



Liberalism and Multiculturalism

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After 1945, liberalism in a broad sense that I shall define in a moment, became an almost unquestioned basis of thinking about politics in English-speaking political philosophy. Over the past twenty years or so, however, this liberalism has been subjected to a number of challenges. Many of these can be brought under the umbrella of 'multiculturalism'. The kind of claim typically made in the name of multiculturalism — or, as it is sometimes called, the 'politics of difference' — is that the self-image of liberalism as a tolerant and open creed is inaccurate. In fact, it is said, liberalism imposes a false universality that discriminates against minorities of all kinds. The most systematic statement of this set of ideas that I know of is to be found in a book by the American political theorist Iris Marion Young, entitled *Justice and the Politics of Difference*.¹ I shall take this as my text, when I need to refer to one. But I should add that there are many other sources for the same ideas, especially in the United States.

The central issue that divides liberalism from its critics is what constitutes fair treatment of people with different beliefs and values who have to live together in the same society. Nobody, I think, wishes to deny that fair treatment is in some sense or other equal treatment. But liberalism defines equal treatment in its own way, and the critics of liberalism reject that conception of equal treatment. My object in this lecture is to defend the adequacy of the liberal conception of equal treatment.

Let me begin, as I promised, by saying what are the ideas that I intend to refer to under the name of liberalism. It is notorious that the word 'liberalism' is understood in many different ways. In the United States, it refers to a weak form of what we would call social democracy; on the

continent of Europe it is more likely to be applied to a political position favourable to markets. I intend to use the term 'liberalism' in a way that would include both of these within its scope. The broad sense of 'liberalism' with which I shall be working takes it to be the contemporary development of the basic values of the Enlightenment. In abstract terms, we may say that liberalism stands for individualism (versus communalism), equality (as against any notion of natural or divinely-appointed hierarchy), and moral universalism (as against moral particularism). More concretely, at the core of liberalism is the idea of equal citizenship. Members of a liberal state enjoy a common citizenship, which does not recognize any ascriptive basis for differentiation such as race or gender. Everyone is entitled to the same civil and political rights unless they forfeit them as a result of some action prohibited by law. The laws prescribe a framework of equal liberty within which people are free to decide how to live their own lives, pursuing their ends either individually or in association with others.

Although the notion of equal treatment central to liberalism may appear to be merely formal, it has undermined institutional inequalities that in earlier times were taken for granted. Thus, the most blatant violation of equal civil rights is created by the institution of slavery. When we bear in mind the immense economic interests at stake, it is impossible not to be impressed by the achievement represented by the abolition of slavery in the course of the nineteenth century.²

Again, the position of women has been transformed in western societies in the past century and a half in line with the demands of the principle of equal citizenship. In the 1850's, the role of women in society, the polity and the economy was everywhere mediated through a male. A woman moved, on marrying, from the protection



(and in effect guardianship) of her father to that of a husband — and the fate of those without such protection (the ‘old maids’) was scarcely more enviable. The legal position of women has been changed unrecognizably since then in all western societies, so that they now have the same legal standing as men. The driving force has been the idea that the state should relate to whites and blacks, or to men and women, through a uniform set of laws.

I do not want to suggest that the liberal agenda is exhausted. It is undeniably important that the organs of the state should not behave in a discriminatory way. But liberals have come to recognize that discrimination in employment is equally significant as a source of unfair treatment, and that this is just as true whether the employer is a private or public body. The liberal crusade against unequal treatment based on group membership has thus extended to the demand that the state should introduce tough and effective measures to prevent employers in the private sector from discriminating.³ The same line of reasoning leads to a demand for anti-discrimination measures to include restaurants, hotels, and the sale and rental of housing.

Liberalism can certainly be attacked for having failed to fulfil its promise of creating a society in which features of people such as race and gender do not affect their educational or career opportunities. But the attack that I want to examine in this lecture is an attack not on the incomplete success of liberalism so far in achieving its objectives but on those objectives themselves.

In recent years, there has been a tendency for those in academia who are concerned for the position of women and minorities to turn their backs on the liberal agenda and argue instead for the politicization of group identities and for the abandonment of the liberal ideal of equal treatment under common laws. The chief objection made to liberalism is that, while pretending to be tolerant to diverse beliefs and ways of life, it is

actually highly restrictive. Everybody can do as they like, it is suggested, but only if what they like is compatible with the tenets of liberalism.

One argument against liberalism runs along the following lines. Liberalism boasts of having one law for everyone. But, it is said, uniform laws may have a different impact on members of different cultural or religious groups because of their different customs and beliefs. Such laws are thus in reality discriminatory even though on the surface they treat everyone alike. For some people find obeying the law more frustrating than do others.

Thus, for example, if bus conductors have to wear caps as part of the uniform, religiously observant Sikhs will be unable to become bus conductors; and if motorcycle riders have to wear crash helmets, they will be unable to ride motorcycles. Humane animal slaughter regulations provide another example. These typically require that an animal must be stunned before it is killed. But this creates problems for religiously observant Jews and Muslims who wish to eat meat, since they believe there to be a religious stipulation that an animal must be conscious when killed and must bleed to death.

For a third example, consider the practice of female genital mutilation, commonly called female circumcision. Although it is, as I understand it, not religiously mandated, it is a deep-seated custom among some communities (especially in Africa), and where the custom holds it is considered that a girl is at a significant disadvantage in marrying well unless the operation has been performed. Nevertheless, laws for the protection of bodily integrity are construed in western liberal countries to prohibit this kind of mutilation of the sexual organs of young girls. A defender of liberalism cannot deny that the liberal notion of a uniform set of laws has these implications. But the response to be made is that there is nothing wrong with this. It is an odd conception of fairness, a liberal may say, that makes it unfair for a law to have a different impact on different peo-



ple. What makes a law fair is that it strikes a fair balance between interests of different kinds. Thus, the interests of women who do not want to be raped are given priority over the interests of potential rapists in the form of the law that prohibits rape. Similarly, the interests of children in not being interfered with sexually are given priority over the interests of potential paedophiles in the form of the law that prohibits paedophile activities. These laws clearly have a much more severe impact on those who are strongly attracted to rape and paedophilia than on those who would not wish to engage in them even if there were no law against them. But it is absurd to suggest that this makes the laws prohibiting them unfair. Any conception of equal treatment that would make such laws a violation of the principle of equal treatment is a fundamentally misguided conception.

This point bears on a large literature in Anglophone political philosophy concerning the so-called problem of expensive tastes. There is a line of thought according to which a legitimate claim for additional income can in principle be made by those with expensive tastes. These are people who (to take Ronald Dworkin's example) have to eat plovers' eggs and drink vintage claret if they are to achieve the same level of satisfaction as others can achieve with sausages and beer. The usual reaction to this idea is that it is absurd, and I think that such a reaction is perfectly sound. This is not simply because the proposal to give extra money to people with expensive tastes is unworkable. Those who put forward the idea are usually quite willing to concede that. The error lies in thinking that, even as a matter of principle, fair treatment requires compensation of those with expensive tastes.

To explain what is wrong with the idea we have to invoke the fundamental liberal premise that the subject of fairness is the distribution of rights, resources and opportunities. Thus, a fair share of income is a fair share of income: income is the stuff whose distribution is the subject of

attributions of fairness. Suppose that you and I have an equal claim on society's resources — for example, because we have made an equal contribution. Then it is simply not relevant that you will gain more satisfaction from using those resources than I will. What is fair is that our equal claim translates into equal purchasing power: what we do with it is our own business.

I do not see that there is any general principle that requires us to pick out for special treatment cases where costs arise from beliefs, as against tastes. Consider, for example, the way in which people's beliefs may make some job opportunities unattractive to them. Pacifists will presumably regard a career in the military as closed to them. Committed vegetarians are likely to feel the same way about jobs in slaughterhouses or butcher's shops. If bus conductors have to wear caps, Sikhs will not find bus conducting a congenial line of work. And those whose religious beliefs forbid them to trade on a Friday would be well advised not to go into retailing in a country where a lot of shopping is done on Fridays.

Many religions impose dietary restrictions. These obviously foreclose various opportunities for eating that would otherwise be available, and thus in a certain sense create costs for adherents of the religion. Legal provisions may interact with religious beliefs so as to create further restrictions, and thus (in the same sense) further costs. Thus, if legislation requires that animals should be stunned before being killed, those who cannot as a result of their religious beliefs eat such meat will have to give up eating meat altogether. As much as an inability to eat pork, this is a cost created by religious belief. There is nothing discriminatory about the law. What should in particular be noted is that a law prohibiting kosher butchering is in no sense a denial of religious liberty, since nobody's religion commands them to eat meat.

Faced with a meatless future, some Jews and Muslims may well decide that their faith needs to be reinterpreted so as to permit the consumption



of humanely slaughtered animals. And indeed this has already happened to some degree. According to Peter Singer, 'in Sweden, Norway and Switzerland, for example, the rabbis have accepted legislation requiring the stunning [of animals prior to killing] with no exemptions for ritual slaughter. Many Moslems have also accepted stunning prior to slaughter.'⁴ As far as liberals are concerned, people are perfectly free to adapt their beliefs in this way or to leave them unchanged. The point to be emphasized is simply that people cannot reasonably complain about the burdens placed on them by their own beliefs, whether these arise directly from those beliefs or out of the interaction of those beliefs with the law.

Now in practice, of course, states do tend to make some concessions in order to accommodate religious beliefs, including all the cases that I have mentioned. Thus, Sikhs may be exempted from rules about headwear, Jewish shopkeepers permitted to open on Sundays instead of Fridays, and humane slaughtering provisions waived to allow ritual slaughter. These concessions may come about simply as the result of effective political lobbying. But what I wish to stress here is that, to the extent that there is a principled rationale for them, it is not that they instantiate some deep principle of equal treatment according to which there is something *prima facie* illegitimate about a law that has a differential impact on people according to their beliefs, cultural traditions or personal proclivities. Rather, what we have is a balancing of interests: how important is the purpose served by the law, and how does it compare to the cost that (as a result of their religious beliefs) it imposes on some people?

Thus, the interest served by making all bus conductors wear a cap is relatively unimportant, so allowing Sikhs to wear the rest of the uniform without the cap seems like a very reasonable concession. On the other hand, the rationale for requiring motorcyclists to wear crash helmets seems to me sufficiently compelling to suggest that no exemptions should be made for it, so

Sikhs will have to choose between some reinterpretation of their religion and riding a motorcycle. Those who favour tight restrictions on Sunday trading may well feel that the exception allowing Jewish shopkeepers to trade on Sundays is acceptable, since there will still be one day of the week that is distinctly different from the rest in its level of commercial activity. Finally, as far as kosher butchery is concerned, my own view is that the rationale for the law mandating the stunning of animals is compelling, and that exceptions should not be allowed. Others might arrive at a different balance of interests in this case. The point is, however, that it is a balancing of interests that is at stake, not a deep principle of equal treatment.

So far then, I have argued that there is nothing inherently unfair in having general rules that apply to everybody in a society, regardless of their inclinations or beliefs. It is an unavoidable consequence of a uniform system of laws that some people will find compliance with certain laws more burdensome than will others. But this does not constitute a legitimate complaint against such laws so long as there are good reasons for having them.

Another version of what is in essence the same objection to liberalism is that, despite its superficial tolerance for different ways of life, it is actually committed to a policy of destroying differences based on group identities. But this charge of 'assimilationism' also seems to me misdirected. In a liberal society, people can live as they like, within the limits of laws designed to protect the interests of others. What they cannot insist on is that the way in which they choose to live should have no consequences for such things as the ability to get and hold on to a well-paid job. But that is not an aspect of a liberal society that can reasonably be complained about, as I shall seek to argue in what follows.

In addressing the issue of 'assimilationism' and its relation to liberalism, we need in the first place to make a distinction between what some



liberals may hold to be an ideal kind of society and what liberal institutions themselves do to press people towards living in a way that such a society would call for. Thus, it is quite true that some liberals have as an ideal a society in which gender would be no more significant for the way in which people live their lives and relate to one another than, say, eye colour is now.⁵ But there is nothing in the nature of liberal institutions that has any tendency to force men and women to behave in the same way if they do not choose to.

Liberalism does, indeed, mandate that for some purposes gender should be treated as irrelevant. Women should have the same civil and political rights as men, and should not be discriminated against in education or in employment. That is fundamental to liberalism. But it is equally fundamental that in a liberal society people must be free to make use of the opportunities open to them and also free not to make use of those opportunities if they so choose. The point is, however, that those who choose not to cannot then complain about the consequences of that choice. There is nothing unfair in itself about the fact that consequences are attached to choices. To determine whether or not it is unfair in a particular case, we have to look into the detail of that case: how exactly are the choices linked to the consequences, and is it fair for them to be linked in this way?

Thus Iris Marion Young claims that there has in recent years been a growing tendency in the United States for women to revive some earlier ideas about the distinctive role of women, “drawing on images of Amazonian grandeur, recovering and revaluing traditional women’s arts like quilting and weaving, or inventing new rituals based on medieval witchcraft.”⁶ Good luck to them! Nothing in a liberal society will stop them. The only point that a liberal has to make about it is that a woman who finds that a busy round of quilting, weaving and witchcraft leaves little time or inclination for a successful business career cannot reasonably complain about failing to

achieve one.

Young says that she “assume[s] that justice ultimately means equality for women”, and she makes it clear that she means by this not equality of opportunity but equality of outcome. For she goes on to explain that ‘equality for women’ would require “that all positions of high status, income and decision-making power ought to be distributed in comparable numbers to women and men”.⁷ Yet such an equality of outcome would actually be just only if we were entitled to make the further assumption of an equally-distributed determination to achieve those positions, by acquiring the relevant qualifications and putting in the time and effort that tends to be needed for success in ‘positions of high status, income and decision-making power’.

There is a genuine problem buried in all this, but it is a lot more subtle than anything that falls within Young’s comprehension. We cannot sensibly deny that employers are entitled to give a preference to job candidates who have the ability and motivation to do the work over candidates who do not. But that leaves it open what constitutes the relevant ability and motivation. A specific example of this problem is the following question: how far does equality of opportunity require employers to take on workers with characteristics that they (and the potential workmates of the person hired) find obnoxious?

A troubling phenomenon that this may bear on is the poor record of young black males in the United States in getting and keeping jobs — a record that is by no means fully accounted for by factoring in formal educational qualifications, and makes an increasingly striking contrast with the labour market experience of young black women. One explanation that has been offered⁸ is that there is a tendency for young black men to be perceived as having an ‘in your face’ attitude that makes for difficult relations with superiors and co-workers in the organization. Supposing for the sake of argument that this is so, what follows?

Young apparently believes that the notion of a



job is almost entirely socially constructed.⁹ This commits her to opposing the notion of meritocracy and to holding that co-workers can legitimately take part in drawing up job specifications. Even she may therefore have difficulty in resisting the conclusion that it is not an objectionable form of discrimination to count courtesy and co-operativeness among the requirements of holding a job in the mainstream economy.

Liberals will be inclined to fear that, in seeking to eliminate the notion of objectively-definable qualifications for a job that can be derived from the nature of the job itself, Young is removing the best protection there is against the operation of free-floating prejudice in hiring and firing decisions. If the criteria of suitability for a job are up for grabs, why should not hairstyle, taste in personal adornment, sexual orientation, gender or race be potentially relevant? At the same time, however, liberals cannot rule out *a priori* the possibility that the cultural traits of some group may without unfairness disadvantage its members' employment prospects. The question for a liberal is whether or not the traits in question are genuinely related to job performance.

Employers must discriminate among job candidates if they are to take any decision at all. Discrimination becomes a pejorative term only when the criteria are irrelevant (e.g. racial discrimination). Liberals cannot afford the post-modern luxury of saying that relevance is in the eye of the beholder. The liberal conception of fairness depends on the possibility of reasoned argument about the appropriate criteria of relevance. The argument may not in every case be conclusive and in the end the courts may well have to be called in to give an answer. But there is no way of avoiding the question.

The same line of thought applies to language. A country in which English is the primary vehicle of economic and political transactions does not need to take any official interest in the languages its inhabitants speak at home or in social gatherings. But at the same time it is under no

moral obligation, on liberal premises, to prevent immigrants or their descendants who are not fluent in English from being restricted to menial jobs, disadvantaged in dealing with public officials and politically marginalized. Those who choose to migrate should accept that part of the deal is to adapt to the extent required to get on in the new society on its terms. Those who are not prepared to do so cannot reasonably complain if they fail to reap the benefits that attracted them in the first place.

The general theorem is that equality of opportunity plus cultural diversity is almost certain to bring about a different distribution of outcomes in different groups. Equal outcomes can be secured only by departing from equal opportunity so as to impose equal success rates for all groups. Young is somewhat drawn to this¹⁰ but it cannot be squared with any notion of fair treatment compatible with liberal individualistic premises. A culturally diverse society cannot be conceived as one in which everyone is trying equally hard to achieve the same goals. The prizes to be won may have a different value for different people, and people with different aspirations and priorities may not all be equally willing to make whatever sacrifices are needed in order to win them. Thus, even after all gratuitous barriers (including subtle ones) have been removed, it may well be that some ways of life and their associated values will lead to a relatively low level of occupational achievement, as conventionally measured. A liberal will have to say that that is the unavoidable implication of cultural diversity.

It should be emphasized, however, that there is nothing in the general conception of liberalism that commits it to underwriting whatever economic inequalities a society may attach to different occupational positions. Even if groups had similar occupational profiles, this would be compatible with great inequalities within each group, arising from variations in natural talent, the good luck of being in the right place at the right time, and so on. A strong strand within contemporary



liberalism (which I endorse) maintains that inequalities in income not arising from choices can be justified only indirectly. This can be done if it can be shown that such inequalities benefit everyone by making an economy work more efficiently. But the amount of inequality in incomes (after taxes and transfers) that could be justified by this is a great deal less than that found in most societies. Thus, in Britain and the United States the richest ten per cent of the population have become much richer in the past ten years. But at the same time the poorest ten per cent have become poorer. Thus, the increased inequality manifestly cannot be justified on the grounds that everyone has benefited from it.

What should we say about inequalities flowing from choices rooted in culturally-based preferences for certain ways of life against others? The implication of everything I have said so far is that it would be a mistake to regard these as a matter of good or bad luck. Having the kind of upbringing and personality that drives people towards placing a very high value upon occupational attainment is by no means obviously something to be envied by all others. It is quite possible that people whose priorities lie elsewhere — with their family, their sports club, or their garden, for example — can live equally or more fulfilling lives. But there is a material condition for that to be so in the form of a certain level of economic resources. Those for whom their paid employment is not at the centre of their lives should still finish up with enough income to enable them to enjoy an acceptable standard of living and participate in the life of their society. A variety of approaches have converged on the criterion (used by the European Union to define poverty) that this requires an income at least half that of the average in the society. This is something easily within the reach of countries such as those in North America and Western Europe. A society that achieved this could, I suggest, claim that it permitted people with different priorities and values to pursue them without facing an unrea-

sonable penalty. I believe, however, that at least that much equality would be brought about by the full implementation of the principle that nobody should lose from inequalities not arising from choice unless everybody benefits from the inequality.

To conclude, I want to consider a third variant of the complaint that liberalism cannot fairly cope with difference. This is the objection that liberal laws and institutions interfere with the autonomy of groups who wish to live together in ways that are incompatible with liberal principles. Once again, my response is that it is easy to overstate the extent to which liberal societies do constrain the expression of cultural differences, but that to the extent that they do there is nothing unfair about it.

To begin with, then, liberal societies contain many organizations whose internal workings clearly violate liberal principles. Thus, most Christians, Mormons, Jews and Muslims belong to organizations that are undemocratic, draw their ministers from members of only one sex, and have doctrines that are more or less offensive to liberal tenets of sex equality. Yet these organizations are treated by the state in exactly the same way as organizations that are internally liberal. Moreover, religious (and other) groups are free to set up their own schools, even if they are avowedly devoted to indoctrination, so long as they meet some very weak requirements of minimal effectiveness in teaching standard school subjects.

We should also notice that in liberal societies whole self-contained communities such as the Hutterites and the Amish are free to run their internal affairs in totally illiberal ways, with undemocratic and authoritarian decision-making and a good deal of control over what their members read and (as far as it can be achieved) what they think. It is true that they cannot make rules with sanctions unless these are voluntarily accepted by their members as the price of continued membership. For a liberal society will insist that



such communities cannot legally prevent their members from leaving. But they seem quite content with this.

Some political theorists (especially Americans) make a great fuss about the exemptions from the ordinary laws that communities of Old Order Amish have asked for — in many cases successfully. But for the most part these arise from their wish to have nothing to do with the state, which brings them into conflict with, for example, the requirement that tractors driven on the public highways must have been inspected and have paid tax. Such requirements are of the kind that any state might make, and have nothing distinctively liberal about them.

The only case that might be presented as a clash between liberal principles and a traditional way of life arose from the rejection by some Amish of a requirement that all children should be educated up to the age of sixteen by teachers recognized by the state as competent. The much-discussed Supreme Court case of *Wisconsin v. Yoder* is often misunderstood. Thus, nobody said (as is sometimes suggested) that the Amish children must attend the local state-run school. They could go to a school run by the Amish so long as the instruction was carried out by qualified teachers. The difficulty was that this particular community of Amish was not prepared to allow any of its members to acquire state licensed teaching qualifications. Other Amish communities had qualified teachers, and it was proposed that some of these should be imported by Yoder's Amish to teach their children. But this was rejected on the ground that these were 'not our kind of Amish'.¹¹

Wisconsin v. Yoder was decided in favour of the Amish. However, many liberals (including me) think that this was a mistake. For the legitimacy of an illiberal community such as that of the Old Order Amish depends upon its being voluntary. But in a contemporary society it is hard for anyone with a very poor education to flourish in the mainstream society. By denying

their children an education, Yoder and the other Amish parents were in fact preventing them from being able to make a free choice as adults between staying and leaving. The argument on the other side is that only by restricting their education could the Amish ensure that the next generation did not acquire ideas inconsistent with living contentedly in the Amish community. This claim is as a matter of fact almost certainly false, since other Amish communities observed school attendance laws without dissolving. But if some particular Amish community could reproduce itself only by rendering the next generation incapable of functioning outside it, that would destroy the legitimacy of the community, according to liberal principles.

It is important to distinguish cases like that of Amish in which a community seeks exemptions from ordinary laws from cases in which a community is given devolved powers to make its own laws and enforce them. Examples are native American bands or tribes who are granted some self-governing powers by the United States or Canada. The question is: what happens if, taking decisions in some traditionally sanctioned way, the band or tribe enacts laws that violate liberal principles? Here are two examples that have been canvassed in relation to native American peoples in Canada and the United States. One is that the integral relation between religion and culture might be recognized by limiting rights to religious freedom. The other is that traditional usages with regard to property and other rights might be maintained, despite their being in conflict with equal treatment of the sexes.

I do not believe that liberals are forced into giving any particular answer to this question. There is nothing actually incoherent in a state's delegating powers to subunits and permitting them to act in ways that contravene its own basic principles. Thus, it is hoped that the Chinese government will allow Hong Kong to be a liberal sub-polity after it resumes sovereignty over the colony in June 1997. (The official formula for



this is 'one country, two nations'.) Similarly, a liberal state could treat certain groups within it as in effect independent 'nations' whose autonomy included a waiver of (some) liberal constitutional constraints.

Given the appalling record of European relations with the indigenous inhabitants of the New World, it is hard not to sympathize with the idea that the best the societies that have overrun them can do for them is leave them alone.¹² But what if not everybody affected by a law that violates liberal principles is happy with it? On what basis can somebody who holds to liberal principles deny the right of a woman who claims to be unfairly advantaged by discriminatory property rules, say, to pursue that claim in a court enforcing national constitutional guarantees?

Contrary to what is often suggested, there is no liberal principle that endorses political autonomy when it takes illiberal forms. There is not, then, any internal conflict within liberalism. Rather, the conflict is between liberalism and political

autonomy. Those who believe that it is always unjust to violate the basic liberal conception of equal treatment must, it seems to me, allow those who suffer from unequal treatment to appeal to the courts of a liberal state

To sum up, I do not, of course, wish to deny that a liberal society has its rules, and that these are bound to prevent people from doing what they would like to do. But that will be just as true of any other kind of society. The question to be asked is whether the rules characteristic of a liberal society are more defensible than alternative rules. It has not been possible here to offer a full-scale defence of the claim that liberal principles offer a fair way of adjudicating between conflicting interests. I have tried to do that in my book *Justice as Impartiality*.¹³ What I do hope I have been able to achieve in this lecture is to show that the arguments made in the name of multiculturalism do not succeed in undermining the claim that liberal institutions provide a fair distribution of rights, resources and opportunities.

Notes

1. Iris Marion YOUNG, *Justice and the Politics of Difference*. Princeton (N.J.), Princeton University Press, 1990.
2. The beneficiaries extended well beyond the ranks of the slave owners themselves. Bristol and Liverpool grew rich from the profits of the slave trade. When the House of Commons turned down the first bill to abolish the slave trade in 1791, Bristol rang its church bells, lit a bonfire, and gave its workers a half holiday. Despite the weight of economic interests involved, the slave trade was ended sixteen years later.
3. Discrimination is extremely difficult if not impossible to prove in any case taken by itself, so long as the employer makes any effort to avoid providing evidence in the form of the wording of the advertisement, failure to shortlist highly qualified applicants *e.g.* from a racial minority, and so on. Discrimination therefore has to be inferred from a pattern of hiring decisions. It is therefore quite appropriate to use statistical data comparing the demographic characteristics of the applicant pool and the successful candidates to establish a *prima facie* case for saying that discrimination has occurred. There is nothing contrary to the liberal principle in this use of statistics involving group membership.
4. Peter SINGER, *Animal Liberation*. London, Harper Collins, 1991², p. 154.
5. See for example Richard WASSERSTROM, 'On Racism and Sexism', in R. WASSERSTROM, *Philosophy and Social Issues*. Notre Dame (Ind.), Notre Dame University Press, 1980, p. 11-50.
6. YOUNG, p. 162.
7. *Ibid.*, p. 29.
8. See Christopher JENCKS, *Rethinking Social Policy. Race, Poverty and the Underclass*. New York, Harper Collins, 1993, p. 128-129.
9. YOUNG, ch. 7.
10. *Ibid.*



11. See D.B. KRAYBILL, ed., *The Amish and the State*. Baltimore (Md.), Johns Hopkins University Press, 1993.
12. There is a strong element of this line of thought in James TULLY, *Strange Multiplicity*. Cambridge, Cambridge University Press, 1996.
13. Brian BARRY, *Justice as Impartiality*. Oxford, Clarendon Press, 1995.

Critical Remarks

When I was asked to formulate some questions or remarks about Prof. Barry's paper, it was probably assumed that I would not confine myself to the expression of pure agreement. And yet, that is what I am inclined at first to do. I do agree that the view he criticizes is wrong for the reasons he mentions. And I admire the clarity and vigour of his arguments. However the reasons one has for agreeing with a thesis may belong to a context that is very different from the context the thesis itself belongs to. Prof. Barry's paper can be read at one level as the defence of a certain policy — it contains political recommendations. It is at that level that I entirely agree with it. But his recommendations are probably part of a theoretical outlook I do not share.

The question I would like to deal with is: "How should the position which is the target of Brian Barry's criticism be characterized?" One could say that it is anti-liberal. It is certainly opposed to the liberalism Brian Barry advocates. But there are, I think, also good reasons for characterizing it as a kind of liberalism. It is a sort of excessive, perverse, loony liberalism, but liberalism nevertheless. For the sake of convenience I call it quasi-liberalism.

The quasi-liberal wishes to defend the claim that people should have full opportunity to be what they like to be, to stick to the lifestyle they have consciously adopted, to have the views or habits they have chosen. It is this right to be oneself that should be protected against anything that might hamper its full realization. Respecting other people is within this perspective primarily respecting or taking seriously their conscious identification.

Prof. Barry mentions the problem of expensive

tastes. Almost everybody will admit that it would be absurd to say that people with expensive tastes should (because of these tastes) have a claim to a higher income. In Prof. Barry's view the position defended by Marion Young is hardly less absurd. But why does her view have the *prima facie* plausibility everybody would drag to the absurd claim about expensive tastes? The reason is, I think, that people identify themselves much more with their beliefs than with their tastes. They see their beliefs as the expression of their autonomous individuality: our beliefs are, by definition, things we fully and consciously endorse (whereas there is something passive about our tastes).

I think there is a hidden motivation behind the ideal of the quasi-liberal, a hidden motivation which shows I think that there is something lacking in the liberal conception. The proponents of quasi-liberalism give the impression that fairness is at stake. They have complaints about unfair treatment, so they give the impression they are talking about fairness. But what is really at stake I think is something that can not easily be accounted for in these terms. It is a desire to affirm oneself, to draw attention to oneself, to be somebody by being different. Let us concentrate on the somewhat innocent example given by Brian Barry on page 7: "Marion Young claims that there has in recent years been a growing tendency in the United States for women to revive some earlier ideas about the distinctive role of women, 'drawing on images of Amazonian grandeur, recovering and revaluing traditional women's arts like quilting and weaving, or inventing new rituals based on medieval witchcraft.' Good luck to them! Nothing in a liberal society will stop them. The only point that a liberal has to make about it is



that a woman who finds that a busy round of quilting, weaving and witchcraft leaves little time or inclination for a successful business career cannot reasonably complain about failing to achieve one."

I agree. But the point I wish to make is that Brian Barry's sardonically expressed toleration is exactly the sort of reaction that would exasperate the quilting and weaving practitioners of witchcraft. They do not want to be tolerated. They want to be found intriguing, interesting, fascinating or even intimidating. But what can they do when they meet the tolerant indifference of liberals like Prof. Barry? They can complain that they are not treated in a fair manner. And they might add "we are not fairly treated because people are unwilling to accept our somewhat deviant lifestyle. Our right to be different is denied to us." That is the complaint. That is the weapon. It is a way of drawing attention to oneself and overcoming the indifference created by tolerant liberalism.

The liberal attitude is very sound and rational in a society in which people with widely divergent lifestyles, views and habits have to interact with each other. The liberal message is: try to abstain from criticizing or judging opinions or habits which are alien to you, otherwise there will be violent conflict. The problem is that people are not totally satisfied when their lifestyles are tolerated. Being tolerated is like being ignored. So they will construct artificial identities for themselves. But if they do not manage to evoke any interest for these identities, they will resort to liberal rhetoric about fairness in order to draw attention to themselves. And so they create an opposition which they need in order to believe in their shaky identifications.

Quasi-liberalism is a symptom of a difficulty liberalism cannot deal with.

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If I would have to choose between Marion Young and Brian Barry, I would side with Brian Barry. So I too would be a liberal. But that choice is a bit too straightforward. There may have been historic or pragmatic reasons for considering that kind of debate as appropriate, but there are more interesting critiques of liberalism from a communitarian or a multicultural point of view, than the one presented by Young. I am thinking for example of Robert Bellah's critique in *'Habits of the Heart'* and *'The Good Society'*, which are less philosophical and more sociological, which is perhaps why I find them interesting. They present us with more difficult choices in that debate. I am thinking also of the position Michael Walzer defends in *'Spheres of Justice'*. Walzer, of course, is also a liberal, but in a different sense. To choose your opponents a little bit closer to home would force you to go deeper than in the debate with Marion Young.

I do have some remarks, specifically concerning two points. The first was already mentioned, in a way, by Prof. Burms. Of course the liberal has a tendency to criticize group identity as oppressive. That has been the historical role and continues to be an important function of 'liberalism': to criticize any group identity when it becomes oppressive, and to fight for the freedom of the individual to choose. That is all very well, but we all know that this is only half the picture. At the same time that we must be critical with regard to any group identity, we also need and want group identity. I think a balanced liberal philosophy should take into account the call for commitment, the call not only for belonging to a group, but also the call for commitment. In this respect your focus on membership in a state and not just on liberalism as a universal expression of reason is correct. Liberalism is a historical project of states, and in order for it to function we need citizens to be committed not just to the defence of their tastes or of their interests, but to some kind of republican project.

I think a liberal philosophy needs a republican



project, not just a project of individual freedom, and I would like to express a bit more explicitly what the liberal project's republican aspects — or the aspects of group commitment — might be, rather than simply seeing the liberal project as a critique of existing group identities. Liberalism also needs a group identity, otherwise I do not see how it can function. More specifically, I want to refer to two examples in your text. One concerns trading on Sunday by Jewish shopkeepers; the other, the case of kosher butchering and the stunning of animals. Here, there arise clear conflicts of values: the conflict between allowing people to trade and respecting the Sabbath, or between the stunning of animals and the tradition of kosher. In both cases, it is not just a matter of individual tastes, but of beliefs and convictions, and I think beliefs are not just a matter of balancing interests.

Let us examine the case of the Sabbath. We had a debate in this country about ten years ago, and I remember it as a very concrete debate in light of the different traditions: Jewish, Muslim, Christian, humanist, secular humanists. Our defence was based not just on religious particularity, but on moral grounds. We wanted to defend together as Jews, as Christians, as Muslims, as humanists, a collective free time, a collective leisure time, and we used our beliefs and our communities of belief to find a legal provision for collective free time.

This collective free time is not just based on individual tastes, but on a kind of compromise amongst our beliefs. Underlying the compromise is a common ethical conviction that we need to have common limits to the function of the marketplace, to work, etc., and we can agree as liberal citizens on this idea — the very Jewish idea,

the Christian or Muslim idea — as a good value for our society. But we could hardly have found a majority to defend the week-end if it were only for the sake of individual differences.

Another point I would like to make is with regard to the example of the Amish. You claim that the judgment of the court in *Wisconsin vs. Yoder* was mistaken. But, again, I think this is a matter of beliefs, a matter of the conflict of communities of belief, and not just a matter of individual tastes. There is a real conflict here when the Amish also have to act as citizens of the United States. You have the argument that they should not just be required to speak the English language, but be educated as citizens. And, indeed, it is not just a question of reason or a question of abstract humanity that makes them adequate citizens.

But I think we have to argue not from individual freedom, dominated by diversity, but to argue in a more positive way that the Amish have to be committed to being citizens of the United States, otherwise they have to leave. We have to argue on the basis of a communitarian argument about membership and the necessary conditions of membership. I think you could not argue otherwise and still arrive at your conclusion. If the Amish cannot be living together with other Americans on the same territory, then the conflict has to be solved one way or another, in some actively oppressive or coercive way, which you seem to be doing yourself by arguing that they should speak English and behave as American citizens. Is this not itself anti-liberal?

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