laws of the state in which they were committed. Then, in 1948, the Universal Declaration of Human Rights seemed to betoken a new era marked by the general acknowledgement of certain standards of decent treatment that were the birthright of all human beings, standards to which all states should be held internationally accountable.

These hopes have not proved altogether delusory. The notion of an 'international community' has become far more of a reality than it ever was before, as international agencies and non-governmental organizations have proliferated. The appeal to state sovereignty as the response by a government to external criticism is increasingly becoming perceived as 'the last refuge of a scoundrel'. The machinery for the prosecution of crimes against humanity is finally falling into place. Yet at the same time as all this is happening, western philosophers are apparently less and less confident of the universalistic moral ideas that alone make sense of efforts to enforce human rights and punish violators of them. An illustration is provided by the annual series of lectures held in Oxford that has been sponsored and published by Amnesty International. Although the subject is supposed to be human rights, what is striking is how few of the eminent philosophers who have delivered these lectures have offered a forthright statement of the case for their universal applicability.

My focus in this book is on ideas that are distinctly more benign than those underwriting genocide, xenophobia and national aggrandizement. They are, nevertheless, also anti-universalistic in their thrust. My concern is with views that support the politicization of group identities, where the basis of the common identity is claimed to be cultural. (The point of the last clause is to exclude cases in which group identity is based on a shared situation that does not arise from cultural difference, for example a common relation to the labour market.) Those who advocate the politicization of (cultural) group identities start from a variety of premises and finish up with a variety of policy prescriptions. Nevertheless, there is enough overlap between them to make it feasible to discuss them within a single book. The views in question are known as the politics of difference, the politics of recognition or, most popularly, multiculturalism.

Will Kymlicka has recently suggested that there is a 'possible convergence in the recent literature... on ideas of liberal multiculturalism'.[2] This view, which he also calls 'liberal culturalism', has, he says, 'arguably become the dominant position in the literature today, and most debates are about how to develop and refine the liberal culturalist position, rather than whether to accept it in the first place'.[3] What Kymlicka says is true, but also in a certain way misleading. Thus, when he tells us that 'liberal culturalism has won by default, as it were' because there is 'no clear alternative position', he implies that almost all (anglophone) political philosophers accept it. My own private, and admittedly unscientific, poll leads me to conclude that this is far from being the case.

What is true is that those who actually write about the subject do so for the most part from some sort of multiculturalist position. But the point is that those who do not take this position tend not to write about it at all but work instead on other questions that they regard as more worthwhile. Indeed, I have found that there is something approaching a consensus among those who do not write about it that the literature of multiculturalism is not worth wasting powder and shot on. The phenomenon is by no means confined to multiculturalism. On the contrary, it is merely an illustration of a pattern that occurs throughout moral and political philosophy (and elsewhere). By and large, those who write about environmental ethics believe that the human race needs to change its ways so as to preserve the environment, while those who do not think this write about other things they regard as more important. Similarly, the philosophical literature on the claims of non-human animals is more tilted towards giving them a high priority than is the distribution of opinion among all philosophers. These are both causes to which I am myself sympathetic, but this does not prevent me from recognizing the built-in bias in the philosophical literature on them.

In my naively rationalistic way, I used to believe that multiculturalism was bound sooner or later to sink under the weight of its intellectual weaknesses and that I would therefore be better employed in writing about other topics. There is no sign of any collapse so far, however, and in the meanwhile the busy round of conferences (followed by journal symposia or edited volumes) proceeds apace in the way described by David Lodge in *Small World*. There are, indeed, wide-ranging criticisms of multiculturalism from outside political philosophy, such as Robert Hughes's splendidly dyspeptic *Culture of Complaint* and Todd Gitlin's *The Twilight of Common Dreams*.[4] I have learned from both, but their focus is that of an art critic and a sociologist respectively. What is still lacking is a critical treatment of a similarly broad kind from within political philosophy, and that is what I have undertaken to provide here.

In the piece by Will Kymlicka from which I have quoted (as it happens, the introduction to the proceedings of a conference), he says, as we have

seen, that there is 'no clear alternative position' to the multiculturalist one espoused by himself and his itinerant band of like-minded theorists. He then immediately outlines one alternative, which 'would be to show that the earlier model of a unitary republican citizenship, in which all citizens share the identical set of common citizenship rights, can be updated to deal with issues of ethnocultural diversity, even though it was originally developed in the context of much more homogeneous political communities'.[5] There is nothing in the least 'unclear' about this position: what Kymlicka means is merely that he disagrees with it. In my view it is not only clear but right.

The core of this conception of citizenship, already worked out in the eighteenth century, is that there should be only one status of citizen (no estates or castes), so that everybody enjoys the same legal and political rights. These rights should be assigned to individual citizens, with no special rights (or disabilities) accorded to some and not others on the basis of group membership. In the course of the nineteenth century, the limitations of this conception of equality came under fire with increasing intensity from 'new liberals' and socialists. In response, liberal citizenship has, especially in this century, come to be supplemented by the addition of social and economic elements. Universalism (categorical entitlements and social insurance) replaced the old poor law, which targeted only those with no other means of support; and the removal of legal prohibitions on occupational advancement was supplemented by a more positive ideal of 'equality of opportunity'.

Although there was never a complete consensus on these ideas, and the practice fell short (to varying degrees) in different western countries, I think it is fair to say that political philosophers were reflecting widespread sentiments when they articulated notions such as these in their work. John Rawls's *A Theory of Justice* can clearly be seen in retrospect to be the major statement of this conception of citizenship in all its aspects, including the assumption built in at the outset of an already existing 'society' whose members constitute a state in which the government has the power to determine such matters as the nature of the economic system and the distribution of wealth and income.[6] Rawls's first principle of justice, which called for equal civil and political rights, articulated the classical ideal of liberal citizenship, while his second principle gave recognition to the demands of social and economic citizenship. The first part of this second principle set out a very strong conception of equality of opportunity, while the second part (the 'difference principle') made the justice of social and economic institutions depend on their making the worst-off socio-economic group in the society as well off as they could be made under any set of institutional arrangements.

Hegel said that the Owl of Minerva takes its flight at dusk, and Rawls's theory of justice provides a perfect illustration. Even in 1971, when *A Theory*

of Justice was published, there were already (especially in 'new left' and feminist circles) attacks being made on the individualistic nature of liberal citizenship. Similarly, even back then books were being written about the 'crisis of the welfare state' – again more often at this time by those on the left than those on the right. Since then, criticisms of the liberal paradigm have grown in volume and vehemence: it is widely believed to be deeply flawed in principle. If anything even more widespread is the assumption that the postwar social democratic settlement represented by the so-called welfare state is unsustainable as a consequence of international competition and mobility of capital, the inability of states to run macroeconomic policies that will reliably produce full employment, the disappearance of jobs in manufacturing due to technical change, and so on. There is unquestionably some validity in the claim that the ability of a nation-state to transform market outcomes in line with an egalitarian political agenda is more circumscribed than it was in the era of exchange controls and import quotas. But the massive increase in the extent of inequality in Britain and the United States in the last twenty years is largely the result of the anti-egalitarian policies deliberately pursued by Thatcherite and Reaganite governments and maintained (even in some respects intensified) by their nominally distinctive successors, Blair and Clinton. These policies could have been different. If they had been, the context of the current debate about multiculturalism would be different.

I shall argue in the final chapter of this book that a politics of multiculturalism undermines a politics of redistribution. Until then, I shall focus on criticisms of the liberal paradigm as misconceived in principle. As a political philosopher, I shall direct most of my attention to the forms in which the thesis is presented in the work of other political philosophers. But I am pretty sure that these ideas also have a considerable resonance beyond the ranks of those whose academic speciality they fall under. I am not suggesting that the crisis of liberal citizenship is the staple of conversation in the average pub. Nevertheless, those who read the *Times Literary Supplement* and *The New York Review of Books* or sample journals of opinion (across a wide ideological range) will have been exposed to a steady stream of popularized versions of the same themes, and it would be surprising if this had no effect over the years. I hope that this book will be read by at any rate some of those who have found such claims persuasive, because my object is, in broad terms, to provide an antidote. As will become apparent in subsequent chapters, I do not wish to maintain that there is nothing to be learned from the critics of the liberal conception of citizenship. But I shall argue that whatever objections are valid can be met by formulating it more carefully and making its underlying assumptions more explicit. Most of the criticisms, however, cannot be accommodated in this way, and I believe that these should be rejected.

2. The Flight from Enlightenment

Strange as it may seem for academics to repudiate enlightenment, it is noteworthy how popular the sport of Enlightenment-bashing has become in recent years. Especially among the pop academics and their journalistic hangers-on, it is now a commonplace that something they call the 'Enlightenment project' has become outmoded.[7] But ideas are not like designer dresses. There, the latest fashion is the most desirable simply in virtue of being the latest. There is only one parallel to ideas: new fashions in ideas help to sell books as new fashions in *haute couture* help to sell clothes. But in the case of ideas we can ask a question that does not make sense in the case of clothes: is the latest fashion right or wrong? It is my contention that the anti-Enlightenment bandwagon is misdirected.

During most of the nineteenth and twentieth centuries, attitudes to the Enlightenment marked the main division between left and right in many Western European countries: the left embraced the universalism of the Enlightenment, while '[critics] from the right argue[d] that, by reducing all social relations to a set of abstract and impersonal rights, [universalism] tears the fabric of society to pieces'.[8] Now, however, a variant on the same refrain has gained currency among those who see themselves as being on the left. These 'have charged that [the Enlightenment's] talk of universal rights remained oblivious to inequalities in gender, race and class'.[9] According to them, the conception of equal citizenship embodied in equal rights needs to be replaced by a set of culturally differentiated rights.

The critique from the right is profoundly opposed to the whole set of ideas underlying and (more or less) embodied in the French Revolution. Without eliding the differences between, for example, Burke, de Maistre and Hegel, we can nevertheless trace a Counter-Enlightenment current of thought that has been represented in the middle of this century by Michael Oakeshott in England and in the United States by a number of more wholeheartedly reactionary figures exiled from the continent of Europe. None of these would have wished to say that the Enlightenment had become outmoded, because that would imply that there was some previous era in which it was appropriate. This would equally be denied by contemporary foes of Enlightenment such as (in different ways) Alasdair MacIntyre and Roger Scruton, for whom the whole idea was a mistake all along.

There is no unified line among thinkers of the anti-Enlightenment right towards policies that might give legal recognition to culturally based differences. However, where the culture in question is itself fundamentally opposed to the values of the Enlightenment, its claims for special treatment tend to attract a good deal of sympathy. In the United States, the Amish and cognate conservative Christian groups such as the Mennonites have

benefited from right-wing financial and political support. (I shall discuss the Amish extensively in chapter 5.) Orthodox Judaism is in some degree the product of a reaction against the moves in the second half of the nineteenth century to liberalize Jewish doctrines and practices that led to the breaking away of Conservative and Reform Judaism. (The Roman Catholic Church similarly redefined itself as self-consciously opposed to liberalism in the same period.) Claims of Orthodox Jews to special exemptions from generally applicable laws to accommodate their distinctive ideas about diet, clothing and the observance of the Sabbath also therefore attract the sympathy of those who approve of the existence of anti-liberal enclaves as the closest attainable approximation to the complete destruction of liberal institutions.

The French Revolution swept away the special privileges of the clergy and the nobility, and abolished the innumerable special arrangements with respect to taxation extorted by towns and cities over the centuries in return for temporarily relieving the financial embarrassments of the King. In the face of all these complex traditionally sanctioned differences, it introduced a system of uniform laws and taxes. Similarly, the Revolution introduced a uniform system of weights and measures, which facilitated trade between different areas and also circumvented the problem that the local measures were subject to manipulation. Previous efforts by the French state to standardize had foundered on the lack of common citizenship: 'As long as each estate operated within a separate legal sphere, as long as different categories of people were unequal in law, it followed that they might also have unequal rights with respect to measures.' Thus, 'the simplification of measures... depended on that other revolutionary political simplification of the modern era: the concept of a uniform, homogeneous citizenship' which 'can be traced to the Enlightenment and is evident in the writings of the Encyclopedists.'[10] In the same spirit, the Revolution swept away the patchwork of historic jurisdictions and replaced it with the uniform grid of *départements* that still survives today virtually unchanged.

All of these examples of administrative rationalization were anathema to conservative critics of the Revolution as an outward expression of the spirit of the Enlightenment. Their contemporary heirs have no principled objection to the creation of a mass of anomalies and special cases to accommodate cultural minorities, as advocated by multiculturalists, because they are well aware that uniformity of treatment is the enemy of privilege. Some multiculturalists even share the enthusiasm of the thinkers of the Counter-Enlightenment for pre-modern political forms. Thus, in his book *Strange Multiplicity*, James Tully writes of 'the victorious modern language of constitutional uniformity' as embodying an 'error' in that it 'serve[s] to exclude or assimilate cultural diversity'.[11]

Much of what Tully has to say about 'modern constitutionalism' is a travesty. But it is true that it can be defined in terms of a 'contrast with

the irregularity of an ancient constitution'.[12] Thus, 'because it is the incorporation of varied local customs, an ancient constitution is a motley of overlapping legal and political jurisdictions', whereas a modern constitution is one 'that is legally and politically uniform: a constitution of equal citizens who are treated identically rather than equitably'.[13] What is doing the rhetorical work in this sentence is, of course, the presupposition that identical treatment is to be contrasted with equitable treatment. That is a core assumption of multiculturalism, and one of my primary purposes in this book is to challenge it. In advocating the reintroduction of a mass of special legal statuses in place of the single status of uniform citizenship that was the achievement of the Enlightenment, multiculturalists seem remarkably insouciant about the abuses and inequities of the *ancien régime* which provoked the attacks on it by the Encyclopaedists and their allies. It is not so much a case of reinventing the wheel as forgetting why the wheel was invented and advocating the reintroduction of the sledge.

In other ways, too, the anti-liberal rhetoric of multiculturalists is not uncongenial to the reactionary right. Thus, exponents of the 'politics of difference' typically inveigh against the 'abstract universalism' that they attribute to liberalism. A good example of this is Iris Young, to whom I shall return a number of times in the course of this book.[14] On similar lines, Tully (as we shall see in chapter 7) draws strong anti-universalistic conclusions from an extended metaphor in which different cultural groups are represented by different species of animal. Ethnic groups, it has been said, are seen by multiculturalists as 'self-evident, quasi-biological collectives of a reified "culture" '.[15] In much the same way, it has been suggested, 'the logic of Young's proposal for group representation seems to require an essentialized and naturalized conception of groups as internally homogeneous, clearly bounded, mutually exclusive, and maintaining specific determinate interests'.[16] All this fits in nicely with the essentialism of the Counter-Enlightenment, encapsulated in de Maistre's well-known remark that he had seen Frenchmen, Italians and Russians, and so on, but that 'as for *man*, I declare I have never in my life met him; if he exists, he is unknown to me'.[17] While the new left took over from German romanticism the idea that each ethnic group can flourish only by maintaining the integrity of its own distinctive culture, 'in the 1970s and 1980s the new right reworked the historic themes of racial difference and hierarchy through a discourse of culture'.[18] The notion that groups should retain their racial purity was thus recoded as the claim that each group should maintain its own cultural integrity.[19]

The proliferation of special interests fostered by multiculturalism is, furthermore, conducive to a politics of 'divide and rule' that can only benefit those who benefit most from the status quo. There is no better way of heading off the nightmare of unified political action by the economically

disadvantaged that might issue in common demands than to set different groups of the disadvantaged against one another. Diverting attention away from shared disadvantages such as unemployment, poverty, low-quality housing and inadequate public services is an obvious long-term anti-egalitarian objective. Anything that emphasizes the particularity of each group's problems at the expense of a focus on the problems they share with others is thus to be welcomed. If political effort is dissipated in pressing for and defending special group privileges, it will not be available for mobilization on the basis of broader shared interests.

I shall not address myself any further in this book to those whose support for the multiculturalist agenda derives from the way in which it lends itself to the maintenance and even the deepening of social hierarchy. My target is, rather, those multiculturalists who would be happy to embrace the watchwords of the French Revolution: liberty, equality and (in some appropriately non-sexist rendition) fraternity. What unites them is the claim that, under contemporary conditions of cultural heterogeneity, 'classical' or 'difference-blind' liberal principles fail to deliver on either liberty or equality: only by adopting the tenets of the 'politics of difference', it is said, can we hope to achieve real liberty and equality. Against this, I shall argue that multiculturalist policies are not in general well designed to advance the values of liberty and equality, and that the implementation of such policies tends to mark a retreat from both. Even when there are reasons for introducing group-differentiated rights based on membership in cultural groups, these do not include the advancement of equal liberty. Rather, the case has to be that these are departures from equal liberty that can be supported pragmatically.

How does all this connect up with the Enlightenment? I have quoted James Schmidt as saying that 'critics from the left have charged that its talk of universal rights remained oblivious to inequalities in gender, race and class'. This statement, while true, leaves open a variety of possible responses to the alleged failings of the Enlightenment. One is the response that I have already endorsed: that the universal civil and political rights of citizens envisaged (if far from completely instantiated) by the French and American Revolutions were indeed insufficient, and need to be supplemented by universalistic social and economic rights. This line of thought, which does not denigrate universal civil and political rights but seeks to build on them, is in my view a development fully within the tradition of the Enlightenment.

A second response would go along the same lines most of the way but add that it may be possible to make out a case for certain group-based measures, such as 'affirmative action' in relation to jobs, or special funding for education, to help groups whose members suffer systematic disadvantage. As long as 'disadvantage' is defined in universal terms – as the lack of things (resources and opportunities) whose possession would generally be agreed to be advantageous – this too is a potential way of realizing the values of the

Enlightenment. This is not to say that group-based programmes are in any particular set of circumstances a good idea. It is simply to say that the question is not to be foreclosed by saying that any such programmes are contrary to basic liberal principles. It follows that we have to qualify the statement that classical or 'difference-blind' liberalism cannot countenance any deviation from universal rights. For there may be cases in which a system of group-based rights for those suffering from systematic disadvantage will be a way of helping to meet the egalitarian liberal demand that people should not have fewer resources and opportunities than others when this inequality has arisen out of circumstances that they had no responsibility for bringing about. However, special treatment for members of disadvantaged groups is justifiable only for as long as the inequality persists. We may say, therefore, that the objective of special treatment for members of disadvantaged groups is to make the need for that special treatment disappear as rapidly as possible. (I shall return to this in chapter 4.)

It is instructive to contrast this with the case made by multiculturalists for granting special rights to groups defined by their distinctive cultural attributes. These special rights will, according to their advocates, be needed permanently – or at any rate as long as the group retains its cultural distinctiveness. Moreover, if the group did no longer need special rights, that would not be regarded as a cause for celebration, because it would be taken to suggest that the support for the group's culture had been insufficient to prevent its members from assimilating to that of some larger or more powerful group.

This distinctive argument for group rights may be said to constitute a third response to the perceived failings of the original 'Enlightenment' model of liberalism. Unlike the second response, it does not rest the case on lack of resources or opportunities. Members of minority cultures may, indeed, suffer from a paucity of resources or opportunities, but the case for culture-based special rights does not depend on its being so. Rather, the argument is that, even where resources and opportunities are equal, the members of a group are entitled to special rights if their distinctive culture puts them in a position such that they are in some way less well placed to benefit from the exercise of the rights that provide the standard resources and opportunities than are others. This position will, in a number of guises, occupy me over much of this book. I shall also, however, have to spend some time with a fourth response to the perception that the Enlightenment's 'talk of universal rights remained oblivious to inequalities in gender, race and class'. This is the response best known in the form that was given to it by Marx, and in that form it has been tragically influential in the twentieth century. Despite their disagreements, the three responses considered so far share something significant: the idea that rights are important. This is what Marx denied.

I said earlier that Marx represented the left wing of the Enlightenment. This is so in two respects. First, Marx did not reject the slogan 'liberty, equality, fraternity'; on the contrary, he claimed to take it more seriously than did those who originated it. And second, he was just as much of a universalist as was any Enlightenment figure: he was as fully persuaded as was Condorcet that all societies would pass through the same stages and finish up at the same destination, though Marx's conception of the stages and the destination was different from that of Condorcet, and he envisaged the process as being driven by different forces.[20] Where Marx was distinctive was in his position on civil and political rights: he was not content to point to their limitations in the face of great economic inequalities; rather, he denounced them as suitable only to 'egoistic man'.[21] The solution was not to supplement these universal rights with others, but to abolish rights altogether. In the society of the future, social solidarity and spontaneous cooperativeness would obviate the need for 'bourgeois rights'.

It is not necessary to hold Marx responsible for every crime against humanity committed by Lenin, Stalin and Mao to recognize that his contemptuous attitude to standard liberal rights provided an ideological underpinning for the monstrous abuses of the legal system perpetrated by the regimes that they ran, and by other regimes modelled on theirs. Even under conditions of crude, unrestrained capitalism, the equal freedom of all to sign a contract still puts the proletarian in a different position from the serf, the slave, or the worker in a Soviet-style command economy. (Apologists for slavery in the American South were fond of the suggestion that slaves fared better than northern workers; but this did not persuade northern workers to clamour for the extension of slavery.) The defects of the primitive capitalist labour market are better met by adding other rights to the right of contract: health and safety measures, maximum hours, protections against dismissal, trade union rights, rights to an income outside the labour market, and so on. Similarly, a system of legal rules that gives everyone formally equal rights needs to be supplemented by the provision of legal aid, but even without that it is still preferable to a system of estates in which different categories of people have more or fewer rights, or a Soviet-style system in which judges are encouraged to ignore legal procedures in order to pursue what are taken to be the overall objectives of the government.

Sentimentalists of right and left join hands in the condemnation of liberal rights. Those on the right hold up the vision of a society (which many claim to believe actually existed in some place in the past) in which people knew their place. Motivated on one side by *noblesse oblige* and on the other by gratitude and deference, the different ranks formed an organic whole whose integrity would have been destroyed by strident assertions of individual rights. The left version, as we saw in the case of Marx, is essentially the same picture but with an egalitarian twist. The family, that 'haven in a

heartless world', is for sentimentalists of all stripes a paradigm of a community within which rights are out of place. In the right-wing version, the wife obeys the husband, the children in turn obey both, and conflict is avoided by adherence to well-specified roles. In the left-wing version, the bond between equals makes an appeal to rights unnecessary – even the possibility of appealing to them diminishes the quality of the relationship. It would not be a bad definition of a gut liberal (as against one whose liberalism is purely cerebral) to say that it is somebody who feels an inclination to throw up when confronted by this kind of stuff, in either its right or left manifestations.

What has all this to do with multiculturalism? The answer, it turns out, is that it has quite a lot to do with it. For an important strand within the school of thought that advocates a 'politics of difference' downplays the significance of legal rights, emphasizing instead the necessity for cultural change. We shall see in chapter 7, for example, how equal rights for gays and lesbians (including comprehensive measures against discrimination in the labour market, the housing market, and so on) are dismissed by Iris Young as 'merely civil rights'. What Young wishes to focus on instead of legal rights is the need for a public affirmation of the value of a gay or lesbian lifestyle. The anti-liberal animus of this approach is brought out clearly in Young's stated approval for the 'continuing effort [of new left movements] to politicize vast areas of institutional, social and cultural life'.[22] Lest we be in any doubt: 'Politics in this sense concerns all aspects of institutional organization, public action, social practices and habits, and cultural meanings insofar as they are potentially subject to collective evaluation and decisionmaking.'[23] Has she ever, I am led to wonder, read *The Scarlet Letter* or, to come further up to date, *Wild Swans*?[24] Perhaps she has and likes what she has read: she talks without a trace of irony about the need for a 'cultural revolution', and her account of 'the process of politicizing habits, feelings and expressions of fantasy and desire that can foster cultural revolution' is chillingly reminiscent of *Nineteen Eighty-Four*.[25]

So far, I have accepted without demur the assumption common to the critics of the Enlightenment that there was a single 'Enlightenment project' that can be captured in a few airy remarks about 'Reason' and so on. In fact, this assumption is groundless.

> The 'Enlightenment project' remains too ill-defined a notion to serve as an object either of allegiance or condemnation. What is needed instead is a careful weighing up of the variety of different commitments and intentions – not all of them reconcilable – that have been carelessly lumped together under the label of the 'Enlightenment project.' But... to undertake a critical examination of these different claims is to take up a task that... might well be characterized as the 'Enlightenment project.'[26]

In spite of this, I think we may be fairly safe in saying that there were some things the Enlightenment was against, so that the Enlightenment can be defined negatively even if it is illegitimate to talk about an 'Enlightenment project' of a positive kind.

Thus, different strands of the Enlightenment would have given somewhat different answers to the question of how institutions were to be justified. But there was a broad agreement that institutions did need to be justified, and that the reasons adduced in favour of an institution must explain its virtues in terms of general principles – that it served the public good, was equitable, and so on. On this basis, we could argue about what is a good system of taxation, but it would be common ground that people who were identically situated in relation to the relevant criteria – same income, same property, same number of dependants, and so on – should be treated in the same way within any given polity. The notion that there was an 'Enlightenment project' which proposed to deduce everything a priori from the demands of Reason is a fiction put about by the critics. But consistency of treatment, according to intelligible criteria, could be not unaptly described as a demand of Reason. It is, we may say, revolting to Reason in this sense that (as in the *ancien régime*) people who are identically situated in relation to any conceivable criterion that could be rationally defended should have different tax liabilities depending on the negotiating skill of the burghers in their town and the incompetence or desperation of the king's representatives when they agreed, perhaps centuries earlier, to some permanent alleviation in the town's tax burden in return for a short-term boost to the treasury. The contrast is not with uniformity in the sense that everybody pays the same amount of tax but with uniformity in the sense that everybody faces the same tax system. A good deal of anti-Enlightenment rhetoric depends on systematically confusing these two senses of uniformity.

When we move on from a negative characterization of the Enlightenment to a positive one, Schmidt's strictures are entirely valid. Any attempt to distil it into a single 'Enlightenment project' is bound to pick out aspects developed in some countries, and by some thinkers, at the expense of others. Fortunately, however, what I want to defend in this book is something not unrecognizably different from what is called 'the Enlightenment project' by its critics. Thus, whenever they want a name to represent what they think is wrong with the 'Enlightenment project', the one that they almost invariably come up with is that of John Rawls, and in particular the Rawls of *A Theory of Justice*. The egalitarian liberalism that I shall lay out here is influenced by, and related to, Rawls's theory of justice, at any rate on my interpretation of it. If Rawls is taken to epitomize the contemporary state of the 'Enlightenment project', this book constitutes a defence of it.[27] The reader who is impatient for an exposition of the grounds of liberal universalism is invited to turn to section 5 of chapter 7. For those who are prepared to trust me,