

# Multiculturalism, Communitarianism and Liberal Pluralism<sup>1</sup>

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## Introduction

Hindu-Muslim relations in India as well as questions of religious pluralism in Europe and other parts of the West are often discussed from a multiculturalist, communitarian or liberal perspective. This paper takes a deeper look at some of the theoretical problems surrounding those families of theories. Part I approaches these problems from a multiculturalist perspective, part II approaches them from a liberal point of view.

Part I starts by pointing to the main concerns of multiculturalists and communitarians on the one hand, and liberals on the other. The former are convinced of the importance, if not pre-eminence, of the group for / over the individual whereas the latter are primarily concerned with the wellbeing of the individual. These concerns are expressed in the demand for group rights and individual rights respectively. The individualism propagated by liberalism, I maintain, is methodological, not descriptive. Therefore, I am focussing on methodological individualism as a critical point in the debate between multiculturalists / communitarians and liberals. Multiculturalists, and sometimes communitarians, claim the inadequacy of individualism as a methodological principle in liberalism. Liberals, on the other hand, maintain that methodological individualism is sufficient to account for even group related needs of the individual. This is normally expressed in terms of individual rights to cultural or community membership. While multiculturalists tend to argue in favour of culture as an insuperable horizon for normative reflection, liberals would warn of the trap of self-defeating normative relativism and favour some form of Universalist ethics. As a mediatory position, I propose Internal Universalism, which is a form of meta-ethical relativism. Internal Universalism does not rule out the possibility of universal norms but insists that these are attained through a process dialogue and negotiation approximating universal consensus.

Multiculturalism, I argue, can attack methodological individualism on two levels, firstly on the normative level, secondly on the level of practical relevance. Two problems, I argue, are most salient in the debate between multiculturalists and liberals: the problem of the abolition of unjust cultures (A) and the problem of adequate public recognition of cultures (B).

(A) The identity of any person depends on culture. Unlike voluntary associations, however, culture is not normally acquired; one is born into one's culture. Thus, if a culture is dismissed following consideration of justice, its members suffer disadvantage with regard to the members of the majority culture. This dilemma is particularly disturbing from a liberal point of view. Since the liberal perspective departs from methodological individualism,

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<sup>1</sup> Forthcoming in Jamal Malik (ed.) *Religious Pluralism in India and Europe*, Oxford University Press, New Delhi, 2004, pp. 120-144. Sincere thanks to Helmut Reifeld and Jamal Malik, organisers of the conference on *Traditions of Religious Plurality in South Asia and Europe* in Gajner, Rajasthan, 23—26 November 2002, for inviting me to the conference and allowing me to contribute a paper to this volume. Heartfelt thanks also to Gurpreet Mahajan and Margrit Pernau for valuable comments. The responsibility for any shortcomings is entirely mine.

the individuals of the dismissed culture count as much as the individuals of the majority culture. Liberalism, however, has nothing to offer them in compensation for the depreciation of their cultural anchorage.

(B) Critics of liberalism have pointed out that there is a limit to the cultural neutrality of the liberal state. I embrace this argument in a qualified way by asking, what are the cultural aspects among which a liberal state cannot avoid favouring one culture over another. I maintain that language is such an aspect. Language, at the same time, is particularly important in the identity formation of the individual. In this sensitive respect the liberal state cannot avoid setting the members of those cultures at a disadvantage whose language is not among the media of political debate, education and other areas relevant for the realisation of civil rights.

Both criticisms of liberalism, (A) and (B), are in principle valid. However, as I try to show, neither of them helps to establish the case of multiculturalism for even multiculturalism cannot offer satisfactory solutions to the two dilemmas.

Part II gives an outline of an informed liberal conception of pluralism by taking Rawls political liberalism to a more principled level. I take Rawls' concept of public reason and argue that, for good philosophical reasons, we are not to expect any conception of justice, liberal or otherwise culturally grounded, to be able to decide political matters in lieu of the members of a polity. At some stage, a collective decision cannot be avoided, which remains arbitrary to a certain extent. From this fact of plurality follows the necessity, for the member of each culture, to take into account possible alternatives while construing their conception of justice. The labour of taking into account alternative conceptions of justice makes for the reasonableness of that conception of justice. The requirement of reasonableness in the public use of reason is a mutual one. A conception lacking reasonableness does not meet the criterion of mutuality and will be ignored. From this argument certain constraints of cultures can be inferred allowing us to distinguish (negatively) just from unjust cultures. The argument also allows us to distinguish between politically irrelevant aspects of culture and those aspects that are politically relevant and can thus give rise to multiculturalist concerns over majoritarianism. As an approximate answer from a liberal perspective to problem (B), I am discussing federalism, decentralisation and the principle of subsidiarity. As an answer to (A), it seems, only a pragmatic solution is available. From the liberal perspective, the dismissal of an unjust culture is permissible only if the harm that is done to its members by being uprooted is balanced by the advantage the dismissal has for those who would otherwise have suffered the injustices ascribed to that culture.

## I. Multiculturalism

Much of what is now couched in the terminology of multiculturalism<sup>2</sup> has a precursor in the communitarian critique<sup>3</sup> of liberal positions attributed to thinkers like Bruce Ackerman, Ronald Dworkin, and particularly to John Rawls.<sup>4</sup> Whereas liberals see first to the needs of the individual and justify social institutions such as families, communities, associations, societies, states, and ultimately trans- and supranational institutions by way of asking what they contribute to the wellbeing of the individual, communitarians take the needs of social institutions, particularly those of communities within the nation state, as equally or even more basic. The ensuing debate has been largely about how to place the emphasis right. Moderate liberals as well as reasonable communitarians largely agree on the basic features of the liberal democratic state with a firm place for individual rights which includes the right to form associations within the state, to practice one's religion and to maintain the relevant religious and cultural institutions under the protection of the state. The lines between communitarians and liberals have been drawn differently. I am not interested here in defining these terms or in accounting for all the subdivisions in each school. For the purpose of this paper, I shall focus on one major division, namely the question whether doing justice to the individual's need for cultural or community attachment requires us to depart from methodological individualism and to stipulate collective rights.

I shall call liberal the position that maintains that we can account for the individual needs for attachment and belonging within the limits of methodological individualism. The communitarian and the multiculturalist position, on the other hand, claim the need for departure from that premise. Both advocate collective rights (i.e. 'human rights' for groups) on the same or even on a more fundamental level as individual human rights. Of course, intermediate positions exist. Bhargava for instance differentiates between republican and liberal individualism, political and cultural communitarian, democratic, authoritarian, liberal, and even 'boutique' multiculturalism.<sup>5</sup> All these distinctions are valid. However, as Habermas put it, 'Included in the set of human rights are rights to cultural membership. Everybody has the same right to develop and maintain her identity in just those intersubjectively shared forms of life and traditions from which she first emerged and has been formed during the course of childhood and adolescence.'<sup>6</sup> From such membership rights follow almost all of the immunities, protections, subsidies, and policies which communitarians demand for cultural minorities in the liberal state. 'These rights need not be conceptualised in terms of collective rights.'<sup>7</sup> I am therefore not interested in those kinds of communitarianism or multiculturalism that do not challenge methodological individualism. In this paper, these positions will also be subsumed under liberal pluralism.

<sup>2</sup> The following owes much to Axel Honneth, *Kommunitarismus*. Campus Verlag, Frankfurt am Main, 1993, pp. 7-17 and Rajeev Bhargava, 'Introducing Multiculturalism.' In *Multiculturalism, Liberalism and Democracy* edited by Rajeev Bhargava, Amiya Kumar Bagchi and R. Sudarshan, Oxford University Press, New Delhi, 1999, pp. 1-57.

<sup>3</sup> Cf. Charles Taylor. *Hegel and Modern Society*. Cambridge University Press, Cambridge, 1979; Alasdair MacIntyre. *After Virtue. A Study in Moral Theory*. University of Notre Dame Press, Notre Dame, 1981; Michael Sandel. *Liberalism and the Limits of Justice*. Cambridge University Press, Cambridge, 1982; Michael Walzer. *Spheres of Justice*. Basic Books, New York.

<sup>4</sup> Cf. John Rawls. *A Theory of Justice*. Oxford University Press, Oxford, 1971; Ronald Dworkin. *Taking Rights Seriously*. Duckworth, London, 1977; Bruce Ackermann. *Social Justice in the Liberal State*. Yale University Press, New Haven, 1980; on Rawls and some of his critics see also Thomas W. Pogge, *Realizing Rawls*. Cornell University Press, Ithaca, New York, 1989.

<sup>5</sup> *Introducing Multiculturalism*, p. 48ff.

<sup>6</sup> Cf. Juergen Habermas. 'Multiculturalism and the Liberal State' *Stanford Law Review* 47, May 1995, p. 850f.

<sup>7</sup> *Ibid.*

By the term ‘methodological individualism’, I mean any approach that uses the individual as the basic unit for normative considerations. On this level, lest it fall into the trap of the naturalist fallacy, liberalism does not make any claim as to how people really are, how they develop and what they need for a good life. This would be ‘empirical’ or ‘anthropological individualism’. Methodological individualism grants that individuals, seen from an anthropological perspective, grow up in families and possibly in communities. It grants that much of the material normative input constitutive of any individual personality stems from these allegiances, and that families and communities are crucial in the maintenance of a healthy (empirical) individual. In isolating an individual for the purpose of moral reflection, the liberal does not pretend that the resulting abstraction is a realistic image of a human being in this anthropological sense. That is not the purpose. Moral thinking has to abstract from certain givens in order to reach out into the counterfactual realm of normativity. Thus, the question is not how realistic the concept of the individual would be after this abstraction but the reverse: How much anthropological ‘flesh’ do we have to add to an abstract individual in order for our counterfactual considerations to remain relevant for real-life purposes? The relationship between normative and empirical theory has been elucidated by Habermas in his discussion of Kohlberg’s moral psychology.<sup>8</sup> While Kohlberg’s six-stage model of moral development admittedly presupposes a normative theory whose direct justification has to rest on independent normative grounds to avoid natural fallacy, it nevertheless contributes indirectly to the justification of the normative theory by proving its usefulness and relevance to real-life matters. Thus, multiculturalism can attack methodological individualism for two reasons. It can call into question the normative validity of methodological individualism or it can attack liberalism on the ground that methodological individualism renders it irrelevant to real-life affairs.

It is perhaps thanks to the communitarian critique that the importance of a grounding of liberal values in a lived political community has been brought home. Among the preconditions for the working of liberal institutions is a common horizon of values, a largely implicit background consensus, which is eminently social and subjective and cannot be captured by individualistic and objectivistic considerations alone. The abstract individual of the rational choice school was ruled out even for liberals like John Rawls who had started with an Outline of a Decision Procedure for Ethics<sup>9</sup> in the early fifties but who stresses the ‘subjective circumstances of justice’<sup>10</sup> already in his *Theory of Justice*; i.e. it is not merely rational agents who assemble in the *original position* to deliberate over the basic structure of a future society but persons with ‘their own plans of life’ and ‘conceptions of the good’.<sup>11</sup> On another level, the justification of the original position itself involves ‘us’ not only as rational beings but in ‘our’ well-considered judgement regarding basic questions of value that may or may not be open to rational scrutiny.<sup>12</sup> Nowadays, differences between liberals and multiculturalists are surrounding questions regarding the active involvement of the state in the protection of communities and their institutions and their legal status. Habermas notes a self-contradiction in any attempt to reproduce culturally engendered ways of life through the

<sup>8</sup> Cf. Juergen Habermas. ‘Rekonstruktive vs. verstehende Sozialwissenschaften.’ In *Moralbewusstsein und kommunikatives Handeln*. Suhrkamp Verlag, Frankfurt am Main, 1983, pp. 29-52.

<sup>9</sup> John Rawls. ‘Outline of a Decision Procedure for Ethics.’ *Philosophical Review* 60, 1951, pp. 177ff.

<sup>10</sup> *Theory of Justice*, § 22.

<sup>11</sup> *Ibid.*, p. 127.

<sup>12</sup> Cf. my discussion of the subjective circumstances of justice in *Der Philosoph als Mediator. Anwendungsbedingungen globaler Gerechtigkeit*. Passagen Verlag, Vienna, 2000. My use of the term ‘subjective circumstances of justices’ differs from that of Rawls in that I am including in it all culturally dependent normative preconceptions that enter into the justification of the original position including the definition of the veil of ignorance. For a clarification on this point, I am grateful for a discussion with Thomas Pogge during a seminar on global justice in Halle in December 2002.

judicial machinery of the state: 'The reproduction of traditions and cultural forms is an achievement which can be legally enabled, but by no means granted. Reproduction here requires the conscious appropriation and application of traditions by those native members who have become convinced of these traditions' intrinsic value. The members must first come to see that the inherited traditions are worth the existential effort of continuation. But new generations can acquire such a belief only on the condition that they are capable—and have the right—of saying yes or no. Legal guarantees of survival would deprive members exactly of this freedom to break off from their own tradition—and would thereby destroy the very space for hermeneutical appropriation which provides the only way to maintain cultural forms'<sup>13</sup>

While the debates between liberals and communitarians centred on the status of the community as a source for belief formation of individuals, multiculturalism has defended culture as an irreducible horizon in the justification of moral and legal obligation. At this juncture, multiculturalism risks falling prey to normative relativism. We can distinguish three forms of relativism: descriptive, meta-ethical and normative relativism.<sup>14</sup> Within descriptive relativism we can again distinguish between a fundamentalist and a non-fundamentalist sort. Descriptive relativism in its non-fundamentalist form makes the *prima facie* uncontroversial statement that individuals or groups adhere to conflicting values and norms. From here, fundamentalist relativism goes a step further to claim that the conflict among these norms is normally not resolved through ethical reflection or dialogue and that therefore the different groups either clash or co-exist peacefully albeit separately. All this is still on the descriptive level. Normative relativism, now, takes the discussion to the level of ethical reflection and maintains that even on that theoretical level, the conflict cannot be resolved: two or more normative systems co-exist separately and there is no independent ground to determine which one is right. From this, normative relativists draw the conclusion that we have to assume an attitude of equal respect for each of the normative systems thereby contradicting its own assumption that there is no independent ground for upholding even the norm of equal respect for different normative systems. Normative relativism thereby defeats itself. The way out would be a meta-ethical position that grants to the relativist the fact of conflicting normative systems and the lack, as of yet, of any universalist common ground, but does not preclude the possibility of achieving such common ground through dialogue and negotiation. Norms, after all, are human-made and can be shaped and reshaped according to human need.<sup>15</sup>

For the multiculturalist, culture is an indispensable level of analysis when it comes to questions of identity and belonging. However, the moral and legal status of groups, defined as communities or cultures is problematic. A host of questions arises regarding the definability of cultural groups: what carries the moral or legal status of a group if the boundaries between groups cannot be drawn easily and groups within groups can not be limited to a manageable number? Moreover, there is no easy one-to-one correspondence between individuals and groups. Each individual may belong to a number of different groups simultaneously and over time.<sup>16</sup> Thus, the group allegiances of any individual can not easily be defined objectively but have to depend on the self-ascriptions and

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<sup>13</sup> Juergen Habermas. 'Multiculturalism and the Liberal State.' In *Stanford Law Review* 47, 1995, no. 3.

<sup>14</sup> Cf. R. B. Brandt. 'Ethical Relativism' In: P. Edwards (ed.) *The Encyclopedia of Philosophy*, Vol. III. Macmillan, New York, pp. 75-78.

<sup>15</sup> This is roughly my position in *Philosoph als Mediator*, cf. §5 on *Internal Universalism*.

<sup>16</sup> Very instructive in this regard is Margrit Pernau's contribution to this volume.

preferences of any individual at a given point of time. An individual can change its identity over time and / or have several identities simultaneously depending on the context. Identities can overlap and mutually depend on each other in a variety of ways. Ultimately only the individual person can inform us about her various allegiances and their preferential order. It seems that thereby, again, the individual gains central importance. From the point of view of the theorist and more so from the point of view of the policy maker, the individual cannot be bypassed in the definition of the community or culture in which it wishes to be included. All these problems set aside, in this paper I am asking whether multiculturalism did succeed in demonstrating a fundamental flaw in the liberal approach. I shall discuss two problems assuming that they could represent a real obstacle for methodological individualism: (A) the problem of abolition<sup>17</sup> of unjust communities or cultures and (B) the problem of public recognition of communities or cultures.

The identity of the individual person, so the multiculturalists claim, is rooted in something bigger than the individual, namely its culture. Therefore, so the conclusion, cultures need to feature somewhere in the normative account of just social institutions. The liberal answer to this would be swift. Cultures do feature in the liberal account of just institutions. They are part of what Rawls had called the basic structure of society and they are one among many institutions (as it were) under scrutiny in a normative account of social justice. Thus, a culture that conforms to the basic principles of justice for the basic structure of any society would be called a just culture and would occupy its just place in the over all scheme of things in that particular society. Cultures that violate basic principles of justice would justly be dismissed as any association of individuals would have to be dismissed if it violates basic principles of justice. Liberalism grants every individual a catalogue of basic rights including the right to form, or be part of, any association provided that this association respects the same basic rights of all the other members of society. Here the multiculturalist will object that the analogy between cultures and associations in the liberal's account is flawed for the following reason: While individuals can join associations voluntarily, people are not free in choosing their culture. Cultures are something into which one is born. People cannot easily renounce their culture or assimilate to another culture. Born German, I cannot suddenly choose to become Indian and vice versa. Thus, the multiculturalist will ask: How does the liberal go about a person who happens to be born into a culture deemed unjust by liberal principles of justice? The liberal will dismiss the person's culture. Will he dismiss the person along with it?

The liberal faces a problem at this juncture. On the one hand, by force of normative individualism, the liberal is committed to treat each person indiscriminately of any unchosen circumstance including culture; on the other hand, principles of justice compel her to deliberately set a group of individuals at a disadvantage since these principles mark a certain culture as unjust. An ideal society conforming to a given set of liberal principles of justice will not leave any room for unjust cultures. A less-than ideal society on its way to more justice will thus have to work towards the abolition of unjust cultures within its boundaries. However, abolishing the stipulated unjust culture, the non-ideal society cannot offer any compensation to those whose culture and thereby whose identity it has to tamper with. It cannot give them a new culture to make up for the loss in identity and belonging, if our assumption is correct that cultures in a certain deep sense can not be voluntarily acquired. The individuals

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<sup>17</sup> The allusion to the abolition of slavery in the US is deliberate. No one, I take it, would object to the abolition of slavery and yet the abolition of the 'culture' of the society of slave owning masters will have left them with a sense of uprootedness also.

concerned, i.e. at least one or two generations from those who used to belong to the dismissed culture, will suffer the consequences of being uprooted until their offspring eventually grows up among equals in the majority culture.

I had called the problem just described the ‘problem of abolishing unjust cultures’ or simply the ‘abolition problem’ (A). I shall discuss this problem in the light of a Rawls-type liberal pluralism further below. Even at this stage, however, the multiculturalist could raise the objection that the choice of examples has been particularly disadvantageous for her. Alternatively, let us look at a society that consists of people belonging to different cultures each of which would stand the test of basic principles of justice advanced by a liberal theory of justice. Still, the multiculturalist could maintain that the political culture of a given society usually reflects the preferences of those who form the majority culture. Their culture, being the standard culture, normally receives more public recognition than minority cultures. The people belonging to the majority culture are thus at a greater advantage in terms of public recognition of what forms their identity than people belonging to any minority culture. As multiculturalists like Kymlicka<sup>18</sup> and other critics of liberalism<sup>19</sup> have pointed out, there is a limit as to how neutral the liberal state can be with respect to culture. In many existing nation-states, the official language is a divisive factor. With a secondarily acquired language being the official language in the political forum, people belonging to a minority with a different first language are at a disadvantage with respect to others who have acquired the official language as a first language. This disadvantage can be practical (following and participating in political processes, standing for office); it can also be more subtle. Rajeev Bhargava, for instance, gives an account of how personal identity relates to culture and links it to intentionality (beliefs, desires ...) and thereby language.<sup>20</sup> The ascription of beliefs and desires involves propositional attitude sentences (that-clauses): ‘To have an identity, a person must consciously be able to identify with some of his / her beliefs, desires and acts ... [O]n the assumption of the centrality of beliefs, desires, and acts to the whole issue of personal identity, the identity of persons is constituted in large measure by the language ... Identification with beliefs and desires is impossible without language because a person would not know what these beliefs and desires mean ... Since entry into a world of meaning is crucial for the formation of beliefs and desires; the identity of humans is related to a world of meanings ... a culture’. Thus, language becomes the central point for practical reasons as well as for the more subtle reasons in connection with personal identity. Language being an important expression of culture, multiculturalism has a point here. However, multiculturalism does not normally focus on language but speaks of culture in a very broad and often undefined sense.<sup>21</sup> The problem can thus be narrowed down from cultures to linguistic communities. This is what I had called the ‘problem of equal political recognition of different linguistic communities’ or simply the ‘recognition problem’ (B).

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<sup>18</sup> Cf. Will Kymlicka. *Ibid.*

<sup>19</sup> Cf. Christoph Menke. *Spiegelungen der Gleichheit*. Akademie Verlag, Berlin, 2000; ‘Grenzen der Gleichheit’ In *Deutsche Zeitschrift für Philosophie* 50, 2002, no. 6, pp. 897-906.

<sup>20</sup> Cf. Bhargava, loc. cit., pp. 4-9.

<sup>21</sup> I have criticised this in my review of Kymlicka (loc. cit.). *Ethical Perspectives* 5, 1998, no. 3: 227-229. For a theory on propositional attitudes emphasising individual autonomy in belief ascription see my ‘Signification in Opaque Contexts.’ In: Harjeet Singh Gill (ed.) *Signification in Language and Culture*, Indian Institute of Advanced Study, Shimla, 2002, pp. 161–194 as well as my ‘Interpreted Logical Forms as Objects of the Attitudes’, *Journal of Logic, Language, and Information* 4, 1995, no. 4: 301-315.

For these two problems, A and B, to be decisive, the multiculturalist has to show that the liberal approach for principled reasons does not solve them adequately (1) and that the multiculturalist approach does (2). I shall argue that the multiculturalist achieves (1) but not (2). To show that for principled reasons, liberalism can not adequately cope with the two problems, the multiculturalist has to say how his approach differs from the liberal fundamentally. The fundamental difference between the multiculturalist and the liberal approach lies in the question whether individuals or groups should be the ultimate unit of the normative analysis. Liberal theories use methodological individualism; multiculturalists use groups as the most basic unit. Therefore, the multiculturalist has to show how methodological individualism fails to account for the two aforementioned problems.

Problem (A) calls into question the normative validity of methodological individualism for normative reasons, liberalism has to dismiss unjust cultures.<sup>22</sup> Equally for normative reasons, liberalism cannot afford to dismiss the individual carrier of that culture along with it. Problem (B) rests on the assumption that cultures thrive better when they are officially recognised.<sup>23</sup> Particularly, cultures profit from being 'state cultures'. Conversely, cultures are said to wither away when they are pushed into the domain of the unofficial. (I am not saying 'private' because I believe that there is a third realm between the private and the official that is the public sphere.) The liberal could simply deny that these assumptions are correct. There are numerous examples of cultures that have failed to wither away in spite of never having been official in any way. A prime example is the Jewish Diaspora that has maintained its cultural and religious distinctness over centuries in spite of not only being not official but even officially suppressed. There are also examples of cultures that have disappeared in spite of being state cultures, and not only because their states have vanished. One may think of the polytheist Roman culture that has given way to a monotheist Christian culture even before the Roman Empire fell apart. However, the liberal cannot deny that states do have to make a choice in some aspects of culture and that therefore even in the liberal state, absolute neutrality with respect to cultural matters is not conceivable. As a consequence, some groups of individuals have an advantage over others in that their access to political participation is facilitated by the fact that their culture is part of the official culture. Those whose cultures are marginal in the state find it more difficult to profit from the opportunities that a state offers to its citizens. This line of attack questions the relevance of methodological individualism for real-life matters. The conflict is between the liberal's proclaimed objective of providing the individual with equal opportunities by levelling privileges and impairments that are due to unchosen circumstance (culture being one example) and real-life constraints in the feasibility of state neutrality.

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<sup>22</sup> I have criticised this problem in connection with questions relating to global justice in a critical appreciation of Rawls Law of Peoples. Cf. *Philosoph als Mediator* §16; John Rawls, 'The Law of Peoples.' In *Critical Inquiry* 20, 1993, pp: 36-68, and *The Law of Peoples with 'The Idea of Public Reason Revisited'*. Harvard University Press Cambridge, Massachusetts, 1999.

<sup>23</sup> Cf. Will Kymlicka. *States, Nations, and Cultures*. Van Gorcum Press, Assen, The Netherlands.

## II. Liberal Pluralism

What makes liberalism appear so indifferent towards community? In the archetypical social contract, people come together whose shared interest it is to be left in peace and carry on with their business. Who are these individuals? Historically speaking, the individual of the social contract is a self-sufficient entity. He (sic!) owns an estate to provide for his economical needs and a family or clan for his social requirements. What he needs from society as a whole is protection for his property. Such was, in crude terms, the member of the social contract that Locke and also Kant envisaged. For Kant, individuals without property (interestingly with the exception of state officials such as professors), dependent labourers, women and children were not full-fledged citizens because they were lacking autarky. Since it was first conceived in this crude form, liberalism has evolved into various forms, some of which attempting to constructively deal with the democratic, socialist and pluralist criticism to which it was exposed. A prime example of this sort is John Rawls' political liberalism.<sup>24</sup> In the following, I shall briefly outline how Rawls' political liberalism deals with the problem of plurality of world views—secular as well as religious—co-existing in the setting of a modern liberal democracy. Rawls speaks of comprehensive doctrines pertaining to questions of good life and just social order. These comprehensive doctrines can be based on secular parameters or grounded in a religious or culturally engendered perspective. Their defining feature is that in their attempt to give a foundation to a set of norms and values they refer to concepts and truths which are not commonly shared among citizens outside this particular community. However, the society, in spite of being divided along such lines, is in need of a shared basis of basic norms forming a sort of background consensus upon which social institutions catering to all citizens alike can rest. Since Kant, the realm in which such a background consensus is sought is called the realm of public reason.<sup>25</sup>

In his various publications on *public reason*,<sup>26</sup> John Rawls has developed a normative theory of politics for a plural environment where reasonable citizens who follow diverse religious and non-religious belief-systems equally demand that their world-view be respected and the pursuit of their religious practices protected by the state—provided that they are reasonable. This is an important constraint, which is meant to protect us from relativism. What are we to understand by the term 'reasonable' as applied to citizens and as applied to secular and religious doctrines? Do we have to assume that there is an objective moral order, which humans can appreciate through their faculty of reason? Under this assumption, a conception of justice would be true if it corresponds with this given moral order. According to this position, which is called 'rational intuitionism' in the philosophical literature,<sup>27</sup> there can be only one true moral theory. Reasonableness, according to rational intuitionism, is the

<sup>24</sup> Cf. John Rawls. *Political Liberalism*. Columbia University Press, New York, 1993.

<sup>25</sup> Cf. Immanuel Kant. 'Was ist Aufklärung?' In *Biesters Berlinische Monatsschrift*, December 1784; Ak. VIII, pp. 33-42.

<sup>26</sup> Cf. John Rawls. 'The Idea of Public Reason Revisited' In *The Law of Peoples with 'The Idea of Public Reason Revisited'*, pp. 129-180 for his latest discussion of the topic. Earlier publications on the same include 'Justice as Fairness: Political Not Metaphysical.' *Philosophy and Public Affairs* 14, 1985, pp. 223-251; 'The Domain of the Political and Overlapping Consensus.' *New York University Law Review* 64, 1989, pp. 233-255; *Political Liberalism* (loc. cit.); the introduction to the paperback edition of *Political Liberalism*. Columbia University Press, New York, 1995, pp. xxxvii-lxii; 'Reply to Juergen Habermas.' *Journal of Philosophy* 92, 1995, no. 3: 109-131; and (only in German) 'Das Ideal des oeffentlichen Vernunftgebrauchs [The Ideal of the Public Use of Reason].' In *Zur Idee des Politischen Liberalismus. John Rawls in der Diskussion*, edited by Wilfried Hinsch, Suhrkamp Verlag, Frankfurt am Main, 1997, pp. 116-141.

<sup>27</sup> John Rawls. 'Kantischer Konstruktivismus in der Moraltheorie' In Wilfried Hinsch (ed.) *John Rawls: Die Idee des politischen Liberalismus. Aufsätze 1978-1989*, Suhrkamp Verlag, Frankfurt am Main, 1992, p. 137f.; English in *The Journal of Philosophy* 77, 1980, pp. 515-572.

insight into the inner necessity of this moral truth. Anyone lacking this insight would not be called reasonable. Political liberalism rejects this position. There can be a plurality of moral conceptions which can be true internally.<sup>28</sup> Ultimately, however, only a consensus can bridge the gap between possible incommensurable truths. Ultimately, truth is not the decisive factor but a decision taken collectively by all concerned individuals. Political liberalism calls reasonable a position that takes this fact of ethical diversity seriously. The reasonable individual develops her moral conception, which can be true internally, taking into account that others may have their moral conceptions which internally may be equally valid. After coming to terms with herself on ethical matters, she enters into negotiation with other individuals to explore the possibility of an overlapping consensus. Ultimately a collective decision will be reached and one of the many equally suitable moral conceptions will be validated.

A person would be called not-reasonable if she does not accept the fact that there can be a plurality of equally suitable moral conceptions. The reasonable person will therefore try to anticipate possible dissent and attempt to couch her conception in terms that are, in principle, acceptable for all. Conceptions, which are, in principle, not acceptable to all citizens are called non-reasonable. Their legalization would have to rely on force and thus be perceived as arbitrary and illegitimate by those who do not share the reasons behind the conception. A public conception of justice is reasonable to the extent as it takes into consideration all reasonable positions (as defined above). Reasonableness in the defined sense thus involves a momentum of adequacy (appreciation of the fact of reasonable pluralism) and preparedness to co-operate in the bringing about of an overlapping consensus between several equally suitable conceptions of justice. The implied principle of compatibilisation of reasonable positions could be called the ‘categorical imperative of political reason’:

Act as if the maxim of your action were to become through your will the maxim of all reasonable citizens in your polity.

Kant’s law-assessing (*gesetzpruefend*) Categorical Imperative can be regarded as a direct ancestor of Rawls concept of public reason. Kant, however, had underestimated the range of possible dissent within the reasonable. He had hoped for a moral law just as eternal as the starry heaven above him.<sup>29</sup>

To show that the stated fact of plurality of suitable moral conceptions is not just an empirical coincidence but relies on a firm philosophical basis, I would like to point out a parallel between Rawls’ thesis of the incommensurability of different, yet equally suitable world-views regarding just social institutions and Quine’s indeterminacy thesis.<sup>30</sup> I shall maintain that a thesis of indeterminacy of normative theories can be formulated in analogy to Quine’s thesis of the indeterminacy of empirical theories. In *Political Liberalism*, Rawls holds the view that the long-run outcome of the work of human reason under free institutions is an ever-growing diversity of world-views and value orientations.<sup>31</sup> This diversification comprises practical philosophy and especially political theory and theory of justice. In view of certain limits of human reason, as we will see further down, it is no longer reasonable to expect the existence of only one reasonable world-view to account for the justice and legitimacy of our social institutions. Many reasonable and yet incommensurable conceptions of justice compete for acceptance in the forum of public reason. Their reasonableness is evaluated in the light of what Rawls calls the ‘idea of

<sup>28</sup> Cf. my use of the term *internal universalism* in *Philosoph als Mediator*, §5.

<sup>29</sup> For further discussion of Rawls’ and Kant’s conception of ‘reasonableness’ see my *Philosoph als Mediator*, §10.

<sup>30</sup> Cf. Willard van Orman Quine. *Word and Object*. MIT Press, Cambridge, Massachusetts, 1960, p. 27.

<sup>31</sup> Cf. *Political Liberalism*, pp. xvi f.

public reason'.<sup>32</sup> Any theory of justice that deserves to be called reasonable has to take into account the mere fact that there may be other reasonable but incompatible theories of justice and accept mediation from the point of view of public reason. If theories of justice would yield only uncontroversial results, no such mediatory position would be needed. Then, normative questions would be on a par with other matters of expertise and the public would delegate them to their experts just as questions of technological nature are delegated to expert committees and not debated in parliament or court. Unfortunately, however, normative theories are indeterminate in a way to be explained and therefore normative decisions remain within the discretion of the public and its representatives. They are the domain proper of the political and cannot be delegated to experts outside the political process. To explicate the point of view of public reason, we have to avoid any claim that is potentially controversial among different reasonable theories of justice. Determining the limits of what we can legitimately suggest from the point of view of public reason amounts to determining the reasons for potential disagreement between different comprehensive doctrines. In Rawls' own words: 'The idea of reasonable disagreement involves an account of the sources, or causes, of disagreement between reasonable persons'.<sup>33</sup> This is what Rawls calls 'the burdens of judgement'.<sup>34</sup> I have tried to give an account of these 'burdens of judgement' in a principled way using Quine's concept of indeterminacy as a model. According to Quine,

It is always possible to devise two or more theories that account equally well for the same set of empirical data but which are mutually incompatible.

The reformulation of Quine's indeterminacy thesis in terms of normative theory would yield the following proposition:

It is always possible to devise two or more normative theories that account equally well for the same set of basic normative assumptions but which are mutually incompatible.

From this it follows that for any given theory of justice there can be at least one other equally adequate theory of justice and thus no theory of justice can ever be expected to remain forever undisputed. Reasonable disagreement based on at least one alternative and equally suitable conception of justice is always possible. No conception of justice can therefore hold a permanent claim to the domain of public reason and to the realm of the political.<sup>35</sup>

We are used to think with Kant in a dichotomy of legal ethics and virtue ethics. Therein, Kant follows the classical liberal framework that differentiates between law and ethics. This framework rests historically upon the experience of thirty years of religious war in Europe that eventually gave way to the opinion that reasonable disagreement between religions as regards the pious life of their supporters is possible and legitimate. It became common sense that the role of the state is not to forcefully eliminate religious disagreement between its citizens. Religion thus became disentrined from state affairs, its normative propositions binding only the community of its supporters. Legal affairs, by contrast were viewed as binding for every citizen regardless of their faith. In the legislative process, the *res publica* had to remain neutral in all matters exceeding the limits of legal ethics and transgressing the bounds of virtue ethics. Rawls as a self-proclaimed disciple of Kant differentiates accordingly. In his terms, we have to differentiate between the scopes of public reason as opposed to private reason. Public reason is a matter of politics, virtue ethics a matter of private reason. The concept of the political, of legal ethics

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<sup>32</sup> Ibid., pp. 212f.

<sup>33</sup> Ibid., p. 55.

<sup>34</sup> Ibid., pp. 54ff.

or of *res publica* has traditionally been defined in terms of material propositions as if the difference between public and private matters would lie in the material norm itself. Rawls, now, suggests a Copernican turn in moral theory by formalising the concept of the political. It is no longer implied in the norm itself whether it is to be subsumed under the domain of legal ethics or virtue ethics. The distinction between legal matters and ethical matters is carried out formally and dynamically by recourse to the criteria of reasonable disagreement. The realm of the political and the scope of legal ethics are defined by the scope of reasonable disagreement alone. The domain of politics corresponds to the domain of disagreement in ethical matters. Politics is about the peaceful settlement of conflicts regarding matters of justice. It has to mediate between divergent views on justice between groups of individuals.

How can the concepts of public reason and normative politics help us to tackle the two aforementioned puzzles of multiculturalism: the abolition problem and the recognition problem? A lot depends on how the multiculturalist defines the central term in her critique of liberal democratic pluralism. If culture is left undefined the liberal will object with the following observation: Culture matters for persons in a variety of domains; the state, however, is not meant to provide or substitute for whatever culture can give a person. This follows from the above delineation of the realm of the political and of *res publica*. A state that takes upon itself the guardianship for the full range of affairs usually associated with the term ‘culture’ would become authoritarian. It would not discriminate between the private affairs of its citizens—a domain where citizens have the freedom to make individual choices, to embrace or reject certain parts of their tradition—and the public affairs—the domain proper of the state where it can legitimately apply its right to enforce certain norms independently of the momentary choice of the person concerned. The liberal democratic state can not take upon itself all the tasks that the various actors of civil society are to accomplish by themselves. The actors of civil society, unlike the state, are voluntary associations. The right of the individual of exit prevents them from infringing on their liberties and becoming authoritarian. Cultures, as we have noticed earlier, lack this particular feature. Their membership is not voluntary in the same way as in the case of associations. If the state were to add its might to the inescapable character of cultures, then being part of a culture would become a fate. To prevent this, the state has to steer clear to a certain extent from the procreation of culture. Its job is to shield off the polity from external threats and prevent internal strife so that the polity can negotiate its internal affairs through peaceful and democratic means.<sup>36</sup>

For the controversy between the multiculturalist and the liberal to be meaningful, we have to single out those aspects of culture into which the liberal democratic state can not avoid getting involved. It is here that Rawls concept of the realm of the political can be of help. It provides us with a formula for discerning, which cultural aspects fall into the domain of politics and which do not. We have already mentioned one cultural aspect any political community or society can not avoid getting involved in, and this is language. Any political community needs a medium through which it negotiates and by the help of which the democratic right to political participation becomes meaningful. Certain aspects of education may provide further examples since only adequately educated citizens can be expected to become active and fully co-operating members of a political community.

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<sup>35</sup> For a fuller account see my *Philosoph als Mediator*.

<sup>36</sup> Cf. my ‘Human Rights, Autonomy, and Sovereignty.’ In *Ethical Perspectives* 7, 2000, no. 1: 24-36; and my ‘Ethik in der internationalen Politik—zum ‘Recht auf nationale Souveränität.’” In Ulrich Arnswald & Jens Kertscher (eds.) *Die Autonomie des Politischen und die Instrumentalisierung der Ethik*, Manutius Verlag, Heidelberg, 2002, pp. 77-99.

There are other aspects of culture, however, which need not be carried into the realm of politics. A political community need not take a uniform stance on religion, science, architecture, literature, theatre, music etc. Those matters are not directly relevant as prerequisites for the process of political negotiation. The multiculturalist had pointed out that culture is a necessary condition for any individual to preserve a sense of identity and belonging. The communitarian had indicated that the belonging to a community was a prerequisite for any individual to form beliefs and opinions on matters of value and justice. The political community, in turn, depends on individuals who are rooted in their respective culture and who have a sense of justice and ethical value to strive for. This however does not imply the reverse. The political community, while depending on individuals generally being rooted in some culture, does not depend on any particular culture for their individual citizens. This is true from the perspective of the state: the state should not limit itself to the promotion of one culture; and from the perspective of the individual: the state should not limit the individual to any one culture. From the latter follows that the state should also not promote a variety of existing cultures because it would thereby limit the bearers of each culture to follow an official interpretation of that culture. Humans have always been able to bring about culture without the help of the state. Involving the state in the reproduction of culture is underestimating human creativity. The motivation behind this is often authoritarian in nature.

All this is true, as we have said, for aspects of culture other than language (and possibly education). Here, by contrast, majoritarianism to a certain extent seems inescapable. In the paradigmatic, largely monolingual nation states of Europe this does not pose much of a problem. A state can afford to have two or more working languages (four in the case of Switzerland). However, in larger states like India and in conglomerations of states like the European Union the number of autochthonous linguistic communities is simply too large to be accommodated through a multi-language formula. One solution already at hand for this problem and well within the boundaries of democratic liberalism is federalism, i.e. the establishment of intermediate levels of political deliberation. A communal or regional government deliberating on behalf of a linguistic community can mediate between the central government and the citizens without infringing on the priority of individual rights over collective rights. Of course, federalism and decentralisation cannot solve but only reduce the problem that people belonging to some linguistic communities have an advantage over individuals belonging to other linguistic communities because their language happens to be among the working languages of a local or central government. But this is a problem faced by liberal pluralism and multiculturalism alike. The multiculturalist seeking greater autonomy for certain linguistic communities faces the same problem. Within the domain of that linguistic community there will again be minorities who would fall under the hegemony of the main language of that area. There can only be an approximate solution, never a principled one if one wants to avoid sovereign political entities to exceed the size of a village.

The idea coping best with this impasse is the principle of subsidiary government which is available to the liberal and the multiculturalist alike. The concept of subsidiary government has its roots in the German legal tradition meaning the prevalence of the local customary law over the imperial law. The former used to be Germanic; the latter emerged as an adoption of Roman law. Roman law was used to supplement Germanic law where it was not sufficiently specific. Today, of course, federal law breaks state law and state law prevails over communal customs; local law is used to supplement federal law where it is not specific enough. Thus, subsidiary government has come to mean almost the inverse. The idea is that matters should be decided as far as possible by the con-

cerned people: local matters by local legislative bodies, regional matters by regional ones and so forth. Following its inherent logic, human rights, since they concern everyone, would fall into the domain of a global legislative body, which so far does not exist. Subsidiarity, in Germany today, is supported mainly by Catholics. The idea, however, has a republican aspect to it which makes it universally acceptable. Concerned people should be in a position to deliberate on their own affairs. The principle of subsidiary government tends to maximise the autonomy of local and regional institutions thereby leaving a maximum of questions to be decided within the bounds of the respective linguistic community. Which matters can legitimately be decided on a supra-regional or central level has to be negotiated between local political entities. I have argued elsewhere that a nation state consisting of a variety of linguistic communities should conceivably be the result of a hypothetical process of deliberate convergence of local political entities on a common ground of shared fundamental values.<sup>37</sup> Any multiethnic or multinational state where such deliberate union is inconceivable would be illegitimate.

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<sup>37</sup> Cf. my *Human Rights, Autonomy, and Sovereignty* (loc. cit.).

## Conclusion

In the preceding paragraphs we have dealt with the recognition problem (A) as it was raised by the multiculturalist. The multiculturalist had intended to show how in a principled way liberalism can not adequately deal with the problem of cultural majoritarianism in a constitutional democracy. To make more sense of the multiculturalist objection to liberalism, we have replaced the term culture by language arguing that it is mainly the linguistic aspect of culture that matters in the realm of the political. Moreover, we have seen earlier that language out of all aspects of culture features prominently in the quest of the individual for identity and belonging, a central concern of the multiculturalist. Reformulating the multiculturalist's objection to liberal majoritarianism as an objection to linguistic majoritarianism, we have granted that the problem was salient and found that a principled solution was not available, neither for the liberal nor for the multiculturalist. As the best approximation to an acceptable solution to the problem of linguistic majoritarianism for both, liberals and multiculturalists, we proposed the conception of subsidiary government. In conclusion it may be said that the recognition problem that was raised by the multiculturalist to show how liberalism fails on principled grounds to accommodate different cultures in the scheme of a liberal democracy represents an obstacle not only for liberalism but for the multiculturalist approach itself. The recognition problem can therefore not be decisive in our choice between multiculturalism and liberal pluralism.

As another problem for the liberal approach, we have mentioned the abolition problem (B). We assume that the reasonable multiculturalist will grant us the existence of unjust cultures, that is, cultures that do not conform to even basic principles of justice. The reasonable multiculturalist rejects with us normative relativism, which was demonstrated to be self-defeating. She shares with us the point of view of internal universalism, which holds that from within each culture an attempt is made at proposing a conception of justice that is at least in principle acceptable also to non-members of that culture. This can be called the criterion of reasonableness between cultures. A culture, which does not permit its members to conform to this very basic criterion of reasonableness, would equally not be called reasonable. It would be a negative criterion of its injustice that all reasonable cultures converge on the fact of its unacceptability. Thus, even in the absence of any universally accepted conception of justice, the concept of an unjust culture is not vacuous. Now, suppose a pluralist society dismisses a culture on grounds that it seems inconceivable that the established practices of that culture could figure in any conception of justice by any reasonable culture whatsoever. What, the multiculturalist will ask, does liberalism offer to those individuals whose culture it dismisses as unjust? A variety of scenarios are conceivable and the liberal's answer depends on which scenario we select:

Scenario I: The dismissed culture belongs to an immigrant group.

In this case, the liberal could reply that immigrants generally have made a conscious decision to leave their home country and to adapt themselves to the conditions in a culturally alien environment where they are expected to exercise their right to cultural membership within the limits of the basic principles of justice obtaining in the host country. If this leads to shortcomings for the first and second generation of immigrants, the ensuing disadvantages can be compensated for, to a certain extent, but not to the extent that the immigrants would be exempted from the fundamental rules governing the host society.

Scenario II: The dismissed culture belongs to an autochthonous community.

Here we have to distinguish two further sub-scenarios:

- (a) The autochthonous group occupies a distinct territory.
- (b) The autochthonous group is scattered over the territory of the country in question.

In II (a), the given group could demand

- (i) Segregation from the mother country.
- (ii) Autonomy to various degrees.

In II (b), the given group could demand cultural rights.

- (iii) For example differentiated citizenship, separate laws pertaining to each cultural group etc.

From the liberal's side, various replies are conceivable. They would, however, share one common feature. The liberal will never agree to any solution where autonomy or segregation, separate laws or exemption from general rules and principles would lead to an infringement on individual rights for even some members of the group in question. The multiculturalist remarks that at this point the liberal is contradicting herself. If her primary concern is with the individuals of each cultural group alike, then why should she be less concerned about the individual members of the dismissed cultural group who have to suffer uprootedness and a host of identity problems under the hegemony of the liberal majority culture? The reasonable liberal will counter by saying that a balance has to be struck between those who lose out because they suffer injustices from within the dismissed culture and those who suffer from uprootedness when their culture is dismissed. This sounds like a utilitarian argument of the greater sum of happiness sort. If the number of those benefiting from the demise of the culture in question outnumbers that of those who would benefit from not being uprooted, then the demise of that culture is justifiable. Some liberals will not like this, others will accept it if it does not call into question the very idea of rights. For us, it is important to note, which alternative the multiculturalist can offer. She was able to reach a tie break with the liberal (1) However, to be fully convincing, she has to offer an alternative (2), and that in an away match; I am not able to offer such an alternative.

For the argument to become critical, let us assume that people belonging to radically different cultures share a polity. Let us suppose that people belonging to these different cultures are unable to reach a consensus on even the most fundamental principles by which to organise their polity. Furthermore, let us suppose that at least some of the divergent cultures are born by autochthonous sections of the population, not immigrants. There can therefore be no question of forcing an immigrant minority community to subscribe to the shared political values of the autochthonous majority community. In addition, let us assume that people of at least two of the incommensurable segments of the society live equally scattered all across the territory of the nation state. Hence, there is no option of carving out a separate territory for one of the communities. The severe circumstances thus described make it extremely difficult to imagine the viability of any state at all, be it liberal or multicultural. The forum of public reason as outlined above would remain vacant. The public fora, the organs of the state are all in the hands of the dominating community that imposes its conception of justice upon the dominated minority communities. This, in broad lines, is the scenario that haunts the multiculturalist. It is an extreme example, however, and existing examples are hard to find. Most liberal states do not fulfil these criteria. In most existing liberal democratic states, an overlapping consensus regarding basic principles of justice has been achieved and is constantly main-

tained. Furthermore, most existing liberal states are faced with the demands of immigrant communities who can legitimately be expected to first subscribe to the background consensus that constitutes the polity of their choice before they become one of its citizens. And if the liberal state on its territory contains a disparate culture then people upholding this culture are typically sharing an ancestral territory to the effect that their claims can be accommodated to a large extent by granting them regional autonomy or even allowing them to segregate. Our extreme example is realised only by very few countries, if any at all. Moreover, if this example is to pose insurmountable difficulties for a liberal democratic state then it is not clear how it should not pose equally insuperable difficulties for a multicultural state. It seems to be a general condition of statehood that the citizens of a political community share at least the most fundamental principles of justice.

Let us assume, counterfactually, that India was an instance of such a torn state as it was outlined above. Let us assume that Hindus and Muslims formed two such incompatible cultures, both autochthonous and scattered all over the subcontinent. What use would it be to stipulate that the people of each culture were allowed to live by their alleged incommensurable norms if no common ground could be found to settle issues in the unavoidable interface between these communities? In a torn state like the described one where people belonging to different allegedly incompatible cultures can neither separate nor do live together citizens face a choice between permanent strife on the one hand and, on the other hand, the use of their creative potential in order to overcome the communal divide. In such an impasse, if violence is to be avoided, both communities would have to overcome—not preserve—certain aspects of their respective cultures and create space for common ground. This is not to say that members of particular religions would have to abandon their religion wholly in order to merge into a new, common, culture. It would be unrealistic to expect that of any religious person and it would be authoritarian on the part of the state to enforce such a fusion. Cultural republicanism, for instance, has been criticised for this authoritarian aspect. Without dismissing it as a whole, however, it should be always possible to reinterpret a religion and to modify religious practice in such a way, that they become minimally acceptable from the point of view of an internally universal conception of justice. Hinduism, it seems, has been able to cope with the abolition of sati, child marriage, temple prostitution and the like without Hindus losing their identity. Other cultures are expected to cope with the abolition of female circumcision to no detriment of their members.<sup>38</sup> It would amount to essentialising a culture, or a religion for that matter, if it were to be perceived as an unalterable entity. Such changes are preferably to come from within the culture / religion but, upon failure, can also be imposed from outside. In the stipulated situation this would amount to a painful process for the members of both cultures. For some generations, persons would lose out a bit on their well deserved sense of belonging without any hope for compensation. The way we have construed the situation, there is no solution for the citizens concerned to the abolition problem. But again, as in the previous example, the problem is not only with liberalism. It is a more general one pertaining to liberal and multicultural conceptions alike. It is the problem of the subjective circumstances of justice that require that a fair amount of normative orientation be shared by all concerned individuals lest a justification of any institution designed to enforce certain norms be inconceivable.<sup>39</sup>

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<sup>38</sup> For the Muslim community in India, Partha Chatterjee encourages a process of internal, democratic reform to minimize such problems as gender inequality and other injustices; cf. Partha Chatterjee. 'Secularism and Tolerance.' In Rajeev Bhargava. *Secularism and its Critics*, Oxford University Press, New Delhi, 1998, pp. 345-379.

<sup>39</sup> Cf. my *Philosophical Mediator*, §12.

Suppose then, the abolition problem is inescapable. Can we conceive of any way of sharing the burden of uprootedness for the individuals concerned? Does fairness prescribe that all individuals of all cultures take the same burden upon themselves? Would it be unfair for the members of one culture to be more, members of the other culture to be less subjected to change? I believe not. Since the burden of one individual can not be lessened or compensated for by subjecting another individual to the same degree of change there is no need to quantify and negotiate the amount of change and the resulting pain for the individuals concerned. However, if we conceive of a fair negotiation process between representatives of individuals potentially belonging to either of the two cultures who convene to set the foundation of a new political culture,<sup>40</sup> it is hard to imagine that these representatives will not deploy a tit for tat strategy: 'If  $x$  has to give up  $y$  then  $p$  will have to give up  $q$ '.<sup>41</sup> As a result, the degree of uprootedness would be nearly the same for members of both cultures.

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<sup>40</sup> The negotiation process can be conceived of along the lines of Rawls' original position where representatives meet behind a veil of ignorance that prevents them from knowing to which of the two cultures their clients will belong, cf. Rawls' *Theory of Justice* (loc. cit.).

<sup>41</sup>  $x$  and  $p$  being cultures,  $y$  and  $q$  being controversial features of these cultures.