

Implications of Pluralism

Essays on culture, identity and values

Edited by

Göran Collste

**Institute of Ethnic Studies
Universiti Kebangsaan Malaysia
Bangi 2011**

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PUBLISHED BY

Institute of Ethnic Studies (KITA)
Level 4, Administration Building
Kolej Keris Mas
Universiti Kebangsaan Malaysia
43600 Bangi
Selangor Darul Ehsan

PRINTED BY

Publisher
Universiti Kebangsaan Malaysia
43600 Bangi
Selangor Darul Ehsan

ISBN : 978-983-44318-9-1

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Contents

Preface	ii
Notes on the contributors	iii - v
Introduction	
<i>Göran Collste</i>	1
Chapter 1 The Problem of Cultural Identity	
<i>Peter Gan Chong Beng</i>	7
Chapter 2 Basing Political Pluralism on Epistemology: The Case of Thailand’s Southern Violence	
<i>Soraj Hongladarom</i>	32
Chapter 3 Value Pluralism and Prospects of Global Consensus	
<i>Göran Collste</i>	55
Chapter 4 Models of Religious Co-Existence	
<i>Hans Ingvar Roth</i>	78
Chapter 5 Pluralism as an Educational Problem and Task in a Democratic Society– the Swedish Case	
<i>Edgar Almén</i>	106
Chapter 6 Pluralism, the State and Free Will in the Political Thought of Michael Oakeshott	
<i>Dominic Cooray</i>	117

Preface

This volume contains a selection of papers that were originally presented at the International Conference on “Rethinking Realities, Reimagining Pluralism: Future Landscapes of Pluralism for Democratic Societies” held on 14-15 December 2010 at the Universiti Kebangsaan Malaysia (UKM), Bangi, Selangor, Malaysia. This conference was jointly organised by the Institute of Ethnic Studies, Universiti Kebangsaan Malaysia, CSR, Philanthropy and Transdisciplinary Action Group (CPTAG), Universiti Sains Malaysia and Linköping University, Sweden. It was also the final conference of the research project “Possibilities of Religious Pluralism”, a joint project involving researchers from Sweden and Malaysia and funded by SIDA (Swedish International Development Cooperation Agency).

The papers in this volume have been revised and updated for purposes of publication. This publication would not have been possible without the encouragement, help and support of several people and parties. I would like to record my heartfelt thanks to the researchers involved in the joint research on “Possibilities of Religious Pluralism” and on which some of the papers in this volume are based. They are Reevany Bustami, Ellisha Nasruddin and Peter Gan from Malaysia and Edgar Almén, Annika Rabo and Hans Ingvar Roth from Sweden. I also thank Monica Pålsson at the Centre for Applied Ethics, Linköping University, for editorial assistance. Last but not least I would like to express my thanks and gratitude to Distinguished Professor Datuk Shamsul Amri Baharuddin, Founding Director of the Institute of Ethnic Studies and Professor Dato’ Sharifah Zaleha Syed Hassan, Principal Research Fellow of the Institute of Ethnic Studies for ensuring the speedy publication of this book.

Editor
November 2011

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Chapter 1

The Problem of Cultural Identity

Peter Gan Chong Beng

In 1972, population biologist Richard Lewontin mounted an argument that radically challenged the notion of race divisions. His argument rested on a research that entailed a thorough analysis of 17 genetic markers in 168 populations, including Norwegians, Eskimos, and Senoys. Lewontin discovered that there are more differences within a single race than between that race and another.¹ As Sharon Begley says, “if you pick at random any two ‘blacks’ walking along the street, and analyze their 23 pairs of chromosomes, you will probably find that their genes have less in common than do the genes of one of them with that of a random ‘white’ person.”² In 1994, the Human Genome Diversity Project confirmed Lewontin’s conclusions through its own finding that genetic differences amongst members of the same race far exceeds the differences between racial groups.³ The above

¹ Richard C. Lewontin. 1972. “The Apportionment of Human Diversity”. *Evolutionary Biology*, 6, p. 396.

² Sharon Begley. 1995. “Three is Not Enough: Surprising New Lessons from the Controversial Science of Race”. *Newsweek*, February 13 1995, p. 50.

³ Luigi Luca Cavalli-Sforza. “The Human Genome Diversity Project” (an address delivered to a special meeting of UNESCO, Paris, France, 21 September 1994).

investigations in genetics lead us to question seriously the validity of race divisions. If race, a biological category, predicated upon inherited biological traits, harbours questionable classificatory measures intending to differentiate amongst the races, it would make sense then that ethnicity, a category dependent upon cultural traits that are obviously mutable, would be more susceptible to this similar controversy. In this chapter's attempt to problematize the notion of cultural identity, it will track through three issues: (1) the problem of personal identity; (2) the problem with the essentialist approach to cultural identity; and (3) the presumed threat of globalization to local cultures and identity. The chapter concludes with a reflection on possible positive responses to the problem of cultural identity. Problematizing the concept of cultural identity is nothing new and this article makes no claim of delivering thoroughly original and astounding arguments to the discussions on this topic. There is, however, an urgent need to raise this issue in the context of nations that are fast becoming plural, with the hope that the problematization of the concept of cultural identity can, in some manner, contribute to the facilitation of beneficial relationships amongst peoples from diverse backgrounds.

The problem with personal identity

We take for granted that there is such a thing as "personal identity". It makes sense to think of

myself as an “I” that exists, having a set of attributes identifying me as this unique “I” and that this existing entity called “I” can safely be said to persist through time in such a way that this “I” today is identical to the “I” tomorrow. The problem of personal identity has intrigued and exasperated philosophers since antiquity. Before continuing this discussion, I wish to state here that “personal identity” can take on different meanings when seen through the lens of philosophy, psychology, and sociology. Those meanings do weave into each other, but they are distinctly different. From the perspective of psychology and sociology, personal identity refers to personality attributes that constitute a person, distinguishing that person from other people. Cultural or social identity, on the other hand, refers to attributes that individuals share with groups or collectives. Unfortunately, even this division between personal and cultural identities is fraught with problems. It appears to be rather simplistic, for in what way would personality attributes be deemed separate from shared cultural attributes? Moreover, the personal-cultural dichotomy has also been accused of being the product of a worldview that is orientated towards individualism.⁴ This accusation supposes that a worldview with a more collectivistic

⁴ See Erkki Sevänen. 2004. “Introduction: From Modernity and Postmodernity to Globalization”. In Jari Kupiainen, Erkki Sevänen & John Stotesbury (eds.). *Cultural Identity in Transition: Contemporary Conditions, Practices, and Politics of a Global Phenomenon*. New Delhi: Atlantic Publishers and Distributors, pp. 5ff.

orientation would tend to see the self as inextricably bound to society and culture. From this collectivistic perspective, the difference between personal identity and cultural identity is either nonexistent or artificial. The difficulty with the concepts of personal and cultural identities is also related to the issue of whether identity has to do with a person's subjective self-concept or should it incorporate other people's perceptions of that individual and the objective facts of that person's attributes. A megalomaniac has a drastically skewed perception of his own identity as an exceedingly superior being. Obviously, his subjective identity and the objective case are worlds apart. What then makes up his "personal identity"? In the same vein, it is conceivable that the perceived cultural identity shared by a group of people may not coincide with the actual case. The Ku Klux Klan members may each consider themselves as partaking of a shared value of ethnic supremacy and moral rectitude, when in reality their shared attributes are most probably racism, hatred, and moral depravity.

Philosophers, like psychologists and sociologists, are also interested in the content of personal identity. However, philosophy has a special interest in exploring personal identity within the context of the possibility of a substantial entity called the self/I/subject who is an individual and endures (identical to itself) through time. "Identity" here concerns "reidentification" – being the same thing over time. It is the same Peter presently sitting in front of the computer while working at an article

as the Peter who first struggled to comprehend elementary geometry in school. Assuming that the self is the receptacle for human qualities, be it shared or otherwise, the problem of personal identity as the ontological possibility of the subject, figures as a more fundamental problem subsuming the problem of the possibility of the existence of shared qualities constituting the cultural identity of a collective. Simply put, without the self, it would be next to impossible to talk about personality or cultural attributes. Note that I do not limit the “self” to the human being with mind and body. We can imagine a world where selves are pure disembodied spirits, but selves nonetheless. Besides, there is presently, such a thing as the “virtual self” posited and created in cyber chat rooms and it is distinct from the self of its creator.⁵ The expanse of scholarship discussing the ontological problem of personal identity precludes a thorough engagement with the issue in this chapter. I have limited my presentation here to material that suffices to convey to the reader the crux of this particular problem.

René Descartes’ “I think therefore I am” posits an “I”, a thinking thing (*res cogitans*) that exists and is the only thing one can be sure to exist;

⁵ Jacob Van Kokswijk, 2007, in *Digital Ego: Social and Legal Aspects of Virtual Identity*, Delft, Netherlands: Eburon Academic Publishers, takes seriously the notion of the virtual self and its moral and legal consequences in the social environment.

since to doubt its existence is to think.⁶ Descartes assumes that this thinking thing is verifiable through a direct and immediate contact by the self; as if, the self contacts the self. However, upon reflection, we can see the flaw in this assumption for, when the self attempts to come in touch with the self, the only thing it contacts is the activity of the self in this case, the activity of the self attempting to reach itself. We do not have direct and immediate contact with the thing that thinks, but only the thinking. The thinking thing (the “I”) is inferred. This means that possibly, there is no “I” that is substantive and that persists through time. The question about “personal identity”, in this particular discussion, inquires about the condition which makes us the same person through time.

John Locke proposes the “memory” condition for personal identity. In essence, you are the same person when you were a kid in primary school and when you are an adult presently writing an article because of your continuous set of memories that tie all your experiences from that time in your history to the present moment.⁷ There are some difficulties with this premise. Firstly, is memory continuous? Are there not breaks in the continuity of memory

⁶ René Descartes. 1979, original: 1641. *Meditations on First Philosophy*, trans. Donald A. Cress. Indianapolis: Hackett Publishing Company, pp. 18ff.

⁷ John Locke. 1975, original: 1690. *An Essay Concerning Human Understanding*, ed. Peter H. Nidditch. Oxford: Oxford University Press, see bk. II ch.27: “Of Identity and Diversity”, pp. 328ff.

while we sleep or during those times, say, when a person is under general anesthetic or when due to trauma, rendered unconscious? On the other hand, it can be argued that those periods in our life are only *apparent* breaks in the continuity of memory for memory processing can continue at the subconscious or unconscious level. What happens when due to some major illness like a severe stroke or trauma, huge portions of the person's memory are erased? Do we then have two entirely different persons — before -the-injury person and after-the-injury person? There are no easy answers to these questions.

For David Hume, personal identity is an illusion. There is no substantial “I” who has or undergoes all those experiences in its history. At every single moment, the person is merely a bundle of perceptions. There is a continuous succession of experiences sans the enduring or “reidentical” experiencing subject.⁸ Assuming that Hume is correct in his assessment of personal identity how is this conclusion of his reconcilable with personal responsibility? Without a stable self, each “self” at any particular moment is responsible only for any free actions issuing from that momentary “self”. In what sense then, can I at this precise moment be culpable of a wrongdoing that I had committed yesterday, and therefore, deserving of punishment? It is not my intention in this section to provide plausible solutions to these intriguing debates, but

⁸ David Hume. 1985, original: 1739. *A Treatise of Human Nature*, ed. Ernest C. Mosner. London: Penguin, pp. 299ff.

merely to highlight the problem of personal identity. If shared cultural qualities subsist in selves, then the problem of cultural identity rests on a more fundamental problem of the existence of stable selves, the custodians of those qualities.

The problem with the essentialist approach to cultural identity

In spite of its complex conceptual history, we can safely define culture as the “integrated collections of customs, objects, things, practices, beliefs and institutions that characterize a given society.”⁹ I would like to add to this definition, two important criteria of culture. One is that though physical objects do figure as material culture, it is the shared meanings underlying those objects that designate them as cultural. The other criterion concerns the aspect of culture as pertaining to that which can be transmitted from one generation to the next through the teaching-learning process. This criterion establishes an important separation between culture and biology, between enculturation and genetic transmission. In this regard, instinctive behaviors of organisms that are transmitted genetically are not considered as cultural items. Societies and cultures are not neat and distinct entities; rather, they are fluid elements that are intricately connected to other societies and cultures present and past. Attributes

⁹ Peter Wade. 1999. *Cultural Identity: Solution or Problem?* (The Institute for Cultural Research, Monograph No. 34). London: The Institute for Cultural Research, p. 10.

deployed to identify and individuate cultural groups can themselves have their respective definitions interrogated. An attribute like social gregariousness for instance, that is said to characterize and distinguish some cultural groups from others, might encounter problems in determining the type and extent of behaviors that actually constitute it. Additionally, on account of the distribution of those identifying attributes across diverse groups, no single group can stake an exclusive claim upon any distinguishing set of attribute. It is also open to question whether any group actually possesses more of a specific trait than another cultural group. Problems abound when we attempt to place a quantitative index upon traits such as aggressiveness, resourcefulness, reticence, and to identify concrete behaviours that represent them. Can one accurately claim, for instance, that the Aborigines of Peninsular Malaysia are more gregarious than say, the Chinese Malaysian? In the first place, the Aborigines of Peninsular Malaysia is not a single, homogenous people. They are quite varied. Also, Chinese Malaysians might also be said to be rather gregarious, except that their gregarious behaviors differ from that of the Aborigines.

Cultures are also said to be *relational* in that they become distinct by differentiating themselves from other cultures. Peter Wade illustrates this point:

The 'Welsh' as a culture are defined in part by their difference from the 'English'; both these take

their shape in part from their difference in relation to others, such as the 'French'; all three can be grouped as 'European' in contrast to 'Africans', and so on. Hence 'culture' is a relative term.¹⁰

Furthermore, what is interesting is that for Wade, what reckons as crucial demarcating traits are contingent upon the constructions made by the individual engaged in classifying cultures. These constructions are as varied as the number of individuals who are their originators. Intriguingly, these constructions can be rather arbitrary. As example: for an individual, an accent might be a minor culture-differentiating characteristic, but for another individual, the factor of accent is a significant cultural identifier.¹¹ He writes:

This means that the boundaries of cultures are not set and stable, but are always shifting as different people go about classifying others. As people classify others, they do so with certain interests in mind and these may change. Somebody who you want to include 'on your side' one day you may want to exclude the next.¹²

¹⁰ Wade. *Cultural Identity: Solution or Problem?* p. 11.

¹¹ Wade. *Cultural Identity: Solution or Problem?* pp. 11-12.

¹² Wade. *Cultural Identity: Solution or Problem?* p. 12.

Fundamentally, cultures are shifting constructs. What is included in a specific culture is not subject to stable definition, but varies historically and according to specific contexts. A direct corollary of the above thesis is that a culture is more appropriately taken as a set of symbolic representations than actual practices or events. What constitutes a particular culture is abstractly constructed and is therefore, a representation rather than an actual objective reality. The *fluidity* of the term “culture” as referring to a distinct set of meaning-laden items identifying a society arises from the indefiniteness of this set of items, the person or persons identifying the items, and the fact that the referent of culture is something in process, in flux. This perception of culture and cultural identity is anti-essentialist.

Anti-essentialism has gained scholarly currency and appears to be an ascendant theory. It opposes any essentialist conception of identity which postulates that an individual or a collective possesses an internal essence embodying the necessary and sufficient properties that make up a distinct identity. Essentialism of cultural identity closely parallels the premise of an enduring self as personal identity. In the case of cultural identity, essentialism assumes that the essence of a particular cultural identity can be uncovered through identifying the precise cultural elements that make up a group’s culture and unraveling their genealogy. Generally, essentialism regards this set of identifying cultural traits and their historical

trajectory as natural and predetermined.¹³ In many ways, essentialist cultural identity echoes Locke's idea of the self as a continuity of consciousness sustained through memory. The common denominator for both these theses is that there is an enduring stable entity in a continuous process through time. However, comparing between the individual "I" of the person and the collective "we" of culture, I would think that the ontological status of the latter is relatively more problematic. Several reasons come to mind: a collective is more amorphous compared with an individual—the collective's composition frequently changes; there is a lack of consensus amongst the members of the collective as to what exactly counts as their shared cultural identity, unifying them into a "we"; and, as explained above, "cultural" refers more to the symbolic meaning endowed upon things and events than the actual things, events, practices hence, complex relations exist between a single ritual activity and the variety of meanings participants bring into that activity, thereby compounding the

¹³ One way to think about essence as linked to that which is natural and predetermined is to imagine those traits as parallel to defining natural attributes of mammals. These attributes are said to be naturally inherent in mammals and not a category with a set of defining characteristics imposed by scholars. Then again, even the essential mammalian traits, which we regard as naturally inherent in mammals, are taken by some theorists as artificial constructs. If someone were to set a different list of essential conditions for mammalness, then a different set of animals might compose that class.

problem of fulfilling the criterion of historical continuity of cultural identity.

The last point mentioned in the preceding paragraph is relevant for our purposes in unveiling the problems associated with cultural identity. I intend here to expand upon this idea of a meaning-event disjunction. George Herbert Mead sees culture as an indispensable means for the self to attain maturity. His concept of the “generalized other” refers to the society that shapes the individual’s sense of self in relation to the self as a social being. When I adopt a perspective that extends beyond my own idiosyncratic perspective and my vicariously assumed perspective of a significant other, I perceive things from the standpoint of relationship within a larger community. Therefore, I take account of the shared expectations my group members have of one another and our common understanding of what it means to identify an individual as a member of our group. By looking more closely at the “generalized other”, we can understand how it is possible to combine the notion of *reflection* with the concept of *relationship*.¹⁴ Interpreting, whether consciously or subconsciously, the attitudes and expectations of the “general other”, is essential for any individual having to adopt the norms and values of a society. A society or group is sustained through this interpretation or reflection engaged in by its members. Some mechanisms must be responsible

¹⁴ George Herbert Mead. 1934. *Mind, Self, and Society*, ed. Charles Morris. Chicago: University of Chicago Press, pp. 152-164.

for bringing together a coherence of the individual members' respective interpretations to enable the game of social living to subsist. We can expect moments in the development of a particular society where there is no neat fit between some members' respective interpretations and the purported general or common set of norms and values. Also, considering that a person has a number of affiliations — family, work, school, nation, and so forth — it is more likely that an individual confronts *multiple* “generalized others”. Overall, since the generalized other originates from the self's interpretation, cultural identity is more of a social construct than an entity with a clearly-defined pre-established essence.

The meaning-event disjunction is also illustrated in Benedict Anderson's concept of the “imagined community”. Our everyday ordinary interactions are inevitably limited. Accordingly, when relating to society at large we create or imagine this community. We create in our minds this sense of nationhood or of belonging to a particular ethnic group and take pride or feel ashamed when this imagined community excels or declines. As Anderson explains, a nation “is imagined because the members of even the smallest nation will never know most of their fellow-members, meet them, or even hear of them, yet in the minds of each lives the image of their

communion".¹⁵ Let me take stock of what I have recently discussed. The principal point I intend to advance is that the disjunction between meaning/symbol/interpretation on one hand and actual events/practices/things on the other, compounds the problem of viewing cultural identity as harboring an enduring essence. The cultural identity of any group, I would say, is not something solid and fixed; not even fixed if taken as a whole historical trajectory, akin to the entire stream of one's consciousness regarded as the "self". Cultural identity's complexity is, to a large extent, attributable to the possibility that cultural identity is a construction/interpretation/imagination of the members of a society putatively sharing a common culture.

In spite of the inherent problems of the essentialist perspective on cultural identity, rallying calls like "we should return to our cultural roots" betray an underlying tenor of essentialism. How far back should one go to reach one's cultural roots as if that root is one's true and original culture that has perhaps remained unchanged but hidden beneath a "false" culture one is presently immersed in? Let us assume that a particular society identifies the cultural values, beliefs, and practices present five decades ago as their original cultural roots. It is conceivable that five decades ago the society at that time had also felt that they have strayed from their

¹⁵ Benedict R. Anderson. 1991. *Imagined Communities: Reflections on the Origin and Spread of Nationalism*. London: Verso, p. 6.

original cultural roots. Hence, what is perceived as one's cultural "roots" is very much relative to the viewpoint of the person or society living in a particular period in history. Also, our cultural identities are usually nested within each other, depending upon how we see ourselves. Most Malaysians do see themselves as Asians. Again, bear in mind that these nested identities are mutable. As Louis Kriesberg observes,

in the 1950s and 1960s many people living in what was then Yugoslavia felt pride in having stood up to the Soviet Union in 1948 and in creating a new economic system. Yet in the 1990s, most people in Yugoslavia felt that their identities as Serbs, Croats, Slovenes, Muslims, or Bosnians were more salient than their identity as Yugoslavs.¹⁶

Furthermore, people of mixed parentage might select one racial-ethnic identity over the other and sometimes, deliberately ignoring the other. A person of Caucasian-Australian Aborigines parents might wish to refer to Australian Aborigines as his "people" and totally ignore his other heritage.

¹⁶ Louis Kriesberg. Posted: July 2003. "Identity Issues". In *Beyond Intractability*, eds. Guy Burgess & Heidi Burgess. Conflict Research Consortium, University of Colorado, Boulder. [On-line]. Available from http://www.beyondintractability.org/essay/identity_issues/ ; Internet. Accessed 15 November 2010.

In our discussions on cultural identity, we cannot take for granted that anti-essentialism is a viable and problem-free theory. The problem of responsibility confronts the anti-essentialist standpoint on cultural identity. A pertinent case to examine would be the Jewish Holocaust. Presently, there are Germans who feel a collective guilt for the atrocities committed by their predecessors. However, there are also many Germans today who do not feel that they are, in some way or other, part of the guilt of those directly involved in that evil. Assuming that there is no consistent and stable cultural identity, present-day Germans should then regard themselves as completely removed from Nazi Germans and should not even feel a tinge of guilt. By the same reasoning, there ought to be no justification for a request for a public apology from the present-day Australian government for the wrongs committed against Australian Aborigines decades ago. On the other hand, if a nation today feels proud of the successes achieved by its sons and daughters of the past, should not she feel remorse and shame for the evils committed by her sons and daughters of the past? In sum, an essentialist approach to cultural identity encounters numerous problems that are difficult to resolve. The anti-essentialists are keen to render tenuous any cultural link amongst members of presently living societies, and especially between present communities and their predecessors. It may not be an issue for anti-essentialists, but anti-essentialism cannot claim to explain adequately why essentialist ways of

speaking and thinking about culture are apparently very pervasive. And, I venture to add, that on occasion, anti-essentialists might even catch themselves unwittingly speaking from the essentialist voice, in their many discourses on culture!

The presumed threat of globalization to local cultures and identity

The intuitive perception of globalization is that this phenomenon is the culprit responsible for killing off local cultural identities. Scholars like John Tomlinson think otherwise. Tomlinson maintains that globalization does not extinguish local identities; on the contrary, it facilitates the proliferation of those forms of identities.¹⁷ For Manuel Castells, local cultural identities were not trumped over by globalization, but became prominent and stood against the hegemonic force of industrial capitalism.¹⁸ It appears that to these writers, cultural identity is not an easy victim of globalization. It is important to remind ourselves that present-day cultural identity is not solely a collective personality, but a complex structure of

¹⁷ John Tomlinson. Posted: 19 March 2003. "Globalization and Cultural Identity". [On-line]. Available from <http://politybooks.com/global/pdf/GTRReader2eTomlinson.pdf> ; Internet. Accessed 10 November 2010, p. 269.

¹⁸ Manuel Castells. 2004, 1st ed.:1997. *The Power of Identity, 2nd Ed. (The Information Age: Economy, Society and Culture, Vol II)*. Malden: Blackwell Publishing, p. 2.

institutionalized social life in modernity.¹⁹ For instance, when it comes to national identity, this form of identity is a product of determined cultural formation and maintenance through the regulatory and socializing institutions of politics, education, and media. As Tomlinson explains, globalization is the globalization of modernity, and modernity, brings about the proliferation of cultural identities.²⁰ It is very likely that with globalization and its concomitant human and cultural migration, a variety of cultures are thrown into close proximity, conducing to a reinforcement of one's self awareness of one's own cultural identity. Wade seems to think that in the midst of globalization and the deterritorialization of culture, people seek the security of an identity and a stable anchoring point. Minority groups desire to have their rights respected. In order to achieve these things they employ "cultural identity" as a means to mark their own construction of an identity in which they can individuate and represent themselves.²¹ With anthropological explorations of indigenous communities, some of these communities, that previously had very little inkling as to their cultural identity, suddenly become very much aware of the uniqueness of their own culture. Wade cites such a case from Terry Turner's observation of how the Kayapó Indians of the Brazilian Amazon became

¹⁹ Tomlinson. "Globalization and Cultural Identity", pp. 270-271.

²⁰ Tomlinson. "Globalization and Cultural Identity", p. 271.

²¹ Wade, *Cultural Identity: Solution or Problem?* p. 8.

acutely aware of their own cultural identity when anthropologists encouraged them to film their own daily practices and ritual performances.²²

One significant component of global culture is the emergence of New Computer Technologies (NCTs). In the current era with rapid advancement of information technology, we would be remiss to ignore the immense impact new electronic technologies have on our cultural identity formation. These technologies have significantly altered the matrix within which our identity is formed and they have reframed the “generalized other” which bestow upon us our collective identity. Without the need for physical co-presence, languages, and modes of thinking and evaluating are more accessible to practically everyone who is able to log on into cyberspace. A teenager might in fact be spending more contact time with someone thousands of kilometers away than with his family members at home. One can also create a virtual identity regularly presented in chat rooms when interacting with people whom we have no face-to-face contact. However, if NCT can foster mutual socialization amongst geographically distant societies, it ought also to foster a unifying cultural identity within

²² Wade, *Cultural Identity: Solution or Problem?* p. 14; also, Terence Turner. 1991. “Representing, Resisting, Rethinking: Historical Transformations of Kayapó Culture and Anthropological Consciousness”. In *Colonial Situations: Essays on the Contextualization of Ethnographic Knowledge*, ed. George Stocking. Madison: University of Wisconsin Press, pp. 285-313.

members of the same society.²³ I realize that even in the midst of all the difficulties assailing cultural identity, I can still use that term without slipping into an essentialist definition of it. The enumeration of the above arguments that run contrary to the belief in the effacement of local cultural identities by globalization serves to undermine the premise that cultures and cultural identities are “things” with clear definitions and are capable of being stolen or destroyed.

Conclusion

The problem of cultural identity can be examined along two broad levels. If individual persons are custodians of cultures and individual persons make up the collective, at a fundamental level, the “problem of personal identity”— the indefiniteness of the existence of an enduring, substantial, and unique self/person— calls into question the possibility of an enduring cultural identity. This is so because cultural identity is logically posterior to personal identity in that, culture (human culture anyway) necessitates the existence of selves, and not the other way around. Admittedly though, it can be argued that a person is technically not a person unless she possesses some element of culture. At the level of cultural identity itself, the essentialist approach to cultural identity would find it difficult

²³ See Karen A. Cerulo. 1997. “Identity Construction: New Issues, New Directions”. *Annual Review of Sociology*, 23, pp. 398-399.

to make out a plausible case for cultural identities being realities with essential properties that are natural and not constructed. Anti-essentialism vigilantly shows up the problems inherent in such a description of culture and cultural identity. Issues on cultural identity largely emerge in a climate of presumed threats to local cultural identities confronting the phenomenon of globalization. Such fears may be unfounded for ironically, in the midst of apparent cultural homogenization we see the sprouting of local cultures that are transformed rather than annihilated.

Forming cultural identities can be a source of pride that fosters communal or national solidarity. On the other hand, this urge to establish cultural identities ought to be tempered by a realization of the problems inherent in the concept of cultural identity. Such a realization helps immune societies or groups from the negativities that sometimes plague a rigid conceptualization of one's cultural identity — oppression, divisiveness, and exclusivity. When individuals and societies realize that cultures and identities are social constructs it opens up fresh opportunities for creating new perspectives on interpreting culture and new and more inclusive patterns of cultural values and behaviour. It also enables us to avoid the flaws of generalizing and stereotyping particular societies and cultures. Moreover, in the face of anti-essentialist and social constructivist theories, it would be difficult to sustain a justification of strict and inflexible political ideologies, even when appeals are made to the

sanctions of divine or natural law. It will always be open to question whether there is such a thing as a pure and ideal capitalism, socialism, or theocratism that transcends relative particular contexts, is ordained by nature or God, and universally binding on all human societies.

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Chapter 2

Basing Political Pluralism on Epistemology: The Case of Thailand's Southern Violence

Soraj Hongladarom

Introduction

Pluralism is a multifaceted concept. On the one hand, many are already familiar with political pluralism, where there is a degree of autonomy for local provinces or local communities to manage their own affairs. Here Malaysia is a good example of pluralism in this sense, as it is constituted by a number of autonomous states agreeing to join with one another in a federation, which results in mutual benefits to all the states involved. However, there are other kinds of pluralism. There is another plausible sense of political pluralism, which refers to a wide degree of tolerance for different political opinions and persuasions to exist with one another. In this case a country might not be a federated one, but that country would enjoy political pluralism in this second sense if it allows different or divergent political viewpoints to float around, so to speak, within the virtual or public space within that country. In this second sense the pluralism is of thoughts and ideas rather than concrete political arrangements.

Furthermore, there are yet other kinds of pluralism. The pluralism that exists within such

arrangements as linguistic or cultural pluralism refers to the space within which diverse languages or cultural phenomena coexist with one another. Hence these kinds of pluralism belong to the same species as the second sense of political pluralism alluded to above. In a society with linguistic pluralism, active measures are there to promote and support the phenomenon where different languages are given equal treatment so that citizens speaking different languages do not have to be forced to speak others which are not their own. Cultural pluralism speaks of different cultures coexisting with one another.

All these are fine and good. However, there is yet another dimension of the meaning of pluralism. Here the focus is not on the empirical level of the degree or the space within which different languages, cultures or political arrangements exist, but here the focus is rather on pluralism as a normative or ethical concept. Thus ethical pluralism means that there should be a space within which different viewpoints regarding problems of ethics coexist. We can see that the emphasis is not on the mere fact that there are different ethical viewpoints floating around, but that there should be such viewpoints. In the same vein, epistemological pluralism argues that there should be a space within which different ways of conceiving of knowledge or of truth coexist. It is not surprising, then, that in philosophy those who advocate pluralism of this kind are often criticized of being relativists. But pluralism and relativism are not the same. In

relativism the emphasis is that there does not have to be any attempt to relate the differing viewpoints to one another into some kind of a conceptual whole (even though a multifaceted and dynamic one); for the relativist the mere fact that there are differing viewpoints about anything is sufficient and is as things should be.

Our topic, however, is that there is a kind of pluralism that my own country, Thailand, should adopt so that the country heads toward genuine democracy. I would like to lay out a basic path toward genuine political pluralism so that Thailand be a fully functioning democracy, one that respects the cultural and religious diversity and identities of its citizens. Here the various meanings of pluralism discussed before becomes relevant. The pluralism that I am arguing that Thailand should take is in its outward form an empirical and political kind of pluralism. Thailand should enforce legislation that permits more political autonomy to its citizens when a group of its citizens feel that they are sufficiently different from other, more mainstream groups. This pluralism is then supported by a kind of normative argument, that Thailand should allow for more religious and cultural pluralism for its citizens because the people and their groups are more primary, and because doing so would lead to everyone's own benefit in their end. The political pluralism for Thailand is justified through a look at its foundation in epistemology. Basically speaking, since we do not know everything that others think and feel we cannot claim to impose a kind of

absolutism which is based on our own predilections and perception only. This argument is quite similar to one put forward by William James. In James' radical empiricism, what is experienced and how it is experienced all together make up the reality we come to be aware of, and since it is always the case that what one experiences and how she does it can always be unique to that particular person, we cannot then discount anyone's experience but have to recognize that other's viewpoint is as valid as our own.¹

When we already have a sophisticated way of justifying pluralism, our next task is then to base the proposal for the more open and more politically pluralistic Thailand on them. Since the policy makers in Bangkok cannot presume to know what others think and feel, they cannot claim to think for the Muslims in the south. On the contrary, they have to recognize the validity of the thinking and feelings of those people, thus effectively establishing a kind of political pluralism.

Lack of Pluralism in Thailand

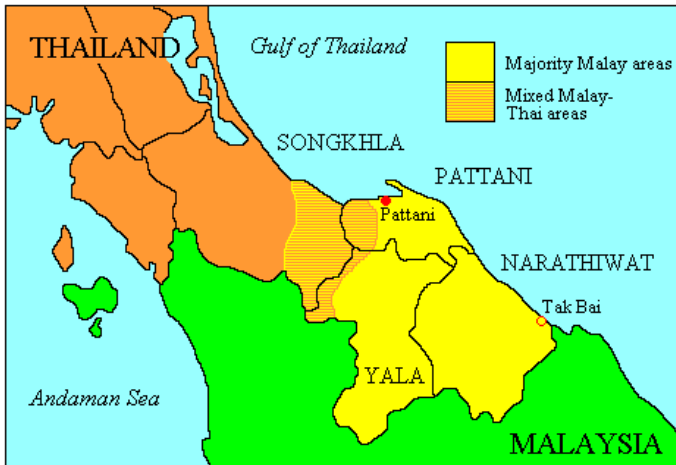
Things have not been that way in Thailand, however. It has been a well drilled myth that Thailand is unique in that it is a homogeneous entity

1 See David Schlosberg. 1998. "Resurrecting the Pluralist Universe". *Political Research Quarterly*, 51 (3), pp. 583-615, where he discusses the gist of James's radical empiricism and how it is used by political theorists to ground their kinds of political pluralism (pp. 588-590).

culturally, where the citizens share common stories and sets of beliefs and state ideologies together. A downside of this belief is that it supports the myth of the unified and homogeneous Thailand, while the fact is that Thailand is similar to most other countries in the world where there are a large number of ethnic groups sharing a very wide array of diversity. This is especially the case in the deep south of the country where the Islamic Malay ethnic groups are the majority. The existence of the Islamic Malays has been a thorn in the side of the Thai authorities in Bangkok ever since the regions of Pattani and its surrounding areas were incorporated into the Siamese state following the former's defeat in early nineteenth century.² There have been sporadic movements among the Muslims in these regions for more autonomy ever since. However, the intensity of the conflict seriously worsened during the time when Thaksin Shinawatra was Thailand's Prime Minister. In January 2004, a group of radical Malay-Thais attacked a military garrison and seized a large amount of arms. The event was followed in April of the same year by a gruesome massacre of 32 militant Muslims who took refuge inside Krue Se, a revered mosque in Pattani. This massacre was followed a few months later by a very inept and inhumane treatment of suspects in Tak Bai District, where a large number of Muslim suspects were

2 Krongcha Hattha. 1998. *Pattani: Trading and Government in the Past*. Pattani Studies Project, Faculty of Social Sciences and Humanities, Prince of Songkhla University [in Thai], pp. 50-64.

dumped onto a truck and piled on top of one another with no regard to their safety or their dignity. Scores died as a result. The two events marked the lowest point in the treatment of the Thai authorities toward their own citizens, a forever dark spot in Thai history.



Map showing the Muslim majority area

Source:

http://en.wikipedia.org/wiki/South_Thailand_insurgency

Afterwards, there were an unending series of shootings, bombings, assassinations, burnings throughout the Muslim majority region. There have been a large number of attempts to explain the

situation.³ Many commissions have been set up to study the issue and to provide recommendations to the government. One recommendation was that there should be more linguistic pluralism in the area. Malay should be given an official status and the bilingual policy should be put in place. However, this idea was shot down by the President of the Privy Council, which gives advice to the King Prem disagrees with proposed use of Malay as official language, 2010).⁴ His reason echoed many sentiments of the myth of one unified Thailand shared by many in the country: Thailand is a single entity and everybody should speak the same language. This view is representative of the mindset that still exists in many quarters, especially among the elite ruling class in Bangkok. The argument against linguistic diversity is just one aspect of a deeper sentiment against any kind of pluralism at all in the deep South. The Malay ethnic group should be assimilated to the mainstream Thai society at all costs. There is going to be no cultural pluralism, and certainly no political pluralism of any kind. It is easily understandable how this iron policy is a cause of the continuing unrest in the South which continues unabated until this very moment.

3 See, for example, chapters included in Duncan McCargo (ed). 2007. *Rethinking Thailand's Southern Violence*. National University of Singapore Press.

4 "Prem disagrees with proposed use of Malay as official language" T. 2006. The Nation. Accessed on November 2, 2010 from http://nationmultimedia.com/2006/06/25/headlines/headlines_30007268.php.

Interesting as the social scientific and historical study of the unrest and insurgency in the South may be, my focus here is nonetheless more on the philosophical aspect of pluralism rather than on describing and analyzing the situation. The gravity of the situation, however, makes it rather urgent that we look at this as a springboard for a reflection on how pluralism is very important in today's world and how it can be justified.

What I intend to do, then, is to explore the philosophical foundation of the kind of pluralism that should be applicable in the Thai context (and by extension to other countries sharing the same type of experience). Conditions of possibility of the pluralism will be investigated. It is clear that genuine pluralism cannot take place without fully functioning democracy. But it has to be the kind of democracy that respects the local communities' ways of life and traditions, perhaps by institutionalizing them in one way or another.

Justification for Pluralism

For many decades political policy in Thailand has always been based on the idea that Thailand is a single, unified country. The idea stemmed from the attempt by King Chulalongkorn (Rama V, 1853 - 1910), who tried to modernize the country in the wake of the expansion by colonial European powers. Faced with the dual threat from Great Britain to the west and France to the east, Siam, as Thailand was known at that time, tried to perform a series of

diplomatic juggling to balance the interests of these two powers, and at the same time the country had to modernize fast in order to become a peer among the community of sovereign states at the time. King Chulalongkorn himself traveled to Europe twice, and was very well received by the European ruling class. His main domestic policy was strongly marked by the attempt to unify Siam and put it under the rule of modern bureaucracy. It was a monumental task, since Siam inherited by Chulalongkorn was not a nation state in the modern sense of the word. Instead what was known as Siam consisted of a large number of semi-independent towns and principalities which recognized the authority of Bangkok very tenuously. Hence the King had to consolidate his power and centralize the administration. It was believed that this policy was a key to showing the European powers that Siam was at least on a road toward becoming 'civilized,' thereby blunting the argument that it needed colonization because it needed being civilized.

Thus King Chulalongkorn created the modern Thai bureaucracy which exists until today. The attempt to consolidate and centralize power resulted in the view, still held by many even unconsciously, that Thailand is a single entity. In fact every Constitution of the country states in its first Article that Thailand is a single, indivisible entity. This has its historical root in King Chulalongkorn's attempt to modernize the country; however, many Thais believe that this is an unquestionable truth. The First

Article in the Constitution is almost always cited in any argument against pluralism in the country.

However, as Thailand has progressed and as it has become more involved in the globalized world, the pressure for it to open up more space for pluralism has increased. The continuing insurgency in the South is merely one symptom of the change that is needed, albeit a very serious one. Perhaps one could experiment on comparing the empirical pluralism with normative one. What I have in mind is that we could find some affinity between the two kinds of pluralism, so that empirical pluralism, the kind of pluralism that we find in the political arena such as providing more autonomy to the local authorities or allowing for diversity of languages and cultural expressions, and normative pluralism, the one we find in ethics, might be correspondent one to the other.

Perhaps we could see that some affinity between the idea that Thailand, for example, must be a single, indivisible state and the idea that moral absolutism should be the norm. Many philosophers would object to this juxtaposition, for they subscribe to the view that normative matters and descriptive ones should be kept separate as they belong to different conceptual domains. I have nothing against this widely accepted position. What I am doing here is only to perform an experiment and see what would happen if we search for similarities between the two sides of pluralism. If this can be allowed to go on, then we might see that the affinity is that in proclaiming Thailand to be a single, indivisible

state, one thereby subscribes to moral absolutism, the philosophical view that does not allow for any pluralistic divergences at all. There is only one single truth and everybody needs to follow that. But what would happen if we are more modest and accept that we cannot know the whole truth, being mortal and limited and so on? Then we will accept that there could be some other versions of the truth that we did not know before or do not know now, and then it would be a relatively easy step to the acceptance of these other versions to coexist with the version one has subscribed to all along. What ensues, then, is that we respect the other viewpoints, a foundation for a healthy pluralism.

The argument I presented above is basically epistemological. The idea is that since we do not know all the truth, we cannot presume to judge other viewpoints to be absolutely good or bad. This view is in fact an ancient one.⁵ In the West it has found its

⁵ In the East, pluralism found its clearest proponent in Jaina philosophy. The Jaina doctrine of *Anekanta-vada* holds that reality is multifaceted and a mortal being bound in *samsara* (that is all of us humans) cannot presume to know everything there is to know in any aspect of the reality. Thus the knowledge of each human being is necessarily limited, so to claim that one is absolutely right and other wrong would be a misleading position. Here the Jaina cites the well known parable of the blind men and the elephant. One blind man holds the elephant's tail; another hold its ear, and so on, and each claims the elephant to be like what they are perceiving. In this case each is right, but only partially. In Jainism it is an act of violence to claim that the viewpoints of others are totally wrong; the Jaina doctrine of non-violence (*ahimsa*) also extends to the conceptual sphere. Non-violence implies that

recent proponent, relatively speaking, in William James' radical empiricism.⁶ According to James, the fact that experiences of many people do not always absolutely coincide show that reality itself is not constituted by one single version of the truth.

In "Resurrecting the Pluralist Universe," David Schlosberg sums up James's view on radical empiricism as a basis for pluralism as follows:

James's notion of pluralism (1997[1909]: 123-125 [sic]) began with a quite simple empirical observation that ". . . all that we are required to admit as the constitution of reality is what we ourselves find empirically realized in every minimum of finite life." Diverse experience is the link between James's argument for radical empiricism as a method

one should not judge others' beliefs and ideas as totally wrong, but since each mortal's knowledge is limited, the beliefs and ideas of others are right too. See T. K. Tukol. 1980. *Compendium of Jainism*. Dharwad: Prasaraanga, Karnatak University, Chapter XIX, pp. 302-322.

⁶ Coming from another tradition, Otto von Neurath also bases political pluralism on epistemology. In his case it is also thoroughgoing empiricism that provides the basis. Instead of the Kantian and Habermasian proceduralism constituted by the language of abstract metaphysics, Neurath is advocating a return to basic physicalistic language consisting of references to basic particulars as a *lingua franca* for mutual understanding among different groups sharing different ideals. See John O'Neill. 2003. "Unified Science as Political Philosophy: Positivism, Pluralism and Liberalism". *Studies in History and Philosophy of Science* 34, pp. 575-596.

and his pluralist philosophy. As he explains in *Essays in Radical Empiricism*, there is not a clear separation between a thing and our consciousness of it, rather experience is “double-barreled.” Experience defines what we know as real; it is made up of the *relation* between what we experience and how we experience it. As experience “is an affair of relations, it falls outside, not inside, the single experience considered, and can always be particularized and defined” (James 1976 [1912]: 7). The central argument is that “*any kind of relation experienced must be accounted as ‘real’ as anything else in the system*” (p. 22; emphasis in original). The point of James’s radical empiricism is not just the recognition of difference, but its validation and acceptance in the face of a monolithic unity.⁷

Thus we see that for James reality is constituted in a significant way by our own experiences, and since each of us has diverse experiences then reality is multifaceted. According to James, a philosophical view that subscribes to one single truth and reality is

⁷ David Schlosberg, “Resurrecting the Pluralist Universe,” p. 588. References to James in the quote are to his *A Pluralistic Universe* (Cambridge, MA: Harvard University Press, 1977) and *Essays in Radical Empiricism* (Cambridge, MA: Harvard University Press, 1976), respectively.

untenable, since that would entail that there can be a single, overarching experience that transcends particularity of an individual.

A standard objection against this type of argument found in James is that it is relativistic. If reality is constituted by particular experiences, then how can we come to know the objective experience which is condition of possibility of objectivity and pure science? If there can be no single objective milestone with which one can anchor one's conception of reality as being set toward the truth, then how can any normative judgment derive their own normativity? In other words, if there is no single objective standard that transcends anybody's particular experience, then how one can proceed with mutually agreeable and objective normative assessments? However, James's point here does not imply that we cannot judge anything at all. For certainly we can judge viewpoints which are so divergent or so blatantly unethical that we know to be out of bound of acceptable moral theory. For example, a theory that accepts burning of widows so that their souls can follow to serve their deceased husbands in the afterlife is totally unacceptable. And we do know that because we know that burning people is wrong. Leaving aside the issue of how we *know* that burning widows is wrong (an empiricist would say that simply perceiving a widow about to be burned is enough for him to know that it is wrong), the fact that everyone today knows that it is wrong is sufficient for constructing a kind of ethical judgment that is adequately universal. In today's

world nobody defends the practice of burning widows any more; the judgment that the practice is wrong is as universal as there can be. However, many other ethical judgments are much less clear cut. There are many other ethical judgments which are far less obvious or far less contradictory to our moral sense, such as, for example, whether it is acceptable to wear a hat in a church. This is the reason why many ethical debates are so intractable, as students in an ethics class knows very well when they are confronted with difficult dilemmas. These dilemmas are intractable because, unlike the theory that condones widow burning, there is no clear cut judgment or ethical pronouncement that runs totally contrary to our moral sense in the other cases. If nothing can be found that offends our moral sense so strongly, then we have to accept those theories that do not so offend to lie within the bounds of pluralistic moral universe. It is important to note here that ethics and epistemology are similar in this respect. Our example so far has been taken from ethics, but one can also take other examples from epistemology too to drive home the same point. Suppose there are diverging knowledge claims of the same phenomenon, we can see the most obvious case where any disagreement would be irrational, such as the claim that the earth is round. All rational people nowadays believe, rightly, that the earth is round and it is simply not rational to argue otherwise. However, there are other cases of knowledge claims which are more contentious, such as the claim that genes are responsible for sexual

preferences. We simply, as things stand now, do not know whether which one of the claims in this latter case is the absolutely true one, unlike the situation of widow burning which we certainly know to be wrong. Most of the debates today are of this type: They do not admit of easy, clear cut answers and require long discussions and deliberations. We simply do not know the answer which is acceptable for everyone, and if we don't then pluralism should be accepted.

This argument from the fact that we do not know the whole truth is even stronger in the realm of religion. The main argument used by the proponents of more autonomy to the southern Thai provinces is that they should be given more freedom to practice their religion. The Thai authorities, on the other hand, have always been insisting that the ethnic Malays have been given this freedom for a long time. Freedom of religion is guaranteed in every Thai constitution. Nobody was ever forced to become a Buddhist, and Islam is recognized as one of the main religions in Thailand. However, this is not exactly what the proponents really want. Freedom of religion according to the Thai authorities consists only in the private area of one's life and so long as one behaves according to what the authorities think acceptable, then there are no problems. However, the problem in the deep South is not as simple as that, as religion for these people are tied up with their sense of identity as a distinct people from other Thais. So their demand for freedom of religion is integral to their demand of

autonomy; they want to be able to lead their lives as they see appropriate for them, without having to follow what Bangkok prescribes them to do or not to do. So the issue of language is an important one. The ethnic Malays speak a completely different language from other Thais, so language is part of the sense of identity too. By forcing the ethnic Malays to study Thai and to forbid any use of Malay in official space, Bangkok in effect relegates them to a secondary status as Thai citizens. Furthermore, as good Muslims, they would like to be able to follow the teachings of the religion not only in the realm of private conscience, but also in public arena. In fact Islam is unique among major world religions in that they include public behavior and social arrangements as part of the religious teaching too.

This is completely different from Buddhism, which does not touch on social arrangements in the religious teaching at all, and this perhaps contributes to the Bangkok authorities' lack of understanding and sensitivity to the issue. Consequently, a conflict ensues when the Malays want to practice their religion in the outward form, which does not follow or are contradictory to some of the things Bangkok wants its provincial citizens to perform. Believing in the narrow sense of national identity and unity, Bangkok has reacted rather violently to those who do not follow the norm, which in turn provokes violent responses from the villagers. This pattern has continued for decades after decades now and has

recently become much more serious as we have seen.⁸

We can see that the underlying cause here is fundamentally epistemological. Bangkok's lack of knowledge of the teaching of Islam and more importantly their insensitive attitude toward the needs of Muslim population in terms of relation of religion and state has contributed much to the unrest.⁹ An effective form of pluralism is thus badly needed. Most importantly the Thai authorities in Bangkok need to unlearn what they have believed for so long. They need to recognize that granting the people in the South more political, cultural and religious autonomy is not equal to partitioning the country away. The Bangkok ruling class need to

8 See, for example, Wattana Sugunnasil, "Islam, Radicalism and Violence in Southern Thailand: *Berjihad di Patani* and the 28 April 2004 Attacks," in Duncan McCargo (ed). *Rethinking Thailand's Southern Violence*, pp. 112-113. What is interesting in Sugunnasil's paper is that he is arguing that the main motivation for the flare up of violence since 2004 has been more based on religion and ideology rather than just nationalism as in the past (pp. 113-114). If that is the case, then it is a worrying situation, and is the reason all the more for the Thai authorities to expedite pluralistic arrangements that would alleviate the situation.

9 Despite massive investment in physical infrastructure in the southern region, police brutality and general insensitive attitude toward the Malay-Thais and their religion has remained the norm throughout the region, a factor which greatly contributes to resentment and growing violence. See Wattana Sugunnasil, "Islam, Radicalism and Violence in Southern Thailand: *Berjihad di Patani* and the 28 April 2004 Attacks," p. 116.

learn that they do not know everything; most of all they need to learn that their own interests do not have to be the same as national interests. They have to accept that they do not know everything and that the interests of the ethnic Malay can also be served by allowing them to practice their ways of life as they see fit. These people basically want to be let alone more, but unfortunately Bangkok does not see things this way.

Conclusion: What Kind of Pluralism?

So the path toward genuine political pluralism in Thailand starts from the realization that one does not know everything, and that the viewpoints of others are worthy of consideration too. Once this realization is made, then the actual political and administrative arrangements can follow rather smoothly. In the Thai case, the authorities need to get rid of the old mindset that Thailand is a single unified entity where all the ethnic, cultural, linguistic or religious diversity is subsumed under the aegis of the single political and cultural ideal. The ethnic Malays in the South should not be treated as if they were second class citizens simply because they do not follow the same ideal.

One has to realize that the country is not going to fall apart merely because certain localities are given more autonomy. In fact there are many ties that bind many groups in Thailand, including even the ethnic Malays, together in the same political entity. It would be difficult to conceive the

likelihood of Pattani and neighboring provinces joining Malaysia because these provinces did not share the same experiences of being under the British colonial rule in the late nineteenth and early twentieth centuries as did all the Malay states. Shared experiences are crucial in maintaining a tie that binds groups together in a single nation-state, as Benedict Anderson has famously shown.¹⁰ Coexisting with the Buddhist Thais for centuries has resulted in the Malay-Thais sharing at least some of the sentiments of the Thai nation together with their compatriots in other regions. They only want their separateness respected more. Managing a pluralism, however, is not an easy task, but it is entirely impossible to impose one's absolutist view on others. Even if one has a good intention in doing so, that intention can be easily interpreted as being imperialistic or dictatorial. Since normative pluralism is not the same as relativism and should not be allowed to become so, pluralism in the actual situation should not be allowed to be equated mistakenly with anarchy or with disintegration of the whole. On the contrary, the whole will be made much stronger if there is some degree of tension inside.

Nonetheless, it would be inconceivable how the unrest in the South could be effectively solved

10 Benedict Anderson. 1991. *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, revised and extended edition. London: Verso. However, as for the topic of outright independence, it is ultimately up to the people themselves whether they will choose that path.

without granting a significant degree of autonomy to the people. The political autonomy here needs to be accompanied by cultural, religious and linguistic autonomies too. This could be achieved, for example, by establishing the Southern border provinces to be a special administrative zone with a strong form of local government. In fact it is beyond the scope of this chapter to present in any detail how these arrangements would look like; these are the things that need to be worked out by the people in the South themselves. What has been lacking is a sense of mutual respect and understanding, especially by the Bangkok ruling élites who even now still regard the Malay-Thais in the South as insurgents and trouble makers. Perhaps a first step in the gesture is that Bangkok should withdraw all its troops from the Southern provinces. Police force and other security personnel should be recruited from the local population wherever possible. Details will need to be worked out as previously mentioned, but the bottom line is that there is an urgent need to instill the sense of belonging to the people in the South so that they do not feel like living in an occupied territory any longer. This is based on the premise that only the people who have lived there for so long fully know what kind of political arrangements is best for them. The best form of governance is still one where the governed provide their full consent to those they entrust the political power.

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Chapter 3

Value Pluralism and Prospects of Global Consensus

Göran Collste

Introduction

Discussions on pluralism tend to be polemic and polarized. One of the most controversial contributions to the discussion on religious and ideological pluralism is Samuel Huntington's book *The Clash of Civilizations and the Remaking of World Order* (1991). According to Huntington, in the post cold war world we can expect new conflict scenarios between the great civilizations of the world.

What, then, is a "civilization"? "Civilization and culture both refer to the overall way of life of a people, and a civilization is a culture writ large", writes Huntington (Huntington, 1991, p.41). And further, "Civilizations are the biggest "we" within which we feel culturally at home as distinguished from all the other "thems" out there" (ibid. p.43). A civilization is constituted by a common language, history, religion, values and institutions and provides a basis for the subjective identification of peoples. Huntington maintains that religion is a central defining characteristic of civilizations and he quotes Christopher Dawson arguing that "...the great religions are the foundations on which the

great civilizations rest” (ibid. 47). Among the major civilizations are the “Western” Christian, the Confucian, the Hindu and Islam.

Huntington’s view – emphasizing the differences and conflicts - corresponds in some respects to the Prime ministers’ Mahathir Mohamad and Lee Kuan Yew advocating “Asian values” in contrast to Western liberal values.

Huntington’s main focus is world politics and international relations. However, his conflict thesis can easily be transferred to multicultural and multi-religious nations, such as Malaysia. Even here one could in line with Huntington’s thesis argue that we should expect internal conflicts and turmoil.

Huntington’s conflict thesis can be nurtured by Communitarian ideas about the incommensurability of different ideological and moral traditions. According to the philosopher Alasdair MacIntyre there is no common ground between different traditions. Instead each tradition has its own criteria for rationality, values and justice (MacIntyre, 1988). Hence, there is little room for dialogue and mutual understanding between representatives of different traditions. Although Huntington speaks of “civilizations” and MacIntyre of “traditions”, they basically refer to the same entities; Huntington analysing them from a political point of view and MacIntyre from a philosophical. The conflict view they expose I will call the “incommensurability thesis”.

Is the incommensurability thesis correct? This is a difficult and comprehensive question. I will

limit myself to raise some objections regarding its implications for values and ethics.

I will argue for moral universalism. However, we must be aware of the risks and bad reputation of such a view. Ideas of universalism and value consensus could be interpreted as a form of ideological imperialism. This is perhaps what Mahathir Mohamad and Lee Kuan Yew reacted against. The West has sometimes argued that *their* values are universal – and even tried to enforce them on others with violence – the history of colonialism is a telling example and more recently, the aims of the wars in Iraq and Afghanistan can be interpreted in the same direction.

I will focus on values. A set of values is one important component of a culture, “civilization” or tradition. Is the incommensurability thesis correct when applied to value pluralism? Are values relative to culture? Are there little room for dialogue and mutual understanding regarding values?

As a case in point I will discuss a contribution by the Japanese ethicists Yohko Orito and Kiyosho Murata. They seem to concur in the incommensurability thesis in their discussion of a specific value, privacy, which according to them is important in the West but not in Japan. Orito and Murata raise a number of arguments for their view that a right to privacy is alien to Japanese culture, and hence, that there is a deep disagreement between Japanese and Western understanding of privacy (Orito and Murata, 2005). There is a deep disagreement between two views if there is no

common ground for understanding, for example when a concept used in one culture and language lacks a corresponding concept in another culture and language. If Orito's and Murata's well-developed argument for the incommensurability thesis applied to privacy can be refuted, this will also work as an argument against the thesis generally, so my argument goes.

Why is this important? If Orito and Murata are correct, that would among other things create problems for global Internet services. For example, both health care information and medical consultation are nowadays provided over Internet. If privacy is not considered an important value, what are the implications for privacy protection on Asian-based Internet sites for medical information and consultation?

Is privacy a universal value?

According to the first argument for the view that privacy is not a relevant value in the Japanese context, - i.e. for the incommensurability thesis - Orito and Murata maintain that there is no Japanese word corresponding to the English word privacy. Thus, "...privacy is an imported idea", Orito and Murata write (ibid). Secondly, they argue that privacy focuses on individualism while Japanese mentality is a group mentality. They explain the Japanese group mentality with the historical fact that growing rice, which has influenced Japanese social characteristics, basically is a social undertaking that

requires a collective decision-making process. Third, Orito and Murata claim that behind the notion of privacy lies a distrust of others as it presupposes that one must hide information about oneself from others. In contrast, in Japanese culture one presumes the good will of others, *amae*. Finally, in Japanese culture "...little value is attributed to an individual's private realm as distinct from the group" (ibid). Hence, in Japan there is no need to protect the private realm from interference from outside. Orito and Murata sum up their argument in the following words:

"Within the context of these socio-cultural linguistic circumstances, insistence on the right to privacy as 'the right to be let alone' indicates a lack of cooperativeness as well as an inability to communicate with others. The right to privacy, understood as 'the individuals' right to control the circulation of information concerning him or her' is considered a shameful excess of mistrust in relation both to cooperative society and to those who collect, store, share, and use personal data. Consequently, the sense of a right to privacy is foreign and less important to Japanese society than it is in Western societies" (ibid).

And they conclude: "Therefore, it is not possible to claim that the sense of a right to privacy is a

universal value” (ibid). Thus, according to Orito and Murata, privacy is not a universal value but contextual or culturally bound. To claim that privacy is a universal value is then to claim universality for a contextual Western value.

But what does it mean that a value in this sense is contextual and not universal? There are numerous possible interpretations but I will limit myself to distinguish between the following four meanings: First, it can mean that a value has its *origin* in a specific culture. Then the focus is on history. A value is seen as contextual in the sense that it can be traced to a specific cultural, religious or philosophical tradition. Secondly, it can mean that different societies provide more or less *favourable cultural or political conditions* for the implementation of a value. For example, a value like privacy may be easier to implement in a democratic society than in a totalitarian. Third, it can mean that a value is *accepted* by a greater part of the population in one society than in another. Due to such factors as illiteracy and ignorance, a value that is widely supported in one society may not even be known by parts of the population in another society. Finally, it can mean that a value is *valid or justified* in one society but not in another. Then, standards of moral evaluation vary relative to society and the reasons to support and try to implement a value are valid in one society but not in another. While the first three views are different versions of cultural *descriptive* relativism, the final view is a version of cultural *normative* relativism. The first three views

describe how things are, based on some empirical assumptions while the fourth view makes a claim about what is right or wrong. The fourth view also corresponds to the incommensurability thesis.

Orito's and Murata's argument can be interpreted in different ways. Do they argue for an empirical thesis that there in fact exist different opinions between Japanese and Westerners about the value of privacy? Or do they argue that privacy is alien to Japanese moral tradition or that the conditions for the implementation of privacy in Japanese society are lacking? They seem to argue for all these empirical views. The fact that privacy does not have its origin in Japanese tradition or that it does not enjoy support among Japanese does not necessarily imply that it is irrelevant in Japan. However, they also claim that privacy is a contextual value. Hence, they seem to argue for cultural essentialism, i.e. the view that values, in this case privacy, are embedded in one culture and lacks relevance in another. As a consequence, they also seem to adhere to cultural normative relativism. This seems to be a reasonable interpretation of the last sentence in the quotation from their paper above: "Therefore, it is not possible to claim that the sense of a right to privacy is a universal value".

The meaning of a right to privacy

The meaning of privacy is a disputed topic. As philosopher Deborah Johnson (2001, p. 120) argues: "...privacy is a complex and, in many respects,

elusive concept” and Julie Inness agrees: “Privacy is an intensely contested interest in everyday life and the law, which may explain the disorder of privacy theory” (1992, p. 15). The disorder that Innes notes is not least illustrated by the two definitions that Orito and Murata refer to. The meaning as well as the normative implications of the conception “the right to be let alone” (Warren and Brandeis, 1890) are different from the meaning and normative implications of the conception “the individuals' right to control the circulation of information concerning him or her” (Westin, 1967). Hence, when discussing whether privacy is a universal value it is important to define the concept of privacy so that we know what we are talking about.

Here I will focus on the second of Orito's and Murata's definitions of the right to privacy: “the individual's right to control the circulation of information concerning him or her”. The definition implies that the right to privacy is a subspecies of a right to autonomy. A right to autonomy means basically a right to control one's own affairs and the right to privacy (in its informational sense) means a right to control a part of this, namely the circulation of information concerning oneself. However, so far this definition is vague. One may for example ask what “control” and “information” mean. To get a more precise definition we need answers to the questions “how much control?” and “control of what kind of information?”

If a person has control over the circulation of information concerning him or her it could imply

that those who handle the information, for example authorities or doctors, must not make it public without the consent of the person concerned. But for the conditions of privacy to be fulfilled, exactly how much control is required, at what moment and in relation to whom? (Tavani, 2007, p. 7)

Are then all kinds of information about a person sensitive from a privacy point of view? No, one must distinguish between privacy-sensitive information, “intimate information” in Inness's words (1992, p. 61), and information that is not sensitive. A person's appearance, age and address belong normally to the latter kind, a person's sexual leanings, and health record normally to the former. But is this always the case?

Exactly where to draw the borderline between personal information that is privacy-sensitive and information that is not seems to be culturally dependent. For example, according to the EU-directives on privacy protection from 1994 information about health care records, membership of a political party and membership of a trade union are considered privacy-sensitive. However, in some countries, for example Sweden, where most employees are organised in trade unions, trade union membership is not normally considered privacy-sensitive. Further, information about a person's income, property and taxation is publicly accessible in Sweden but is considered privacy-sensitive in many other countries. The exposure of a woman's face is not considered privacy-sensitive among most Europeans but is an issue of privacy in some Muslim

countries. The list can be extended but the point here is that what is considered privacy-sensitive varies between individuals, countries and cultures.

But does the fact that there are cultural differences regarding what kind of information about an individual is considered as privacy-sensitive imply that privacy is a contextual notion – and give support to the incommensurability thesis? No, what it implies is only that there are different views of what kind of information is privacy-sensitive, not that privacy is a value in one culture and not in another.

One can even ask whether it is possible to imagine a culture where all kinds of information about persons could be publicly accessible without anyone bothering about it, i.e. where there is no distinction between public and private information. Joseph Kupfer (1987) argues that privacy is a necessary condition for the development of an autonomous self, i.e. a person. A person can be defined as a human being with moral sense, self-awareness and self-control. It is necessary to have some control over private information about oneself to develop these characteristics. “The I” is emerging in a dialogue with others but also in a process of demarcation in relation to others. How could a person, an independent I, even be imagined without some privacy? Hence, if there is a difference between Japan and the West when it comes to privacy, it is rather a difference regarding what kind of information is considered privacy-sensitive than whether privacy is a value or not.

Arguments for a right to privacy

In the preceding part of my chapter I argued that although privacy is a universal value, cultures differ regarding what kind of information is privacy-sensitive. In this part I will explore whether some common arguments for a right to privacy presuppose culturally contextual or universal premises. What then are the arguments for a right to privacy? In the ethical discussions on privacy one will find at least the following arguments: privacy is considered as a means for individual autonomy, freedom and differentiated personal relations.

First, privacy is considered as a means for autonomy. It is for example assumed that the public is worried that authorities have access to personal information about them that can be used for control and against their interests.

Public trust and distrust of authorities may differ between different societies. Societies might also differ in respect to whether there are good reasons to trust the authorities or not. This depends on democratic culture, transparency of political decision making and democratic control. However, it is too simple to see this as a cultural difference between Japan – or perhaps Asia – and the West. In this matter, there are differences between societies within the same cultural sphere. For example, it seems as if the public have more trust in authorities in for example Sweden than in Italy.

Further, the argument that privacy is a means for autonomy presupposes the value of personal

autonomy (Kupfer, 1987). “Privacy is valued because it embodies our respect for persons as choosers” as Inness writes (1992, p. 22). As I argue above, autonomy is one condition for personhood. Is then personal autonomy a contextual or universal value? Is for example autonomy a Western value without any relevance in other cultures, such as Japan? In his book *Development as Freedom* (1999) Indian philosopher and economist Amartya Sen analyses the relation between development and freedom – which essentially means the same as autonomy. His basic thesis is that “substantive individual freedom” is the building bloc of social and economic development. He argues that this is a universal value relevant in all parts of the world. But is not individual freedom a Western, liberal concept? Does it have any relevance in Asia?

Sen argues against a characterization of values based on culture, exemplified in the distinction between “Asian values” and “Western values”. Instead he emphasises the inner diversity of cultures and traditions. One can for example find authoritarian ideas in both the Eastern and the Western traditions. Confucius and Plato are examples of this. Individual freedom is indeed a value that is important in present day Western political and philosophical discourse. But it is not therefore a unique Western value. To show that it is not, Sen points at empirical examples from both the history of Buddhism and of Islam.

Buddhism is a highly influential tradition in Asia that, according to Sen, pays great attention to

freedom and human choice. Islam is often seen as a non-liberal and authoritarian religion but even here Sen points at important historical examples of Islam as a defender of freedom and tolerance. Sen concludes:

The point to be seized is that the modern advocates of the authoritarian views of “Asian values” base their reading on very arbitrary interpretations and extremely narrow selections of authors and traditions. The valuing of freedom is not confined to one culture only, and the Western traditions are not the only ones that prepare us for a freedom-based approach to social understanding (1999, p. 241).

Sen's argument is basically a critique of the idea that individual freedom has its origin in the West and is an exclusively Western value. Instead, it is a value in different moral traditions in different historical epochs. Thus, following Sen, if privacy is a means for individual freedom and autonomy, it is not less relevant in an Asian than in a Western context.

In the footsteps of the advent of an information society people's behaviour is more and more recorded. For example, through surveillance by cameras in public places and other kinds of monitoring and data collection, people are increasingly being watched. According to another argument for privacy, surveillance is restricting

peoples' freedom and, hence, privacy – meaning the absence of surveillance – is a means to enhance freedom.

Is this “freedom-argument” for privacy contextual or not? Are surveillance and other ways of recording behaviour considered as a threat to freedom in all cultures or are there different culturally based views on this? According to public surveys in the West, many people do not consider public surveillance as a threat. They prefer a widespread surveillance of public spaces to less security; for example, according to a recent survey as many as 91 percent of Swedes accept camera surveillance of public places as a means for increased security. This argument for privacy has not even “won the day” in the US public policy debate, according to Johnson (2001, p. 124). In a tradeoff between security and privacy, security is mostly preferred: “Better law enforcement seems to justify giving up some control of information about ourselves” Johnson writes (2001, p. 125). On the other hand, recently there was an outcry among Chinese students against finger print scanning for identity checks for physical education programmes. This new scanning was considered as a threat to privacy (China Daily, Oct 29, 2010). Thus, it is indeed questionable if surveillance of individuals is more accepted in the East than in the West.

According to a third common argument, privacy is a necessary condition for establishing personal relationships. Sharing information about ourselves is one way of establishing social relations.

We share some kinds of information with our partner, others with our friends, still others with our colleagues, etc. Thus, the control of information – and hence privacy – is a way to establish different kinds of personal relationships (Johnson, 2001, pp. 120-1; Rachels, 1995).

This argument for privacy is based on the value of (different kinds of) personal relationships. It is indeed hard to imagine a society where personal relationships have no value. What might be relative to culture, however, is in what respect the differentiating of personal relationships is dependent on the kind of information we share with others. It might be the case that in some cultures, intimacy and friendship are more dependent on what kind of information we share with others while in other cultures senses of trust, love and friendship are less dependent on the sharing of information. On the other hand, this might also be an intra-cultural difference between different people; we are as individuals different in this respect.

So, do the arguments for privacy so far examined presuppose contextual premises? Does it lend any support to the incommensurability thesis? The answer is no: I have with reference to Sen's analysis argued that while privacy is valued as a means for autonomy, it is relevant in both East and West. Likewise, in both East and West privacy is valued as a restriction of surveillance of public places, although limitations of privacy for the sake of security are accepted. Finally, it may be the case that privacy is more important as a means for

differentiating personal relationships in the West than in the East.

Arguments against a contextual meaning of privacy

So, what are our conclusions so far whether a right to privacy is universal? The concept of privacy presupposes a distinction between private and public. What is considered as privacy-sensitive information varies not only between cultures but also between individuals within the same culture. The arguments for privacy are based on some supposedly universal values. These are autonomy, freedom and personal relationships. Although societies and cultures might differ as to what degree privacy is seen as a means to achieve some of these values, the differences do not mirror a deep cultural difference.

Let us from this analysis of arguments for privacy return to Orito's and Murata's arguments that there is a deep disagreement between a Western and a Japanese view of a right to privacy. First they claim that there is no Japanese word corresponding to the word privacy. However, the same goes for – for example - Swedish. There is in Swedish no word corresponding exactly to the English word “privacy”. The English word privacy is usually translated by the Swedish “personlig integritet” which literally means “personal integrity”. Nevertheless, privacy is a meaningful notion in Sweden. So, it seems that the fact that a word in one

language has no exact matching word in another language does not imply that the phenomenon cannot be grasped or understood. Concepts travel beyond borders and languages are in a state of constant change, perhaps more so today than ever before because of the implication of globalisation.

Secondly, Orito and Murata argue that privacy does not fit in Japan because of the Japanese group mentality which has its origin in a tradition of collective rice farming. But not only rice production but probably any traditional large-scale farming – for example wine production or haymaking – requires collective forms of production. In what respect a history of collective forms of production has influenced the mentality of different cultures may differ and is difficult to trace. It is also difficult to see what exactly “group mentality” means. And it is at least questionable if this excludes the value of privacy. Nonetheless, as argued above, it might very well be the case that there is a cultural difference between Japan and the West in this respect, which would imply that some of the reasons put forward in the Western discussion for claiming privacy in Warren and Brandeis' meaning of “the right to be alone” are less relevant in the Japanese context.

Thirdly, Orito and Murata maintain that privacy implies a distrust of others. However, claiming privacy does not necessarily imply a distrust of others. One can very well value privacy without distrusting others. A parallel example: a person might claim autonomy in health care decision making without necessarily distrusting the doctor's

decision. The point is just that the person values autonomy. The same goes for privacy; privacy might be valued even if a person does not distrust others.

Fourthly, according to Orito and Murata there is no need for Japanese to protect a private realm from interference from outside. As I argue above, it seems reasonable to assume that in any society there is some demarcation between private and public realms and, hence, there are reasons for individuals to claim privacy. However, what kind of information belongs to the private and public spheres, respectively, may differ in different cultures.

In conclusion, Orito's and Murata's arguments for the view that the right to privacy is a Western value alien to Japanese culture are not tenable. This conclusion also indicates that the incommensurability thesis is open to discussion.

Values and traditions

There seems to be a widespread view that value follows culture and thus that different cultures have different values. As my detailed discussion of Orito's and Murata's argumentation shows, this view of value pluralism could be simplified. How, then, can we understand the relation between cultures/traditions and values?

Let me first say something about ethical traditions and the possibilities for mutual understanding and common values. I do not see a tradition (or ideology, religion, "comprehensive

doctrine”, world-view etc) as all-embracing and mutually exclusive views, but instead as multifaceted perspectives on reality and values. Normally, they have developed in a dialogue with other traditions which also implies that they have been influenced by them. For example; at its birth, Christianity was influenced by Hellenism and Judaism, Islam was influenced by Judaism, Christianity and Hellenism etc. As a consequence, within each tradition there is room for different and conflicting moral views and values.

What, then, are the differences between for example East and West when it comes to values and morality? The question is difficult to answer because it invites to generalizations and clichés. A possible answer is that the West put an emphasis on individuality and autonomy; the individual is taken as a point of departure for moral reasoning, as a basic object of concern and – normatively – individual autonomy is highly esteemed. In contrast, the East emphasizes community. This resembles Orito’s and Murata’s argument concerning privacy. A second possible answer is that the moral discourse in the West focuses on *criteria for a right action*, while in the East, the question of how to be a *good person*, i.e. virtues are focused. Ethics in the West is action-oriented and in the East virtue-oriented.

There seems to be some empirical backing for these dichotomies. However, when this is said the answers must be modified. There is in the West a long tradition of communal thinking, for example in Marxism and Social Democracy, and there are many

in the East who fights for human rights, which by nature are individual. One example is Nobel Peace Prize winner 2010 Liu Xiaobo – who protests against the totalitarian regime in China!

From a normative point of view, the dichotomy between autonomy and community seems to be artificial. Why should the value of autonomy conflict with the value of community? Don't we value both – in West as well as in the East? Autonomy is valuable because it gives the individual possibilities to realize her wishes and community is valuable because it gives the individual security and relations (Griffin 2008).

Secondly, regarding the focus of the moral discourse, at present, virtue ethics is not restricted to the East but one of the main ethical positions in the West, represented by influential scholars like the philosopher Alasdair MacIntyre and the theologian Stanley Hauerwas. And, on the other hand individual actions play an important role also in Eastern ethics. If I have understood Buddhist ethics correct – there is an emphasis on *both* individual acts – which leads to more or less *karma* – and virtues.

Conclusions

In this chapter I have criticized a common view of value pluralism that I called the incommensurability thesis. It states that there is a deep culturally based disagreement on values between East and West. With the example of a typical “Western” value –

privacy – I have shown that an assumed deep cultural difference is flawed. Privacy is in Western ethics a contested value with different interpretations. There are different views – in the East as well as in the West - concerning whether authorities should have the right to collect and store information about individuals, whether authorities should be trusted, whether public surveillance is legitimate for reasons of security and in what respect personal relations are dependent on what kind of information we share with one another. Thus, it is impossible to identify one Western view of privacy and, hence, to distinguish between the Western and the Japanese views.

However, privacy is often seen as a means for individual autonomy and is autonomy not a Western value? Individual autonomy or personal freedom is not confined to Western culture only but can be found in different moral traditions. Thus, if privacy is valued as a means for individual freedom this does not rule out that it is consistent with Asian values.

Evidentially, moral disagreements will remain. However, if the incommensurability thesis is questioned, there are good prospects for constructive dialogue and possible agreements between persons representing different cultures and traditions.

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Chapter 4

Models of Religious Co-existence

Hans Ingvar Roth

Introduction

One of the most controversial questions in the public debates in many countries is how different cultural and religious groups could find a fair or reasonable co-existence. This chapter aims to introduce a vocabulary or a set of metaphors that may prove fruitful in discussing important questions of religious co-existence in modern multicultural societies. An ambition is to address the question what kind of models or methods of religious co-existence are reasonable in several multicultural settings. Hence, the discussion is presented at a rather general level even though some more concrete cases will be presented in order to exemplify the more abstract reasoning.

One central question that is important to address in this context is the problem how to find a reasonable alternative to the idea of a sharp separation between religion and politics. According to a well known thesis (inspired by Thomas Jefferson's famous metaphor of a "wall of separation" between religion and politics) religion should only be a private matter and steer clear of politics. The advocates of this thesis claim that the wall of separation must be protected from assaults

from theocratic supporters and from advocates of state-sponsored religions. Otherwise the democratic legitimacy of the state and the public sphere will be compromised or threatened (Stout 2008 and Lilla 2007).

An alternative idea to the model of strict neutrality or a strict separation thesis is that the state should strive to keep distance towards religions in terms of overriding constitutional principles and institutions – but - should leave the door open with respect to religious doctrines when it comes to public policies and arguments in the public arena. This latter view has gained prominence lately in the political theoretical debate. It is an interesting task to explore how this view can be interpreted in a reasonable manner (Bhargeeva 2010, Perry 2010 and Stout 2005). The crucial question becomes how a state should fulfill an ideal of multicultural fairness instead of choosing a model of strict neutrality where justice or fairness is “fulfilled” through the exclusion of religion in the public sphere. A further question that will be addressed in this chapter is what kind of methods or measures are especially relevant for a model that tries to achieve “multicultural fairness” (Loenen & Goldschmidt 2007).

The objectives of positive distance and closeness

The activities of many ethnic and religious groups in modern multicultural societies are often characterized by an urge to strike a balance between

two kinds of strivings. First, the will to become more integrated in important spheres of society and fulfill the objective of positive closeness in terms of integration and inclusion – and – achieve a so-called value community and hence, avoid negative distance with reference to other groups in society (such as cultural distance and social segregation). On the other hand, one could find the will to preserve some of the old cultural or religious customs, i.e., to achieve positive distance through the respect of integrity and hence, avoid negative closeness in terms of forced assimilation (Roth 2005). In other words, we could describe several of the problems for ethnic and religious minorities in multicultural societies as problems to avoid negative distance in important spheres of society and instead fulfill positive closeness but not at the price of negative closeness or forced assimilation. These metaphors are not just pedagogical tools – they are here used to express what kind of values and (what kind of relations between the values) should be emphasized when we talk about minority- and integration policies.

Faced with various obstacles or problems in multicultural societies, religious identity groups and other minorities have struggled in different ways to overcome the problems of negative distance and negative closeness mentioned above (Gutmann 2003 and Kymlicka 2007). In some cases, state authorities in modern multicultural societies have tried to introduce policies, such as minority rights and affirmative action programs, that strive to help

various disadvantaged minorities with reference to the problems of negative distance and closeness (with more or less success). These methods, which try to take into account the vital interests and needs of the minorities, could be called “group- targeted measures”. Some of these methods have taken the form of preferential treatment or policies of affirmative action, when problems of representation in various spheres of society have been seen as especially urgent (Levy 2000 and Sterba 2009).

One important subclass of problems for religious minorities could be named “problems arising from liberalism or liberal neutralism”. Apart from explicit or implicit discrimination among, for example, members of a majority population the operation of liberal principles in terms of “liberal practices” could work to the disadvantage of various religious minorities in a society characterized (or heavily influenced) by a majority population. This type of statement has been a common starting point for theorists in the so-called multicultural debate in political theory. (Parekh 2000 and Taylor 1994). So-called color-blind principles, liberal ideas of individual freedom or traditional individual human rights schemes (as formulated in well known conventions and declarations such as the European Convention of Human Rights (1950) and the UN Declaration of Human Rights (1948)) are not seen as sufficient or adequate to address the specific problems of religious minorities and other minority groups.

The prevailing view among several political theorists such as Will Kymlicka, Jacob Levy and Tariq Modood is that multicultural states need more than these individual rights schemes in order to address the negative side effects of traditional liberal policies, where opinions could differ how these principles and problems should be understood (Kymlicka 2007, Levy 2000 and Modood 2007). Many people in the multicultural debate have not necessarily assumed that there is something principally wrong with these liberal policies or individual rights, even though the ideas of liberalism may stand in conflict with certain religious minority cultures which, for example, emphasize the importance of social hierarchies in terms of gender and age. The problem in the debate is often assumed to consist of how to understand the operation of these well known liberal principles, and how their practices might be improved in order not to affect the various religious minorities in a negative way. In other words, in several cases the crucial question is how to improve or qualify the liberal principles – either through supplementations, revisions or new interpretations and extended implementations rather than to replace them with something completely different.

As was mentioned in the beginning of this essay “the liberal problems” could roughly be classified into two main groups, i.e. the problems of negative closeness (or how to achieve cultural integrity or positive distance) and the problems of

negative distance (or how to achieve social integration or positive closeness).

We should observe that different liberal principles could play different roles concerning these two kinds of problems. Problems of negative closeness or integrity/preservation arise when liberal principles such as free mobility and the endorsement of market economy (in addition to individualistic concepts of property rights) may threaten a traditional form of community life. A majority population could, through its dominance in terms of size, resources and historical standing, make the liberal principles work to its cultural advantage and create threats to the minority culture. These problems could arise for various minority groups such as ethnic, national, linguistic and religious. “Neutrality” in the sense that the state should not focus its attention on religious matters or substantial life views could also affect religious minorities in the sense that everything in this contested area becomes determined by the so-called private sphere and could influence the public arenas in more informal ways. In a case where the public sphere protects the interests of various minority cultures instead, it could function as a bulwark against a dominant majority population in the private sphere.

The state could justify multicultural policies on the basis of the statement that members of a religious minority group should not face any unfair burden in maintaining its culture.

First of all it is important to stress that the main responsibility for preservation of a minority

culture lies among the members themselves (not at least because of its specific value for the members of the minority group and their privileged epistemic position with reference to the customs and the traditions of the minority culture). However, it could be stated that other groups such as the majority population (and important institutions such as various public agencies) could come to the conclusion that they may have a responsibility for the cultural survival of the religious minority group. This moral demand is emphasized when (a) the burdens in maintaining the minority culture are discriminatory in origin, (b) the members of the minority group will experience serious distress or a great loss of well-being without their specific culture (i.e. there is no feasible cultural alternative that the members could choose to cultivate) – and - they really need positive support from “the outside” to maintain their culture, (c) other groups also take advantage in different ways of the preservation of the minority culture through a putative vibrant cultural diversity - and - through the minority group’s cultural creations which may justify the support from the other groups. A concrete example is the use of aboriginal art in Qantas airplanes – a way of presenting Australia in an attractive way for foreign travellers. The same kind of problems arise for many other indigenous populations. They have experienced marginalization and discrimination – and - at the same time they have seen that their culture is used in an exploitative way by the majority society. One could also claim that (d) a

religious minority group could fulfill important public values such as citizenship virtues and social services in a manner which may be at least as good as the services provided by the state agencies. Often religions and church traditions are repositories of moral experience that may also prove to have a more general relevance for the citizens of modern multicultural societies (Lane 2010). The religious groups could also be vital elements in civil society and be seedbeds for public engagement and social welfare policies.

Hence, the statements (a) to (d) give a prima facie strong support for a more general and shared responsibility concerning the cultural survival of the religious minority groups. A question is if the reasoning above also could apply to other identity groups than religious minorities. In principle one could assume that this ethical reasoning could apply to, for example, ethnic or national minorities. Further, religion is often intertwined with ethnicity and a support for religious minority culture could also imply a support for an ethnic minority. What characterizes many religious groups (in contrast to some other identity groups such as groups based on race or ethnicity) is the close connection between religion and ethics apart from the assumed “basic good” which a religious identity may provide for its bearers (a basic good that may not wholly be explained through concepts such as freedom of conscience, freedom of expression or freedom of association) (Finnis 2006 and Nickel 2005) The close connection between religion and ethics is

obvious in the discussion concerning the relationship between religion and politics – or – how a state or society should proceed with reference to the presence of religiously based ethical arguments in various public arenas. For religious groups certain moral and political demands concerning cultural integrity become especially relevant. Many religious groups have important religious sites that may need protection and they also have organizational structures that depends on rights such as freedom of assembly and association.

One should add in this context that it is a controversial question what should be regarded as discriminatory burdens in the statement (a) mentioned above. How much responsibility should a religious minority group have concerning the cultural survival of its religious culture – given the more or less unavoidable globalization processes today and prevailing ideas of individual freedom or autonomy that put many minority cultures “at risk”(Waldron 1995)?

“Fences” and “bridges” to fulfill the objectives of positive distance and closeness

What kinds of methods or measures have been salient in the debate how to achieve positive distance or cultural integrity? The group –targeted measures that are introduced in these cases could be described through the metaphor of “the sheltering fence”. A religious minority culture needs in other words various strategies, mechanisms or methods of

protection in order to survive in the long run. What these methods aim to fulfill is freedom from customs and norms that occur among members of the majority population. Hence, the group-targeted measures could take the form of certain exemptions from laws that burden traditional cultural practices such as trading laws and religious holidays in the case of the Jewish population – or formal dress codes that make it difficult for members of religious groups such as Muslims and Sikhs to manifest their religious beliefs through symbols and specific clothes such as headscarves or turbans.

The measures could also take the form of exemptions from the public school system (or certain subjects taught) and material support to independent schools where religious minorities have the opportunities to teach the core elements of their religious traditions. Other forms of measures that could be described through the label of “the fence” are special property rights or land rights (at a group level) that make it harder for the members of the majority population to buy land or property in a so-called minority territory where the religious group has its community life and also, maybe a religious site. Cultural autonomy with regard to certain forms of legislation such as family law is another example of a fence that tries to protect the minority from influences that in the long run could extinguish its family customs.

The critics of group-targeted methods such as various “fences” are often eager to emphasize that the measures can contribute to a static and

authoritarian interpretation of the minority culture that does not take into account the wishes and interests of individual members and minorities within minorities. Also – if one important objective is to create conditions for a fruitful cultural exchange it is important not to freeze the minority culture in a way which makes it isolated from the surrounding society (Waldron 1995 and Roth 2002a).

As a possible answer to this kind of criticism one could claim that the ambition in a multicultural policy is to make a fruitful cultural exchange possible, in a way which makes the exchange more equal and respectful with regard to the minority group as a distinct actor or participant, i.e. to respect positive distance in the sense of cultural integrity at the same time as one strive to establish dialogues and cooperation between the various groups in areas of common interest.

In order to combat the threats of a more static understanding of “the fence” as a minority right for religious groups it may be necessary to introduce another well known metaphor namely “the bridge”. Public arenas could be seen as bridges in the sense that they represent spheres of communication and constant negotiation where various groups and individuals raise political demands on the basis of more or less articulated ethical outlooks, religions and life views.

An interpretation of the bridge metaphor: John Rawls' idea of an overlapping consensus

The later views of the American political philosopher John Rawls implied a more relaxed stance (than his earlier views) towards the introduction of religious doctrines and arguments in the public arenas - as long as their political conclusions also could be supported by non-religious arguments (Rawls 1996). The natural implication of this revision in Rawls' thought is also to extend this proviso to controversial secular doctrines and claim that they are allowed in public argumentations as long as their conclusions can be argued for on the basis of reasons that are acceptable to people who do not endorse the specific secular doctrines (Habermas 2011). For example, one could claim in this context that Martin Luther King Jr. used religious as well as more secular arguments when he argued against the racial segregation in the U.S.A. during the 1950's and 1960's. He used arguments from the Bible and references to God's will as well as familiar human rights arguments from international declarations (Gutmann 2003). The well known concept "overlapping consensus" introduced by Rawls also implied that political policies described through expressions such as tolerance, gender equity and social care could be justified from several angles including religious and non-religious perspectives.

The model of overlapping consensus could be seen as a bridge in the sense that it could function as

a way of finding common denominators in ethics and politics among different religious groups - as long as the groups focus on issues that are more or less detached from their specific philosophical anthropologies, substantial ethical conceptions and life views. Toleration of religious beliefs (in the sense of non-interference concerning beliefs or practices that one does not like) is something that people may agree on even though they have different ethical or religious views. Toleration could, for example, be justified on the basis of utilitarian ethics (this ethical doctrine defines right actions in terms of the promotion of overall welfare) by pointing to the positive consequences of toleration in a liberal society. The principle may also be justified on religious grounds. Religious beliefs have to be sincere (according to several religious perspectives such as different strands of protestant Christian theology and Islam), and one cannot force people to have certain religious beliefs. Hence, a principle of toleration constitutes an “overlapping consensus” in Rawls’ terms (Rawls 1996).

A problem with this latter view is that it seems to be too optimistic at least as a model for more general ethical solutions with respect to the relationship between religion and politics. Overlapping consensus may be valid in certain areas in a plural society and with reference to certain classes of normative statements. The example of toleration may represent one plausible case but, how could an overlapping consensus be reached in a wide variety of subject matters in public life? Could

for example a Christian fundamentalist and a Marxist reach agreement about the content of public education? One has to build in certain assumptions about the limits of diversity in order to reach agreement about the character of basic institutions in a society – as well as more general policies. Rawls has to assume a conception of reasonable diversity in order to apply his model of overlapping consensus. The other alternative is that various ideological and religious outlooks reach general agreement through “thin” ethical or political principles. The principles are then described in such a general and vacuous manner that various life-views may subscribe to them. Most of the religious groups in a plural society presumably condone ideals such as liberty, justice or fairness. However, the controversial problem is how to interpret these ideals in more concrete situations and delineate which criteria of liberty, justice or fairness are especially relevant in which contexts. The dilemma for a model of overlapping consensus is, then, between limited application (through assumptions about so-called reasonable diversity) or generality and “emptiness”. (Roth 2002b)

A model of overlapping consensus could also be interpreted as too pessimistic concerning the extent of religiously influenced ethical statements in public discourse – as long as one interprets the model in actual terms. Why should one stop with the ethical views which could be justified through a current overlapping consensus? The question (which also Rawls recognizes then becomes how to

delineate and extend the model through more hypothetical applications when the parties have proceeded through improved reasoning and found that more ethical agreement could be fulfilled given new relevant information etc. (Rawls 1996. One could also add that if the participants in an ethical dialogue with strong political or public implications show each other respect and empathy they do not need to bracket their most deepest concerns and beliefs when they strive to formulate common policies for the organization of the public sphere (Stout 2005).

Does the model of overlapping consensus fit prevailing conceptions of religion and religious activity among practitioners? The model of overlapping consensus seems to fit religions that could be seen as “belief based” such as Christianity and Islam (Lane 2010). Other religions such as Hinduism that emphasize practices as the core of the religious identity seem to fit the model less well. Further, one could say that many religious identities find their sources in specific beliefs or doctrines as well as in the observance of practices and the identification with a community life. These more “mixed origins” of religious identity also seem to fit less well with the model of overlapping consensus. To find peaceful co-existence between conflicting practices often means that one tries to carve out separated “territories” for the practitioners – or – achieve compromises that may imply changes of the customs.

However, it may be fair to say that religious beliefs or statements have a salient role to play in many religions even though they may also depend on practices. The practices and commitments of the religious communities depend in many cases on more or less articulated religious beliefs and statements among the practitioners even though they may (sometimes) challenge specific religious or theological statements that have been seen as pivotal by the members of the majority of the group – and – still cling to the religion in question.

One could here ask if the model of overlapping consensus is especially relevant for certain classes of “religious statements”. Hence, one could reflect on the question how to delineate various religious statements (or more generally “life-view statements”) that are seen by many believers as relevant for their ethical and political views. First of all it is important to stress as an introductory remark that it is quite difficult to delineate in a sharp manner what are religious and non-religious statements. Given the plurality of views concerning the question what is a religion one could expect a wide variety of views concerning the delineation of religious beliefs and statements. However, in this presentation we assume that the categories of religious and non-religious could be delineated in a more or less clear and plausible manner even though the divisions could be contested.

Roughly we could in this context distinguish three types of ethical statements which use

references to religious or secular life-views. Certain ethical statements concerning, for example, abortion or euthanasia often assume or imply theological and philosophical views concerning human nature and what could be seen as “authentic” human needs. In these kinds of cases it may be difficult to find an overlapping consensus given that the ethical statements - pro and con abortion or euthanasia - cannot be separated or detached from specific assumptions in theological and philosophical anthropology.

Secondly, one could distinguish ethical statements that may or may not have explicit religious embeddings or pre-texts such as “You shall not steal” or “You shall not kill or hurt”. These statements are often important to many religions and churches – and- they are frequently justified through references such as “the will of God” or what the Bible says. However, they could also be clearly understood and defended through “the lenses” of secular life-views. This may also apply to the third category of ethical statements that occur within religious contexts. Here one could mention parables or stories revealing things about the actions of religious persons such as Jesus Christ or Buddha. These stories reveal ethical stances and actions concerning, for example, compassion, generosity, and justice. The way these persons have acted reveal in many cases ethical aspirations, virtues or role models that have inspired many people in history – not only people who endorse the specific religions

that the assumed holy persons or role models represent.

In summary, certain categories of ethical statements may be easier than others to justify through a model of overlapping consensus. With reference to the examples mentioned above, the second and the third category may be easier to find support for from different religious outlooks and life views. Their content and acceptance do not depend in the same way as the first category on a specific theological or philosophical anthropology even though the second and the third categories may receive supplementary content, importance and justification for the believer through his or her religious outlooks. In addition, one could say that religious views or statements (or more substantial secular life views) could play a substantial role in the ethical argumentation of the believer by giving answers to so-called “ranking” problems when several ethical values are at stake (I owe this point to Christopher Eberle in conversation). For example, a theological ethic could make certain virtues pivotal such as social care, compassion and empathy, virtues which may help the agent to decide when different paths of action are presented.

“The ladder”, “the springboard” and “the planes” to fulfill the objective of positive closeness

In many modern multicultural societies religious minority groups do not only strive to find a more

general respect for their cultural integrity. They also strive to participate in activities or spheres of society that are seen as common or shared with other groups such as politics, the labor market and the institutions of higher education. As was mentioned before several writers have claimed that the public arena is a sphere of conversation, deliberation and constant negotiation. In shared public arenas ethnic and religious groups accept that they need to negotiate their cultural boundaries and customs in order to come up with common guidelines or policies concerning matters of shared responsibility.

If one takes seriously the view that the democratic legitimacy of a state or a public arena is dependent on how open or hospitable the state is in terms of “voicing” more deeper concerns related to religion, life-views and more substantial conceptions in ethics, it becomes urgent to fulfill policies of integration or inclusion – what we before referred to as “positive closeness”. When members of various groups find that they have a fair representation in public arenas it may be easier to handle the possible conflicts that may occur when the participants are engaged in moral arguments based upon religious grounds or more secular life-views. Hence, it is important to emphasize that discussions related to the relationship between religion and politics should not be isolated from questions concerning what is a fair representation in the public sphere of the members from the religious groups in question. In other words, the metaphor of the bridge needs to be supplemented with other measures that aim to “open

up” important spheres in society for members of the minorities.

A question we could finally ask is what is especially striking about the context where positive closeness in terms of integration or inclusion has been addressed – especially with reference to modern liberal societies. It is often claimed that the operation of liberal principles, such as meritocracy and majority democracy, could give rise to obstacles and hindrances that make it difficult for members of ethnic or religious minority groups to participate in important spheres of society. If hiring takes place on more or less traditional meritocratic grounds (understood with an implicit reference to traits and ideals in the majority culture) this fact could present obstacles to various members of minority groups. In recent debates, it is often emphasized that many prevailing criteria of merit (such as fluency in the language of the majority population or generally accepted social competence) have not paid enough attention to the experiences and perspectives of various minority groups. (Sterba 2009 and Roth 2005) Hence, the specific perspectives of various minorities have in several cases been neglected when issues of common concern have been presented. Several minority groups have also been more or less forced to accept majority notions of merit/social codes in order to gain acceptance or entrance. Further, in the case of majority democracy, minorities run the risk of being excluded in the sense that their cultural interests are downgraded in the democratic decision procedures. The principle “one

man/one woman – one vote” often tacitly assumes that individual citizens share a common national culture (something that was more or less obvious in the writings of the early John Rawls).

In order to facilitate integration into important spheres of society, one could introduce various measures that could make the spheres more hospitable towards the minorities – not at least religious minority groups. For example, several modern European countries have been characterized by a certain majority religion in the private spheres while the public sphere has been dominated by an increasing secularism. For newcomers, such as various immigrant groups, one could introduce different forms of affirmative action such as special education programs, making it possible for the members of the groups to gain access to the labor market and higher education. One could also emphasize new or different competences or merits that are especially salient among some of the minority groups in order to make the activities more open or friendly to the members of the minority. The majority-biased interpretation of merit could be replaced by a more culturally sensitive one. This latter statement is especially relevant with respect to immigrant groups that are different from the majority population in terms of ethnicity, language and religion.

In the case of majority democracy, one could introduce special veto rights or various forms of group representation in order to make levels of participation more equal or fair between the

different religious groups. A metaphor or measure that is especially relevant in this context is “the ladder”. The ladder in the form of various support programs and more group sensitive interpretations of merit, could make it possible for members of the minority groups to climb over the thresholds, hindrances that have caused the specific underrepresentation. “The ladder” could also consist of efforts to bring to light the importance of religion in collective identity formations, and how it affects the way one looks at society – and - politics in more general terms.

To make it possible in the first place to raise a ladder with regard to more reasonable thresholds (thresholds that one should not strive to diminish such as the majority language or certain forms of merit) it may be necessary to introduce group-targeted measures that neutralize and diminish the more unreasonable hindrances that may also downgrade the importance of the more reasonable thresholds. The aim here is, in other words, to neutralize and diminish unfair hindrances such as “blind spots”, various forms of prejudice, stereotypes and tight social networks such as nepotism. In these problematic cases it is necessary to introduce methods that can make it possible for members of the minority group to gain entrance into the main sphere of society in spite of these unfair obstacles, and also introduce methods that could diminish the unreasonable obstacles in the long run.

The first measure or method in this context could be called “the springboard”. The springboard

aims at presenting opportunities to minorities in cases where they face discrimination and prejudices in spheres of society such as the labor market and higher education. These methods could – in the more urgent cases – be quota systems that force the employer to take into account the representation of various minorities in the work place. However, a springboard is seldom enough. It may just make it possible for some of the minority members to gain entrance into the main spheres of society (often the so-called elites of the minority groups), and it may not change the culture of the specific enterprise in a more fundamental way. In these latter cases it is important to introduce a “plane” that could smooth off the obstacles in deeper and more definite ways. This is of course a more time consuming activity that may demand strong patience. The plane could be seen as a supplementary method to the springboard. We could in these cases think about information campaigns and cross-cultural meeting places, aiming at changing ingrained and long lived attitudes among the members of the majority population such as different forms of islamophobia in the current European Context (Modood 2007).

Concluding remarks

This chapter has tried to identify some of the more salient problems and challenges that religious minorities face in current multicultural societies. The problems or challenges have been described through the concepts of negative distance and

negative closeness. The desirable contrasts are characterized in terms of positive closeness and positive distance.

In order to avoid negative distance in the form of social segregation and cultural isolation (in the light of, for example an excluding form of cultural nationalism) it is important to strive to fulfill various forms of positive closeness such as social integration and a viable value community through ecumenical efforts and religious dialogues (especially in the case of religious identity groups). And, in addition to these efforts, strive to achieve a more inclusive representation of the group members in important public agencies.

We have – with reference to the problems of negative distance mentioned above – discussed various measures to combat these problems such as “the bridge”, “the springboard”, “the plane” and “the ladder”. What we have seen is that well known integration policies and affirmative action programs could be classified with the help of these metaphors as well as ecumenical efforts and cultural dialogues between religious groups (in terms of the metaphor the bridge) (Sterba 2009 and Roth 2005).

On the other hand, in the case of avoiding negative closeness such as forced assimilation (in the light of, for example, the operation of a globalized market economy or a “thick” cultural nationalism) the metaphor “the fence” becomes especially relevant in order to fulfill relationships of positive distance or cultural integrity. In other words, the ambition to achieve positive closeness

should not deteriorate into negative closeness. In this case we find that well known minority rights schemes concerning the preservation of cultural autonomy could be classified as different “fences” of protection as well as land rights in the case of territorial minorities. With respect to religious minorities certain fences in terms of different rights could be seen as reasonable in order to preserve integrity. The right to association, property and various exemptions from common laws (as long as the exemptions do not violate basic human rights) could be crucial in this context. Various attempts to keep the public sphere neutral with reference to some hotly debated and contested areas could also be seen as (more or less) temporary “fences” – not at least for strategic reasons in order to preserve a shared public identity of the state institutions.

What is important to stress is that the most plausible alternative to a model of religious co-existence that strives to fulfill an ideal of strict neutrality in the public sphere is a model that emphasizes the need to apply a heterogeneous set of measures. These measures need to “balance each other” (according to the social contexts) in order to fulfill “multicultural fairness” for the different religious groups in a multicultural society.

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Chapter 5

Pluralism as an Educational Problem and Task in a Democratic Society – The Swedish Case

Edgar Almén

Pluralism is a many-faceted concept. Different aspects can be stressed, and it can be used for different purposes. One of the arenas where this happens is education, especially primary education. The Swedish society has been an unusually homogenous society and has as such developed its view and system of democracy. Up to the 1970s Sweden has not been interested in recognising ethnic or linguistic minorities within itself. It has recognised regional differences and an inner-Protestant religious pluralism (in the 20th Century also including those who criticise religion as such). Wider pluralism has mainly been thought of as a pluralism of contexts, some dominated by a “foreign” Christian denomination and some dominated by a “foreign” religion. Education should help the students to handle this rather light internal pluralism and to understand rather homogenous “foreign” contexts, more than to understand or handle more profoundly pluralistic situations.

This Swedish homogeneity has been challenged since the 1970s when the number of immigrants and refugees from these “other contexts” has grown in Sweden. Its internal pluralism is diversified. Minorities living in Sweden for

centuries have been recognised, and new minorities now live there with memories from other contexts and with different views on pluralism and on the relation between pluralism and democracy. Earlier dominant views and educational models are questioned.

Swedish primary education has since the mid-1800s been part of a national project trying to overcome internal pluralisms. Primary education has aimed at linguistic uniformity, integrating the dialects into a normalised Swedish written language and a normalised pronunciation. Not until the year 2000 five languages of national minorities are given special rights in Swedish law (Finnish, Miänkieli, Sámi, Romani chib and Yiddish). The school subjects Geography and History are important tools in promoting this harmonious understanding of Sweden. Thus *The Wonderful Adventures of Nils* by the Nobel Prize winner Selma Lagerlöf was intended as a Geography reader for the primary school helping to integrate Sweden by showing the regions as parts of one country. The subject History has not helped students in the former Danish-Norwegian regions to understand the pre-Swedish history of their regions and has traditionally mostly ridiculed the medieval union with Denmark-Norway and regional protests against the central power of Sweden (cf Hägg 2003).

Religiously, Sweden has been homogeneously Protestant with an Evangelical-Lutheran church, the Church of Sweden, bound to the state up to the year 2000. During and after the Thirty Years War ending

with the peace treaty 1648, loyalty to the king and to this faith was obligatory to every citizen. When this homogeneity was questioned in the end of the 1800s, what was emerging was an “inner-Protestant” pluralism, where you could leave the Church of Sweden only for another religious community recognised by the state. Not until 1952 a Swedish citizen could choose not to be a member of any by the state recognised religious community.

This rather modest pluralism was what should be handled within the Swedish school system. With roots in the curriculum of 1917, further developed in the curriculum of 1969, *a special Swedish form of non-confessional religious education* was created. It was developed within a unified school system for all citizens, a system which was thought of as an instrument for personally enriching all citizens according to their resources, deepening the democracy and strengthening the coherence of the Swedish society. All parents were expected to trust the non-confessional religious education their children got in the schools. The parents referred to were mainly those who were members of the Church of Sweden, those who were members of the Free Protestant churches and, later, those who had chosen not to be members of any church.

In my view it is important that this non-confessional religious education was not an ad hoc handling of a (modest) religious pluralism but part of a vision of a more democratic society embraced by the official commissions of the 1940s forming the new school system that was implemented from

the 1960s. The new school system should help youths to become responsible citizens in a society where democracy is thought of as something more than balancing group interests. Education should not mirror or even strengthen but – on the contrary - diminish uneven distribution of power and influence, and, more fundamentally, give all pupils opportunities to grow up into mature and responsible citizens. Mature citizens need deep knowledge about the society and its resources and about the interests and thoughts of other citizens. But that is not enough. They also need to be able to act with individual integrity, being responsible for their own lives, sharing the responsibility for the society on different levels with other mature citizens. Therefore, they should have reflected on their personal values and their view of life. Accordingly non-confessional religious education should not only give the pupils information about and ability to identify themselves with the piety and world-views of others but also the ability to question, cultivate and deepen their own values and views of life. Within this form of non-confessional religious education “religion” is thought to be something which could be the driving force of a personal view of life fostering personal responsibility and personal growth – but also to be something containing structures which could restrain personal responsibility and personal growth. This ambiguity of religion is something you should be able to understand, and you are responsible for how you relate to it.

This school system with its democratic vision was very much part of “the Swedish model”. Most Swedes have been proud of it, also of its non-confessional religious education. Of course the Swedish model was thought to be capable to handle also new problems created by social changes. When immigrants and refugees from “foreign” contexts made “foreign” Christian denominations and “foreign” religions part of our own context, this new pluralism was handled as was the old internal religious pluralism. To some extent this process was successful, but as the numbers of immigrants grew and when many groups reflected on their ethnic identity and on religious pluralism in new, more group-oriented ways, the Swedish school system and its vision have been challenged. This has created problems but also new possibilities to reflect on and reconsider the logic of the Swedish non-confessional religious education and its fundamental concepts.

In the Swedish religious education there seem to be a pre-supposed but never argued distinction between an internal pluralism and an external pluralism. “Foreign” Christian denominations and “foreign” religions are taught as they appear in cultural contexts where they dominate – not as they appear as minority religions and minority churches in “our” context. This is obvious if we compare non-confessional religious education in Sweden with non-confessional religious education in Great Britain, where they are taught as minority groups in Great Britain (Almén and Öster 2000). The advantage of the Swedish religious education is that

it helps to understand how “religion” is integrated and intertwined with “culture” into something like civilisations in different ways in different parts of the world and in different historical periods. The disadvantage is that it does not help to understand what it means to a person’s religious conviction to live as part of a minority. Some efforts are made to reflect on what it means to be part of a Christian minority in a secularised society. But immigrants are not helped to reflect on what it means to stick to one’s “old faith” in a new minority situation in Sweden. It is also hidden that Swedish history is full of minorities, even religious minorities with their origin in Sweden. Pupils (and teachers) stand bewildered before the possibility to define oneself at the same time in some aspects as part of a majority and in other aspects as part of a minority.

The effects of this pre-supposed distinction and this preference for majority situations seem to be reinforced by the concentration in Swedish religious education on the individual and his or her responsibility. Pluralism is at its core a pluralism of groups, and in one sense groups are defined by the majority-minority-perspective. In relation to the society a group is a minority, but within the group you are part of a majority – if you are loyal. In a way groups (for example ethnic groups) mediate between the individual and the society and its culture. Traditional non-confessional religious education in Sweden has not addressed this mediation, but it is obvious that the way many immigrants and refugees in Sweden understand their

Orthodox Christian or Muslim faith have important ethnic components. Even when they start to use the Swedish language, they often want to pray in your old language, together with people who have read the same texts in the same language and know and respect the same (also local) religious traditions. Religious education needs a terminology and a theoretical framework in which such experiences can be cultivated. Immigrants and refugees would benefit from it, but not only them. It is obvious that the Lutheran congregations of the Swedish emigrants in the US had and have strong ethnic components. Such perspectives should also help to deepen the understanding of for example regional traditions and differences within the Church of Sweden.

This mostly unreflected distinction between an internal pluralism and an external one is challenging the educational handling of present Swedish pluralism. What were thought of as “foreign” are now part of the Swedish society and the inherited identity of many Swedes. And the presumed Swedish pluralism now comes out as a specific problematic, harmonised and trivialised view of “pluralism” with implicit rules for minorities. There are now Swedish groups that do not accept this view of pluralism, and hence the Swedish society is pluralistic in a more radical way. What was thought of as an indisputable view of pluralism turned out very much to be a certain, simplified and ideological view of pluralism in a certain historical situation presumed to be shared by

all Swedes. When this view is questioned, it is possible to recognise also older minorities and their needs and to identify and secure their rights. Then the view of what is Swedish should include not only recognising Swedish pluralism and but also differing Swedish views of pluralism and efforts to understand and handle them.

Traditional non-confessional religious education in Sweden also seems to stress the religion of the *individual* and the responsibility of the individual to question, cultivate and deepen his or her views and values in such a way that the relation to the group is hidden. But “religion” is, as everything human, related to a community and personal identity is not something in opposition to group identity, but related to it. In the religious traditions there is a lot of reflection on the church, the *umma*, the *sangha* and related or similar concepts. All this reflection should be used in order to help the students to understand the need for – and the joy of – being loyal to the community or group.

But what about the relation between group loyalty and individual responsibility? The terminology of “pluralism” is related to terminologies of group membership and rights of groups, given to its loyal members as long as they stay loyal - and lost when a member criticizes his or her group and/or when he or she is no longer accepted as a group member. Then “pluralism” becomes a cover for promoting more or less biased group interests. It can be in the interest of group

leaders to close the groups and to use and abuse power between and within the groups.

It is part of the democratic vision so important to the Swedish school reform of the mid 1900s and its non-confessional religious education to be very sensitive to such closed, authoritarian and oppressive groups. This is also central to the “modern” tradition from the Enlightenment (as well as from the Protestant pietistic movement). I have argued that it is important to deepen the understanding of a more radical pluralism, including distinct and even conflicting views of pluralism itself, and to deepen the understanding of group identity and group loyalty. Now I want to add that this must be done in a way that recognises and protects the freedom and responsibility of the individual. The individual must be free to and encouraged to criticise misuse of power also within religious groups and to act as a citizen co-responsible with other citizens for the rules of the society. Only then we can trustfully permit plurality and difference and learn from it. Perhaps we could then even celebrate it (Wingate 2005).

This stressing of the freedom and responsibility of the individual makes it, from my point of view, even more important to teach religion non-confessional, challenging religious leaders who claim exclusive right to define the faiths of “their” groups and to decide what should be said about them in school. Religious education should protect also the rights of those who refuse to adjust to a closed or authoritarian group. It should even point to

possibilities to criticize religious traditions “from within”, from principles and patterns of thought important in the very same traditions.

But education should recognize and teach in the same way also about non-religious traditions within our pluralism. Religious education should protect also the rights of women and the rights of sexual minorities, and teach also about these pluralisms sensibly for the oppression of these minorities and for possible misuse of power within their communities, even if they are less organized or less easy to identify.

For me the way the Swedish society has developed its idea and institutional forms of democracy also in education is more importantly “Swedish” than a harmonized view of a shared Swedish history and values of a “traditional” Swedish context. I sincerely hope that we will be able to find a broad acceptance for the efforts to build bridges over gaps defining pluralisms and groups, learn from each other and deepen our understanding of pluralism with this renewed democratic vision as a common framework.

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Chapter 6

Pluralism, the State and Free Will in the Political Thought Of Michael Oakeshott

Dominic Cooray

Many states – in Southeast Asia, for example – are eschewing blatantly autocratic rule. Instead, they seem to be opting for one of two pathways. The first is the championing of a particular national goal – in most cases, economic prosperity – thereby justifying (soft) authoritarian practices. As an alternative, there seems to be pluralism and, in its name, the rejection of the public expression of the cultural, and especially religious, roots of a society.

However, the word ‘pluralism’ can become a mere slogan, like the words ‘liberal’, ‘progressive’ and ‘democratic’.¹ In its less rhetorical usage too it carries with it several connotations and raises many questions. Is it a mere *fact* of modern life – the increasingly different world views, goals, wants – that modern states find themselves facing, and grudgingly having to accommodate? Is it something akin to relativism, where all ideas and world views are tolerated for the sake of diversity? The freedom to choose implies that each individual’s freedom of judgement and action must be respected by all other

¹ For an examination (and an attempt at rectifying) the ‘artless muddle’ into which political vocabulary has descended, see Michael Oakeshott, “Talking Politics” in *Rationalism in Politics and Other Essays* (Indianapolis: Liberty Fund, 1962), 438-461. (RP)

individuals. More questions arise: Where does this obligation come from? Are there boundaries to pluralism, or are we going to be satisfied with relativism in the political sphere? Although I will not attempt to address all these issues in this essay, I do want to argue that the state's role in these discussions warrants a thorough examination. When the focus is mainly on radical diversity and apparently unconditional individual 'rights' there arises the problem of all state action being seen as threats to individual freedom: we are left with a dichotomy of the necessary-but-evil state versus the people. Oakeshott avoids both extremes, and, in his writings, the state has a valued, legitimate and limited place on which both society and the individual depend.

For pluralism not to be a mere slogan – or worse, a tool with which to officially stamp out the legitimate beliefs of certain groups within society – I argue that it must be thought of in the light of human moral agency and free will. Pluralism, at its core, is motivated by the belief that free will – possibly man's most defining characteristic – must not be unnecessarily or unjustly impeded. Since the modern state has developed into such a powerful entity, with the capacity to easily impede individual freedom, the state plays an important role in any discussion on pluralism.

Oakeshott says that much intellectual effort has been devoted to answering the question of *who* should make up the state. History has showed us, however, that no matter who governs, the state apparatus, and the people who operate it, overreach and encroach into areas in which they had no

business entering. Oakeshott wished, on the other hand, to consider another other vital question: deciding on what a state could or could not legitimately do; state action rather than state composition.²

Free Will and Liberty

Human *conduct* – as opposed to animal *behaviour* – is never an absolute response to stimuli, it is not based only on instinct, inheritance, the external environment, or the events of one’s life (one’s ‘history’). Human conduct has an ingredient that makes the human person unique: he possesses an understanding of his actions and responses that is based on a reflective consciousness and is therefore not wholly dependent on externalities.

‘[I]n virtue of an agent being a reflective consciousness, his actions and utterances are the outcomes of what he understands his situation to be, and this understanding cannot be “reduced” to a component of a genetic, a biochemical, a psychological or any other process, or to a consequence of a causal condition.’³

² Michael Oakeshott, *The Politics of Faith and the Politics of Scepticism*, ed. Timothy Fuller (New Haven: Yale University Press, 1996). 3. (*PFPS*)

³ Michael Oakeshott, *On Human Conduct* (Oxford: Clarendon, 1975). 38. (*OHC*)

This human trait is what makes man a free agent. This ‘formal detachment from conditions which is intrinsic to agency’ is what it means to say that human beings have free will.⁴

Now this is different to another quality which is often called ‘freedom’: self-determination or autonomy. The “‘freedom’ inherent in agency’ is, as the word ‘inherent’ suggests, not something that he has to strive for, that he can be denied. Even with a gun pointed at his head, a person can freely choose *not* to comply with the demands of his armed assailant. Certainly, such a refusal could prove to be extremely costly, but the point is, no amount of power disparity can rob a human being of his free will. The reasons against refusing might be extremely compelling, but they are not absolute. In principle, and agent can resist these reasons.⁵ Of course the threatened person can comply, and, under duress, act against absolutely contrary to his wishes. Here, what he has lost is his autonomy; but he is still free. A person is therefore ‘not “free” because he is able (or because he believes himself to be able) to “will” what he shall do or say; he is “free” because his response to his situation...is the outcome of an intelligent engagement.’ It is this ‘intelligence in doing’ that we call ‘free will’ – which we attribute

⁴ *Ibid.* 36

⁵ Terry Nardin, *The Philosophy of Michael Oakeshott* (University Park: Pennsylvania State University Press, 2001), 74.

For a detailed inquiry into Oakeshott’s understanding of human agency see *Ibid.* 69-79.

to man, but deny to all other creatures or phenomena.⁶

This free will is something man cannot divest himself of: it is an ‘unsought and inescapable “freedom” which in some respects [humans] are ill-equipped to exercise.’⁷ However, European civilization also displays a character that is, in a way, open to this fate. It recognizes in free will ‘the emblem of human dignity’ and ‘a condition for each individual to cultivate, to make the most of, and to enjoy as an opportunity rather than suffer as a burden.’⁸ This is the character that prizes self-determination and personal autonomy. Oakeshott clarifies that treasuring such autonomy does not imply a surrender to the subjective will, the seeking of a state of indulgence or the canonization of ‘conscience’. Neither is it the worship of conformity or the desire to be different at all costs. It does not advocate a belief in unconditional choices or an indifference to moral or prudential practices or the disposition to follow only self-made rules.⁹ The last qualities especially remind us of the Rationalist disposition which Oakeshott is so critical of. Finally personal autonomy does not preclude individuals coming together to form associations of common purpose. As we shall see shortly, what is necessary is that these associations be voluntary. Oakeshott identifies the rise of this character as a defining moment in the history of modern Europe. This

⁶ Michael Oakeshott, *OHC*, 39.

⁷ *Ibid.* 236.

⁸ *Ibid.*

⁹ *Ibid.* 236-237.

‘experience of individuality’ had an overwhelming impact on Europe, the modern European state, and modern western political theory.¹⁰

Oakeshott sees the classic expression of this character of individuality or self-determination in Montaigne’s *Essays*: ‘a reading of the human condition in which a man’s life is understood as an adventure in personal self-enactment.’¹¹ In Montaigne’s writing there is expectation for the salvation of the human race through politics, redemption through technology, or the discovery of ‘the truth’, ‘there was only a prompting not to be dismayed at our own imperfections’ and a belief ‘that is it something almost divine for a man to know how to belong to himself’ and to live by that understanding.’ Memorably, Oakeshott calls Montaigne an ‘Augustine come again to confound both Gnostics and Pelagians’: those who claim the existence of hidden, redemptive ‘sciences’ and those who entertain unalloyed optimism about man’s ability to escape his current lot – to save himself.¹² Oakeshott also saw this character in the understanding of the state displayed by the authors of the American Declaration of Independence, the authors of the Federalists papers, the framers of the Constitutions, and in the writings of Alexis de Tocqueville.¹³

¹⁰ Michael Oakeshott, ‘The Masses in Representative Democracy’, in *RP*, 368.

¹¹ Michael Oakeshott, *OHC*, 240-241.

¹² *Ibid.* 241.

¹³ *Ibid.* 244.

The Development of the Modern State

The desire for power and control seems to have been with man from his earliest days. Rulers have always sought greater control, but, for most of our history, they have rarely had the physical capacity (the *potentia*) to maintain widespread and in depth control of their realm. Medieval European realms thus had no single centralized authority.¹⁴ This, however, would change and with improvements in technology, state capacity has increased. Concurrently, there also occurred changes to existing views on authority and the role of the state. The authority of medieval European monarchs was limited because they had ‘partners’ who shared some of the authority. Parliaments and aristocrats within their territories and the Roman pontiff’s international authority (which was manifest within their realms in the independence of the local church and the ecclesiastical courts) denied medieval monarchs the sole authority that they sought. The sixteenth century saw these monarchs ‘extinguish’ their partners and appropriate their authority and divest ‘themselves of all obligations to hitherto superior authorities.’¹⁵ Eliminating competing claimants like the nobles and parliaments at home and the emperor abroad were all part of this move, but ‘by far the most important source of the increased authority of the rulers of modern Europe

¹⁴ Michael Oakeshott, *Lectures in the History of Political Thought*, eds. Terry Nardin and Luke O’Sullivan (Exeter: Imprint Academic, 2006), 365.

¹⁵ *Ibid.* 381.

came from their acquisition of the authority (and often of the property) of the church.’¹⁶

The State as a Product of History

One term that is ubiquitous in a discussion on the features of a modern state is ‘sovereignty’. Oakeshott defines sovereignty as the recognition of a sole law-making authority when its authority to make law is not believed to be restrained by another superior power and when there is no law within that particular society which the government may not repeal or amend.¹⁷ Sovereignty became seen as catering to the ‘felt needs’ of the state’s subjects. This is odd, Oakeshott tells us, because the law, when it was not so malleable, has traditionally been seen as the ‘private man’s most cherished protection against the actions of a powerful government.’¹⁸ And yet, the ‘dangerous adventure of handing over to government the unlimited authority to make and to repeal law’ has been pursued by every state in modern Europe. What would motivate this openness to powerful government? Oakeshott believes that the people of Europe looked to their rulers for release from hindrances put forth by the traditional legal institutions of their time: the old rights and duties – sacrosanct and difficult to alter – hampered the modern enterprises of profit and happiness.¹⁹

¹⁶ *Ibid.* 382.

¹⁷ *Ibid.* 386

¹⁸ *Ibid.* 387

¹⁹ *Ibid.*

Right from the outset, however, it began to be clear that such ‘sovereign’ lawmaking authority was dangerous to all subjects alike – even to those who benefitted from the felling of traditional limitations and hindrances – and there emerged the desire to place limits on sovereignty. The problem, however, is that sovereignty, by definition, cannot be limited. A state’s actual, physical power (*potentia*) is never absolute, but a sovereign’s legal authority (*potestas*) is unlimited.²⁰ In modern times, then, we face the ‘relatively new situation of rulers who may have much more power than they have authority, and rulers disposed to use live up to the extent of their power and even to confuse their power with their authority.’²¹

The question ‘*What should government do?*’ therefore is a very important one. What does it mean to rule? In his *Lectures in the History of Political Thought* Oakeshott indentifies three metaphors for the state while in *On Human Conduct* he famously elaborates on the two ways of understanding the state as an association of human beings. The two categorizations are not unrelated.

In his lectures, Oakeshott points to three ways in which the state has been, and still is, understood: the state as a natural community; as an artificial association; and as a fitting neither the natural nor the artificial categories, but sharing features of both – which Oakeshott calls a ‘historic bond’.²² An understanding of the state as a natural community

²⁰ *Ibid.*388

²¹ *Ibid.*399.

²² *Ibid.*404

takes the form of several organic analogies: the human body, a colony of ants, or a family.²³ In modern times, however, by far the most important analogy is the state as identified as a ‘nation’ – a collective larger than a family, but distinguished from other groups in terms of language, a ‘common blood’, a religion, or some other common and exclusive character.²⁴ This was a powerful notion and has influenced much of political thought and more of political practice.

The second understanding of the state was a creation of members joined together by artificial bonds – an ‘association’.²⁵ This version was powerful because of the obviously unnatural beginnings of most modern states but also implied ‘that each individual human being was a “natural” unity and had no “natural” ties with any other human being.’²⁶ We have two analogies of the state as an artificial association that spring from these two historical changes: the joint-stock company and the religious sect. Both were reflected in works of political theory, Bacon for the former and Calvin for the latter, for example.

The third category is ‘more difficult to describe, but not less important.’²⁷ This view breaks with the assumption that everything in the world must be either ‘natural’ or ‘artificial’.²⁸ The state is seen as not entirely natural because ‘nature’, as we

²³ *Ibid.*405-407.

²⁴ *Ibid.*407-408.

²⁵ *Ibid.*414.

²⁶ *Ibid.*415.

²⁷ *Ibid.*421.

²⁸ *Ibid.*421.

have discussed in the last chapter, implies ‘necessity’, while the ‘world of “history” is the world of things which are contingent, and might have been other than they are.’²⁹ Likewise, the state is seen as not entirely artificial because an artefact is ‘designed and made to serve some specific and premeditated purpose.’ Something ‘historical’, however, though a product of human choices, is not designed in this way. The state is therefore not a collection of people bound by common blood nor is it a joint-stock company. Instead, ‘it is forged by time and circumstance’ and ‘the memory of shared experiences.’³⁰ Burke’s writing shows intimations of this historical understanding when he, after grappling with the fact that while the state was never ‘made’ in any contract or specific agreement it still was more artificial than natural. He concludes that the state is ‘a compact of all the ages’.³¹ It is a compact, however, that nobody expressly signed. Oakeshott offers the analogy of a ‘language’ or a ‘landscape’ to help illustrate this understanding of a state: ‘a blend of “nature” and “art”, a blend of the “necessary” and the “chosen”, of the “given” and the “made”, in which the “given” and the “made” are indistinguishable.’³² The state, like a landscape, is also both stable and malleable at the same time.

This vision of the state provides a mean that is respects pluralism and free will because it requires neither mere acceptance, since the state is contingent

²⁹ *Ibid.*421.

³⁰ *Ibid.*421.

³¹ *Ibid.*424.

³² *Ibid.*424.

and can be changed according to our designs, nor rejection, since, being a product of our history, it is part of us and cannot be avoided.³³

‘A “state” understood in terms of this analogy is neither a god to be worshiped nor a formless chaos to be merely endured. It is something for which we are conditionally responsible. And it suggests that the relations between its members are nether the relations of “natural” and “necessary” ties, nor the relations of partners in pursuit of the achievement of specific and chosen utilities, but the relations of those who share a common experience.’³⁴

The State and Human Dignity

What, then, is the state rightly allowed to do? One answer is already implied by Oakeshott’s first set of categories: if the state is a product of historical choices, state action must not wildly veer away from the shared experience that form the bonds that unite its citizens, nor must it apply too much strain on the relationship of choice that forms its basis. In his second set in *On Human Conduct*, Oakeshott expands and clarifies how a state must be constituted such that it does not impose grievous obstacles upon individual free will, where man’s free will may be enacted (in the form of self-determination and autonomy) with the least cost?

³³ *Ibid.*424-425.

³⁴ *Ibid.*425.

Oakeshott identifies three distinctive features that the modern state acquired right from its emergence and has never lost since: an office of authority, an apparatus of power, and a mode of association.³⁵ He considers the third feature in great depth and develops two categories – ‘civil’ and ‘enterprise’ – to explain the state as a human association. His understanding of the state as a civil association was his attempt to explain how a state could be constituted so as to respect human agency.

The Enterprise State

In a state that is understood as an enterprise, human beings are related to one another in terms of the joint pursuit of some recognized substantive purpose, a common enterprise. The office of authority is recognized as the custodian and director of this common goal. In other words in a state that is modelled after such an association, the many become one, united in a common goal, and in making choices that promote that goal, governed by instrumental rules that are in place precisely because they further that goal.³⁶ While hard to justify historically (since the early modern state ‘was a supremely miscellaneous collection of communities’³⁷) states soon did come to be talked about in such terms. The so-called ‘enlightened’ rulers of the eighteenth century, for example, understood themselves to be the guardians of a

³⁵ Michael Oakeshott, ‘Talking Politics’, in *RP*, 441.

³⁶ *Ibid.* 451.

³⁷ *Ibid.*

comprehensive ‘national interest’. These rulers took on the role of managers, harnessing their subjects’ activities and directing them in the promotion of this enterprise.³⁸

Today, whenever such words as ‘national interest’, ‘national program’, following an inspired ‘leader’, government ‘articulating the national values’, ‘defining the national goals’, ‘marshalling the national will’, or ‘transforming society’ are used to talk about the activities of the state, it is the state as a purposive association that is being articulated. Moreover, the vision of the state as an enterprise is particularly strong when the state is at war, and especially when the war is looked upon as a sort of crusade.³⁹ ‘Words such as “organic”, “authoritarian”, “collectivist” and “totalitarian” are often used to describe a state thus understood. And all the old words such as “liberal”, “progressive”, “democratic”, “dictatorial” are corrupted still further in its service’ and new words like ‘social justice’ have gained great favour in its defence.⁴⁰

Oakeshott links the popularity of the enterprise state to the rise of a character that was ‘obliquely opposed’ to the character of the individual, but was also a product of the modern era. He calls this the character of the ‘individual manqué’: the masses left behind by tide of individuality; men who had no use for the right to ‘pursue happiness’ (which was a burden), but

³⁸ *Ibid.* 452.

³⁹ *Ibid.*, 453

⁴⁰ *Ibid.*

needed instead the right to ‘*enjoy happiness*’.⁴¹ To the individual manqué, the morality of individuality created around him a very hostile environment. Personal identity was burdensome to those who preferred the anonymity and familiarity of communal life. Such people sought, and found in some measure, protection in the government. ‘The “godly prince” of the Reformation and his lineal descendant, the “enlightened despot” of the eighteenth century, were political inventions for making choices for those indisposed to making choices for themselves.’⁴² These leaders ‘spoke to their followers in the language of millennial expectation, and the prospect they dangled before him... [was] the promise of salvation: a world from which all that convicted him of inadequacy had been miraculously removed.’⁴³

C.S. Lewis warns that even good men given charge over the ‘curing’ people ‘would act as cruelly and unjustly as the greatest tyrants.’⁴⁴ The issue is not whether the head of an enterprise association is likely to be a particularly evil individual. In fact Lewis believes that ‘good men’ might, in some respects, act even worse than the typical despot.

‘Of all tyrannies a tyranny sincerely
exercised for the good of its victims
may be the most oppressive. It may be

⁴¹ Michael Oakeshott, ‘The Masses in Representative Democracy’, in *RP*, 378.

⁴² *Ibid.* 371.

⁴³ Michael Oakeshott, *OHC*, 278.

⁴⁴ C.S. Lewis, *God in the Dock* (Grand Rapids: William B. Eerdmans, 1970), 292.

better to live under robber barons than under omnipotent moral busybodies. The robber baron's cruelty may sometimes sleep, his cupidity may at some point be satiated; but those who torment us for our own good will torment us without end for they do so with the approval of their own conscience. They may be more likely to go to Heaven yet at the same time likelier to make a Hell on earth. Their very kindness stings with intolerable insult. To be 'cured' against one's will and cured of states which we may not regard as disease is to be put on a level with those who have not yet reached the age of reason or those who never will; to be classed with infants, imbeciles, and domestic animals.'⁴⁵

There is another, related, problem with basing the state on a chosen common goal. Let us take a hypothetical case where an entire population at one point actually did agree to a common enterprise, and decided to base their laws as well as the state's authority on this common enterprise. There is integrity at this point: the particular persons involved in this agreement will something and are not unfairly deterred from enacting this will. Goals, however, are volatile and it is conceivable that over time an increasing number of enterprisers would find their goals diverging from and eventually contradicting the original goals of the enterprise state. The state is a non-voluntary organization and

⁴⁵ *Ibid.* 292.

it is not feasible for an individual to leave a state to avoid being forced to act contrary to a strongly-held belief. The problem is thus not the individual tyrant: enlightened teocrats and enterprise states, by their nature, impose severe constraints on autonomy, which requires individuals not being forced to act in direct opposition to moral consciences.

The Alternative: Civil Association

The second of Oakeshott's two categories is the state as a civil association – a relationship of fellow citizens in terms of non-instrumental rules of conduct which, unlike the rules that define an enterprise, do not promote the achievement of a particular substantive purpose.⁴⁶ These non-instrumental rules are laws properly so and 'specify and prescribe, not choices to be made or actions to be performed, but conditions to be subscribed to in choosing and acting',⁴⁷. To avoid such rules being confused with the various rules and rule-like instructions, instruments, and provisions that are commonly also called 'law' in the modern vocabulary of politics, Oakeshott calls the rules of a civil association by the Latin word '*lex*'. *Lex*, then, is the 'rules which prescribe the common responsibilities (and the counterpart "rights" to have these responsibilities fulfilled) of agents in terms of which they put by their characters as enterprises and

⁴⁶ Michael Oakeshott, 'Talking Politics', in *RP*, 454.

⁴⁷ *Ibid.* 455 and Michael Oakeshott, *OHC*, 161.

put by all that differentiates them from one another and recognize themselves as formal equals.’⁴⁸

The rules of a civil association can be likened, though not perfectly, to the rules of a game. The rules of football, for instance, do not instruct players how to score a goal or how to win; they merely prescribe conditions players must abide by as they try to score goals and win. *Unlike* the rules of a game which provide individually for the kinds of actions and occasions which make up that game, or the rules of enterprise association which provide only for the particular sorts of engagements that constitute the pursuit of that enterprise, the laws of civil association ‘are not imposed upon an already shaped and articulated engagement’. They

‘relate to the miscellaneous, unforeseeable choices and transactions of agents each concerned to live the life of “a man like me”, who are joined in no common purpose or engagement, who may be strangers to one another, the objects of whose loves are as various as themselves, and who may lack any but this moral allegiance to one another’⁴⁹

Furthermore, although each item of *lex* may concern some citizens more than others, none is a command issued to any particular citizen: its prescriptions define relations common to *all* citizens.⁵⁰

⁴⁸ Michael Oakeshott, *OHC*, 128.

⁴⁹ *Ibid.* 129.

⁵⁰ *Ibid.* 128-129.

Authority and Moral Agency in the Civil Associational State

Oakeshott asks a question that is very vital for the issue of pluralism: how could a manifold of rules, many of unknown origin, often inconvenient, neither demanding nor capable of evoking the approval of all whom they concern, and never more than a very imperfect reflection of what are currently believed to be ‘just’ conditions of conduct, be acknowledged to be authoritative? He answers ‘that authority is the only conceivable attribute it could be indisputably acknowledged to have.’ In short such a manifold of rules can be capable of evoking the acceptance of all citizens without exception, only when understood in respect of its authority.⁵¹ Nothing else – not the ability to provide for wants and cater interests, nor the acknowledgement of the successful fruits these rules might bear, nor their perceived alignment with a particular moral theorem – suffice.

Authority and obligation, and non-instrumental rules seem severe and coercive. ‘Remote, mysterious, cold and insulated alike from consent or dissent to their demands, clothed in pitiless majesty, they ask neither to be loved nor to be approved.’ Characterized like this, it is not hard to see why these (and not their alternatives) are often seen as affronts to freedom. However, Oakeshott argues that this is a caricature of authority and obligation and bears little resemblance to civil authority or civil obligation.⁵²

⁵¹ *Ibid.* 153-155.

⁵² *Ibid.* 157.

The prescriptions of civil authority indeed do not seek approval nor are they dependent on the subjective goals of their subjects, but, on the other hand, they are not expressions of ‘will’ and their injunctions are not merely orders to be obeyed; their subjects are not servile role-performers. ‘[T]he distinctive quality of civil freedom, the recognition given in *civitas* to moral agency, springs from civil association being rule and relationship in terms of authority in contrast to the not less genuine, but wholly different, freedom which belongs to enterprise association.’⁵³ The freedom of a member of an enterprise association exists because his situation is his own choice: he is pursuing an agreed common purpose and he can extricate himself by choosing to do so. If this choice of extricating himself from his situation once he ceases to share the common purpose is not available, the link between belief and conduct is broken.⁵⁴

The civil condition is not like this. Citizens are related solely by their acknowledgement of the authority of prescribed conditions. These conditions do not prescribe satisfactions to be sought or actions to be performed, but a moral condition to be subscribed to while the citizens pursue their own self-chosen. According to Oakeshott, this means that there is nothing in civil association that threatens moral agency and ‘in acknowledging civil authority, [citizens] have given no hostages to a future in which, their approvals and choices no longer being

⁵³ *Ibid.*

⁵⁴ *Ibid.* 157-158.

what they were, they can remain free only in an act of dissociation.’⁵⁵

Herein lies another advantage of the civil association. The acknowledgement of authority is not something that fluctuates a great deal; in fact, it probably solidified over time. If rooted in tradition and changeable within such a tradition, it is not an obstacle to moral change. Goals, and purposes, however, are much more transitory. Making these the basis of a non-voluntary association sets up inevitable negative consequences both for the authority of the state and for freedom of the individual.

Politics in a Civil Association

Oakeshott understands politics (the process of arriving at the desirable content of *lex*) as both a private and a public action. Politics is private in that it involves an agent, or a group of agents, ‘negotiating with the holders of offices of authority’ (in most cases, legislators) for a change in *lex*.⁵⁶ But politics is also uniquely public because of the very subject of negotiation. Politics in the mode of civil association is not bargaining for the satisfaction of private wants. The want under negotiation is not that the legislator should respond in a particular, wished-for, manner, nor is it that some agents should perform a certain action, but that *all* citizens should have a *civil obligation* which they do not already have. The object of politics is ‘a rule which

⁵⁵ *Ibid.* 158.

⁵⁶ *Ibid.* 163.

prescribes conditions to be subscribed to by all alike in unspecifiable future performances.’⁵⁷ The ultimate effects of politics are, therefore, binding on all and often enforceable by coercion.

Even those who do recognize the existence of the Natural Law or those who believe in the capability of the human mind to reason out correct principles upon which society should run, must concede that there would be some individuals who did not agree with the prescriptions they derive from these beliefs. Compulsion to accept even a truth is incompatible with a belief in the dignity of the individual human person. Regardless of whether a particular moral theorem is true or false, heedless of whether a particular set of policy would or would not promote some sort of ‘general happiness’, no set of rules can be imposed on the citizens without there being a consequent loss of individual freedom.

Politics, therefore, must be ‘a deliberative and a persuasive or argumentative, not a demonstrative undertaking’⁵⁸ Because of the many conflicting visions of the good, and because ‘there must always be more than one opinion about what constitutes a desirable condition of a system of *lex*’, politics is a contentious process.⁵⁹ The desirability of laws cannot be argued in terms of satisfying a want or promoting a sought-after substantive outcome. Nor can its desirability be voiced in terms of its connection with some superior norm, a moral rule, a principle of utility, or a prescriptive Law of Reason

⁵⁷ *Ibid.*

⁵⁸ *Ibid.* 173.

⁵⁹ *Ibid.* 140.

or of Nature. And finally, a general norm of moral conduct cannot be used to justify the creation of removal of parts of the law.⁶⁰

‘In short political proposals are conclusions, and whether or not they have been significantly deliberated, they are deliberative conclusions; and whether or not they are proposed and recommended in a persuasive argument, the utterances in which they are made known belong to the discourse of persuasion, not of proof.’⁶¹

Hence, political arguments cannot be refuted but can, instead, ‘be resisted or rebutted by arguments of the same sort which call in question its guesses, its calculations, its prognostications, and its attributions of desirability.’⁶²

Politics and Moral Relationships

Does this mean that there are no criteria relating by which to judge law and politics in a civil association? It does not: Oakeshott charts an important, and interesting, middle ground. He does not hold that politics is unconcerned with moral relationships. His argument is that what is civilly desirable cannot simply be *inferred* from general moral desirabilities. One cannot ‘*prove*’ the desirability of a particular law *merely* by pointing to

⁶⁰ *Ibid.* 174-175.

⁶¹ *Ibid.* 173, 176-177.

⁶² *Ibid.* 48.

a moral principle, or a tenet of natural law, or by claiming that it is the rational thing to do. Concepts and ideas present in certain moral theorems or in the natural law can tell us about the conduct of civic intercourse, but only once they 'have been "civilized" by being given civil meanings...elicited mindfully but incidentally, from a practice of civil intercourse'. They must also be understood to be subject to modification and their present conditions are recognized to be products of civil reflection.⁶³ What I believe this means is that for general principles to count in the making of law, they must first be internalized into the tradition of civil intercourse of the particular association of citizens in question. Moral principles cannot simply be pulled out of the metaphorical hat to justify acts of legislation.

It seems that Oakeshott is proposing something that is out of vogue today: a strong connection between law and tradition. Law may be enacted but the considerations that determine what laws should be enacted are traditional ones. This may seem odd because tradition is often seen as restrictive and even despotic. Does this mean that the basis of the laws of a particular society cannot change over time, cannot be criticized and improved? Such a view of tradition, which, as we have already noted, gained prominence during the French Enlightenment, is a gross misunderstanding, since tradition is

⁶³ *Ibid.* 177-178.

‘neither fixed nor finished; it has no changeless centre....Some parts of it may change more slowly than others, but none is immune from change. Everything is temporary. Nevertheless...all its parts do not change at the same time and that...changes it undergoes are potential within it. Its principle is a principle of *continuity*: authority is diffused between past, present, and future; between the old, the new, and what is to come. It is steady because, though it moves, it is never wholly in motion; and though it is tranquil, it is never wholly at rest.’⁶⁴

And this is what politics should look like too: not the rupturing imposition of external principles, but a steady reform (when required) from within.

A civic tradition (unlike, say, a monolithic ‘rational’ principle) is complex and tolerates divergent ideals, the pursuit, by citizens, of incommensurable goods and the existence contradictory principles. Because the moral principles that ought to influence the law in a civil association are tenets that have been ‘civilized’ and internalized, over time, into the very tradition in which the association has been developing, what we have is not an imposition from the outside by the few over the many, by the rationalist onto the masses, the benevolent tyrant over his subjects.

Is it reasonable though, given man’s nature and tendencies, to expect citizens to be satisfied with

⁶⁴ Michael Oakeshott, ‘Political Education’, in *RP*, 61.

the rather aloof civil associational state? Human beings have strongly-held interests and, as we have seen above, tend to look to the state as an ally in pursuing these interests. How could one expect the state to steer clear of becoming an enterprise association? Although I will not spend much time elaborating a detailed response to this, let me at least hint at one. Oakeshott is not at all critical of enterprise associations *per se*. His is not a dichotomy ‘between those who value purposive association and those who do not, or between those who have a compassionate regard for their fellow men and those who have none; it concerns only the character of a *state* as an association of human beings.’⁶⁵ Its very nature as a nonvoluntary association does not allow the state to be a purposive association without disregarding human moral agency.

It is not from the state that moral agents should seek the fulfilment of wants. It is through other enterprise associations that operate outside the state. Perhaps the most memorable lines in Alexis de Tocqueville’s *Democracy in America* give us a clue as to what form this could take:

‘Americans of all ages, all conditions, all minds constantly unite. Not only do they have commercial and industrial associations in which all take part, but they also have a thousand other kinds: religious, moral, gane, futile, very general and very particular, immense and very small;

⁶⁵ Michael Oakeshott, ‘Talking Politics’, in *RP*, 459.

Americans use associations to give fêtes, to found seminaries, to build inns, to raise churches, to distribute books, to send missionaries to the antipodes; in this manner they create hospitals, prisons, schools. Finally, it is a question of bringing to light a truth or developing a sentiment with the support of a great example, they association. Everywhere that, at the head of a new undertaking, you see the government in France and a great lord in England, count on it that you will perceive an association in the United States.’⁶⁶

It is this, and not the coercive apparatus of the state, that should be utilized by those who wish to ‘fix a common goal to the efforts of many men and to have get them to advance to it *freely*.’⁶⁷ And it is this associational life of the United States during his time that Tocqueville credited with helping curb both the selfishness and despotism that are the intertwined dangers of the democratic centuries.

Conclusion

I have presented in this chapter a sketch, based on Michael Oakshott’s idea of the civil associational state, of what a state would look like and how it should behave in its legislative capabilities if it is to respect the free will of its people. If pluralism is a

⁶⁶ Alexis de Tocqueville, *Democracy in America*, eds. Harvey C. Mansfield and Delba Winthrop (Chicago: The University of Chicago Press, 2000), II 2.5, 489.

⁶⁷ *Ibid.* Emphasis mine.

major concern, the state as a civil association is a notion that should be considered very seriously. Now, the civil associational state might seem cold and un-human. It certainly does not cater to man's superficial interests, his wants and his desires. It might seem convenient (especially where a politically apathetic climate prevails) to entrust to the state the making of choices regarding common goals. Oakeshott admits that those who prefer the state as a civil association might be have a harder task defending their choice than their opponents. However, for 'those disposed to choose one's own destinations, even if they don't reach them', the civil association has much to recommend itself.

'After all, this least burdensome of all human relationships in terms of obligations to subscribe to non-instrumental rules is the only kind of association that excludes no other and that mitigates conflict without imposing uniformity. And it is particularly appropriate to a state because it is the only morally tolerable form of compulsory association.'⁶⁸

Oakeshott provides a balance between those who 'claim too much for Authority and those who claimed too much for Liberty.'⁶⁹ Civil association is a happy *via media* between the internal conflict in a man's soul that results from him being forced into enterprises that he wishes not to be part of, and the

⁶⁸ Michael Oakeshott, 'Talking Politics', in *RP*, 460.

⁶⁹ Michael Oakeshott, 'Introduction to *Leviathan*', in *RP*, 283.

societal conflicts that result from there being diversity without the strong ties of authority.

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