Political Theory and Australian Multiculturalism

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its common public spaces, conversations, and deliberations. And as I have argued elsewhere, this has "contributed much to the variety of Australian identities.... This variety has enriched the country in many ways. I see little evidence that it has eroded the common attachments that every nation depends upon" (Krygier 2005: x). That is a genuine achievement, and I believe a great one: civicity in practice. But it is contingent, not inevitable. Whether it continues will depend centrally on how civicities treat their inhabitants, but it will also depend on how those inhabitants relate to it. Just as there is going to be "no such thing as the nature of citizenship in general, only the nature of citizenship under one or another civic structure," so, too, and not really discussed by Pettit, there is going to be no such thing as the nature of multiculturalism in general. We have a stake in preserving the civicity of our multicultural citizenry from challenges on every side.

NOTE

1. Selznick has frequently insisted on this point. Perhaps the most concentrated distillation of its implications is in Nonet and Selznick 2001.

Chapter 8

Multiculturalism and Resentment

Duncan Ivison

There are two kinds of resentment relevant to the politics of multiculturalism today.[1] The first, which is basically Nietzsche's conception of *ressentiment,* occurs under conditions in which people are subject to systematic and structural deprivation of things they want (and need), combined with a sense of powerlessness about being able to do anything about it. It manifests itself in terms of a focused anger or hatred toward that group of people who seem to have everything they want, and yet also symbolize their powerlessness to get it. For Nietzsche, of course, it was out of this set of emotions and psychological state of mind that the "slave revolt" that gave birth to modern morality emerged, supplanting the aristocratic values oriented around good and bad with the reactive and slavish values of those oriented around good and evil (Nietzsche 1998: 36–39). The desire to lash out or take revenge against those whom you perceive as keeping you down, keeping you from enjoying all the benefits and advantages others enjoy and that you want or feel you deserve, for Nietzsche, is a basic emotional orientation that can—in combination with other complex forces—reshape an entire culture. A second form of resentment is of a more moralized kind, a reactive sentiment bound up with holding another morally accountable for their actions. I resent your curtailment of my liberty, for example, just because I believe we share certain moral commitments—for example, a commitment to justify any such interference in an appropriate way, which you fail to satisfy, and so on (Wallace 2003: chap. 2; Williams 2005: 87–89).[2]

I say both of these forms of resentment, and other related emotions, are associated with multiculturalism because they can feature in explanations of how, in part, multiculturalism arose and how it works.[3] On the one hand, multiculturalism arose partly as a response to demands by or worries about the situation of ethnocultural groups in liberal democracies (especially as a result of mass migration) and their integration into the wider community. The disadvantages they faced flowed both from their minority status within a basically majority-rule system, and their location within the confines of a dominant culture that was often hostile toward them in various symbolic and concrete ways.[4] On the other hand, once multiculturalism is up and running, not only does resentment persist on the part of minority groups—especially when it is perceived to be simply a less obvious and more indirect continuation of the original hostility and discrimination by other means—but it can also be felt by those who resent the costs imposed by the new multiculturalist ethos. Resentment, in other words, along with other related emotions such as disappointment, frustration, and envy, is a permanent feature of politics. It is one of the remainders of democratic politics, a by-product of the fact that disagreement in politics means that there will always be political *losers* (Allen 2004; Williams 2005). Left unaddressed, the alienation or frustration out of which resentment (in either sense) can grow corrodes the structures of trust between citizens. Left to fester, it can erupt in socially and politically damaging ways, and is most likely to do so when enough of the same citizens or groups are always the ones who seem to be losing. Even when we coerce someone in terms that we think are justifiable, there can still be resentment, or at least frustration. Indeed, there might be forms of "reasonable resentment": the remainder of political conflict between citizens who accept the need for legitimate political order, and even the process through which political decisions are arrived at, but who nevertheless resent particular outcomes (Williams 2005: 88–89, 125–26). At some point there might be nothing left to do or say that could assuage such emotions, and rightly so. But democrats need to be concerned with not only the positive effects (and affects) of collective political action but also the distribution of negative ones. We need forms of public practical reason that can address these common features of political life, not sidestep them.

One potential source of resentment is moralism, something that defenders of multiculturalism can be as prone to as much as its critics. One danger for both sides is to overmoralize political disagreement and conflict. But first: What do I mean by moralism? And how is it related to the politics of multiculturalism?

MORALISM AND MULTICULTURALISM

To accuse someone of moralism, generally speaking, is to accuse them of applying moral judgments to activities or spheres where such judgments have no application. But since almost no one believes that morality is *never* relevant for political judgment or action, that charge is too vague. To be more precise, moral and political philosophers are often accused of what we might call *undue abstraction.* Here the point is not so much that abstraction itself is the problem—how could it be, since without abstraction there is no thought—but that we can be unduly moralistic about the capacities of the people to whom our moral arguments are addressed to live up to the idealizations of our theories.[5] Moreover, undue abstraction can be depoliticizing: abstracting too much from the context of political action can induce naïveté about the unintended consequences of actions taken with the best of intentions. And it can mask other kinds of motivations and beliefs highly relevant to politics, such as fear, greed, prejudice, and indeed resentment. Second, there is what I shall call *unjustified moralism.* This is to impose moral judgments on people through the exercise of state power or public policy, which are inadequately justified. The danger here is that moralism associated with the exercise of power becomes a form of domination, one that infringes on people's basic freedom and dignity and generates frustration and resentment. Finally, there is the inversion of this phenomenon: *impotent moralism.* Here moralism is essentially reactive, an effect of the unhinging of one's moral values from a world that will not yield to them, which generates a desire to strike back at the forces that have rendered you powerless.

Each of these kinds of moralism has featured in interesting ways in recent criticisms of the political theory and public policy of multiculturalism. Here the charge is not so much that moral judgments have no application in relation to the treatment of minorities, but that the moral claims of defenders of multiculturalism are: (a) appealed to without any sense of the practical realities on the ground (the undue abstraction charge); (b) asserted as if they were self-evidently true (the unjustified moralism charge); which often results in (c) a stifling of reasoned criticism of the orthodoxy surrounding multiculturalism, disconnecting them (so this argument goes) from the attitudes of the vast majority of their fellow citizens and thus from any hope of realizing the reforms being sought (which engenders impotent moralism).

Something like these arguments has become prominent in recent years, as debates over the consequences of multiculturalism for national unity and the provision of collective welfare have intensified. In Australia, for example, defenders of Aboriginal peoples' land rights, or the recent "Reconciliation"

process, have been accused of engaging in a game of moral ascendancy intended to stifle public debate. Leftist intellectuals are accused of taking the high moral ground in order to impose their views of the past and the moral consequences for the present upon a general public that is barely allowed a word in edgewise, corralled into a false consensus by the "Politically Correct Thought Police" (Barry 2001: 271, 328).

The general tone of this critique is well captured in a recent editorial by Nicolas Rothwell in the opinion section of *The Australian* newspaper:

> This climate of exquisite purism ... has intriguing consequences. Perhaps the most striking is its effect on public debate which, despite the retreat of ideology, has filled with moral intensity in recent years. The logic of this is straightforward: if you are among the enlightened and see the truth, then those who disagree with you are not just wrong but wicked.... Intelligent difference of opinion becomes impossible on a range of questions as various, and serious, as native title, mandatory sentencing or immigration.... The most critical function of the new moralism is not merely to provide an identity but to differentiate—for purism has the particular charm of separating the moral elite from the vulgar, unenlightened crowd. There are worse things than a nation whose public conversation is dominated by high ideals. But ideals, indulged without any sense of realism, can obscure and do great damage. The most painful example of this is the reconciliation crusade, a cause that, until this month, effectively blinded the purists to the crisis of violence and sexual abuse unfolding across Aboriginal Australia. Purism though, is far more appealing, in its essence, than a cool pragmatic appraisal of the landscape. (Rothwell 2001: 24)

Similarly, although from a very different perspective, the Aboriginal lawyer and community activist Noel Pearson has argued that "progressivists" have the analysis of Aboriginal peoples' situation wrong because of a misplaced moral emphasis:

> If you ask the progressivists, they will provide a catalogue of disadvantage factors that includes unemployment, dispossession, racism, culturally insensitive service delivery, trans- and intergenerational trauma, alcoholism, violence, educational failure and so on, and the bottom line will be a request for further unprincipled spending. But it is irresponsible to state some obvious facts and then go on to devise programs intended to create jobs, improve health, reduce substance abuse and so on, without a convincing analysis of the factors that have made previous efforts futile. Analyses based on the convenient explanations of racism and trauma explain too much (everything, in fact) and cannot be used for formulating credible action strategies in the current crisis. (Pearson 2001)

Although a strong supporter of Aboriginal land rights and a sharp critic of many aspects of Australian government policy to do with Aboriginal affairs,

Pearson is particularly critical of what he calls "progressivist confusion" about substance abuse and a general overemphasis on symbolic moralism. A propos the heated debate over whether the government should offer an official apology over the "Stolen Generation," Pearson writes:

> What about an apology? There are many Indigenous Elders who would deserve an apology before they die. It would be excellent if the Australian State and Federal Governments put policies in place that had any prospect of helping us, policies that would attack passive welfare, addiction and substance abuse epidemics head on, like we are trying to do in Cape York Peninsula, and crowned that with a formal apology. I would want to see an apology as soon as possible.... But an apology at this stage of our national indigenous policy failure would only hide the present lack of insight and ideas among the Australian progressivist and liberalist middle class. It would be symbolic in [the] sense of "meaningless." It would be like a coat of seventies purple plastic paint on a house full of white ants. I would reject such an apology whether it came from Labor or a re-elected Coalition. (Pearson 2001)

A concern with the moralism of multiculturalism can also be found in Brian Barry's recent, pugnacious attack on the work of Will Kymlicka, James Tully, Charles Taylor, and Iris Marion Young (among others), where he argues that support for group-specific policies actually undermines the pursuit of justice for the very people multiculturalists claim they are defending. Barry claims that:

> Pursuit of the multiculturalist agenda makes the achievement of broadly based egalitarian policies more difficult in two ways. At the minimum, it diverts political effort away from universalistic goals. But a more serious problem is that [it] may very well destroy the conditions for putting together a coalition in favour of across-the-board equalization of opportunities and resources. (Barry 2001: 325)

Special preferences, special rights, quotas and other group-targeted measures end up "pitting against one another the potential constituency for universalistic policies aimed at benefiting all those below the median income.... Not only does [the politics of identity] do nothing to change the structure of unequal opportunities and outcomes, it actually entrenches it by embroiling those in the lower reaches of the distribution in internecine warfare" (Barry 2001: 326). At one point Barry says that the demand that *all* minority groups *everywhere* be recognized and granted equal respect and equal worth is impossible to fulfill, both logically and psychologically (Barry 2001: 270–71). But since none of the multiculturalists he discusses actually says that, or believes it, this is a red herring. His deeper and more plausible point is that the politicization of culture that multiculturalism entails can backfire. The

consequences of allowing electoral majorities (and minorities) to give legal effect to their own particular "cultural revolutions," whether conservative or liberal, is dangerous. It jeopardizes hard-won gains in the areas of basic human rights and social welfare legislation by leaving open the possibility that the exercise of political power will be taken up by moral and cultural zealots (Barry 2001: 271–79). For Barry, the "whole thrust of the 'politics of difference'... is that it seeks to withdraw from individual members of minority groups the protections normally offered by the liberal states ... and [that these groups] should be able to discriminate with impunity against women or adherents of religions other than the majority."[6] Now this last charge is a gross distortion, I think, of the views of people he actually discusses—especially Will Kymlicka, Iris Young, and James Tully. But his broader point that defenders of multiculturalism often fail to show how they can hope to attract broad-based support for the policies they are defending, and not just preach to the converted, is well worth considering. I will return to it below.

Yet another set of criticisms of liberal multiculturalism also comes from the left, broadly speaking, but with a very different set of concerns than Barry's. These too I want to evaluate from the point of view of the accusation of moralism. For these critics, liberal multiculturalism is condemned not for violating an egalitarian theory of justice but rather for being essentially continuous with the racist and colonial policies it succeeded. Since power, not moral argument, shapes social and political interaction, moral argument without a transformation of the relations of power is a form of vacuous moralizing. This critique breaks down into two further variations. First, liberal attempts at recognizing cultural difference are argued to be simply more sophisticated ways of governing it. Elizabeth Povinelli argues, for example, that liberal respect for Aboriginal "traditional" or "customary" practices represents, in fact, "the political cunning and calculus of cultural recognition in settler modernity." In "postcolonial multicultural societies," she argues, a distinctive kind of liberal power is at work, whereby recognition is "at once a formal acknowledgement of a subaltern group's being and of its being worthy of national recognition and, at the same time, a formal moment of being inspected, examined and investigated" (Povinelli 1999: 223; 2002). The inevitable failure of the indigenous subject to match the liberal's preconceived notion of what constitutes a *valid* "traditional culture" or custom then justifies the legal curtailment of the expression of this alterity. Thus undue abstraction slips into something more sinister: domination. On the other hand, this fixation on identity has itself been interpreted as the product of a certain kind of moralism. Focusing too narrowly on identity above all risks confusing the effects of subordination with its causes (Brown 2003).

HOW TO DEFEND MULTICULTURALISM

These critiques of multiculturalism highlight at least two ways in which its defenders can become moralists in the ways outlined above: first, by applying moral judgments about the past or the present to justify accommodating various kinds of multiculturalist demands without any clear sense of how to build broad-based support for these policies on the ground; second, by missing the extent to which it is *power,* not moral argument, that shapes politics and thus how appeals to the "recognition of difference" can mask more insidious forms of domination.

What is the best way of responding to these criticisms? The disagreement between Barry and a defender of Aboriginal rights is mainly over a substantive theory of justice. But consider first the claim that the politics of difference "crowds out" social justice, which I take to be a conditional and partly empirical one. In a recent essay, Keith Banting and Will Kymlicka (2003a) point out that the "crowding out" argument presupposes that political action with regard to welfare or multicultural issues is a zero-sum game, such that focusing on one necessarily detracts from the other. But why should we believe that? If it were true, then does the pursuit of racial equality "crowd out" the pursuit of economic justice? Does the pursuit of gender equality "crowd out" the pursuit of social justice? Does the history of the women's movement or of the civil rights movement suggest that identity-related claims always undermine the pursuit of social justice? It seems just as plausible to assume the reverse, or at least until we have a more fine-grained account of how the "crowding out" thesis is supposed to work. My own sense is that since racism and sexism, for example, cannot be reduced entirely to the workings of capitalism, broad-based social movements are always going to be drawing on a range of different experiences of injustice in the course of building support for their goals. It would be self-defeating to exclude such claims from the beginning.

More seriously for Barry, however, is that the purported causal connection between the retrenchment of the welfare state and the rise of multiculturalist policies is inconclusive, to say the least. First of all, the welfare state has been undermined both in countries that are strong supporters of multiculturalist policies (Canada, Australia) and those that are not, or at least less so (France, United States). There is certainly evidence to suggest that the constitutionalization of rights in many countries since the 1980s has done little to slow the growth of economic inequality. Nor has it significantly improved access for historically disenfranchised groups to education, basic housing, health care, and employment (Hirschl 2004: 155–68). But the causal relations here and conclusions to be drawn from them are ambigu-

ous. Does it show that the constitutional recognition of Aboriginal rights in 1981 in Canada, for example, made Aboriginal peoples worse off, or contributed to a deepening of inequality more generally (given the "crowding out" thesis)? It might. But at most it shows that the constitutionalization of rights—whether cultural or socioeconomic—is not a sufficient condition for achieving social justice. But this is a point about the relation between constitutions and rights, not about multiculturalism (since multiculturalist policies are compatible with both "constitutionalist" and "political" approaches to rights).

More specifically, Banting and Kymlicka (2003a: 31, 36) show that, at least in terms of the relationship between the presence of what they call "strong" or "weak" multiculturalist policies and the proportion of GDP dedicated to social spending (including the extent of redistribution shaped by these expenditures), "there is no evidence of a consistent relationship between the adoption of multiculturalist policies and the erosion of the welfare state."[7] This is not to say that cultural and linguistic diversity does not pose severe challenges to the solidarity required to support universal provision of social welfare—it does. But the empirical claim that multiculturalism can be blamed, wholly or in part, for the recent erosion of the welfare state is not sustainable.

Barry's more substantive charge is that a scheme of differential citizenship rights violates an egalitarian theory of justice. The liberal multiculturalist disagrees, thinking a commitment to equality is compatible with a commitment to some forms of differential rights. I cannot provide a full defense of this argument here, but the gist of it is to link an ideal of equality with the recognition of a heterogeneous public sphere in which identity-related differences are both recognized and challenged in various ways (Ivison 2002; Laden 2001). The problem with simply ignoring these differences, or ruling them inadmissible from the beginning, is that for some citizens—especially, in this case, Aboriginal ones—they are tied to their sense of the legitimacy of the basic structure of society. To turn the tables on Barry, if one wants to build broad-based support for an egalitarian program of social justice, then treating people equally will require taking their claims for the recognition and accommodation of their identity-related differences seriously. Egalitarianism is best understood as involving a cluster of ethical commitments (White 2000). It includes the resourcist egalitarianism that Barry champions, but not only that. There is also civic egalitarianism, which is connected to the promotion of mutuality and sociability between citizens, and though not entirely independent of questions of resources, operates in a different register with regard to them. Civic equality is tied to the way in which citizens perceive and regard each other, such as whether they are

being treated with equal respect or contempt, and the degree to which people either identify with or feel alienated from the main institutions of society. Thus, it might be that it is Barry who is unduly optimistic that a common political identity can be forged in a context where the claims of cultural minorities are automatically discounted, merely for being "cultural." Norms of recognition and struggles over their interpretation are, more often than not, tied to the currency of egalitarian justice; that is, to interpreting and defining the rights, resources and opportunities that are supposed to be distributed equally. The two processes are internally related. It is not that multiculturalism is undermining the possibilities for social justice and political community so much as transforming them—and we need to understand how and what kinds of new common institutions can be constructed in light of them.

Thus, arguments defending multiculturalism should aim to do two things: first, show how they contribute to the achievement of egalitarian justice by linking rules or norms of recognition to a defensible ideal of equality; second, show how this process can contribute to the development, as opposed to corrosion, of social solidarity. This might seem counterintuitive, but I believe it is potentially one of the strongest arguments the defender of multiculturalism has. Citizens come to value their membership in the general community when they feel that their identity-related differences, among other things, no longer block or distort their access to the opportunities and resources of a liberal political order. This does not mean, as Barry suggests, that multicultural policies aim at *withdrawing* them from the protections of the liberal state, but rather *adding to* our conception of liberal citizenship the disposition to acknowledge the different ways in which cultural and associational-related identities may be linked to matters of fairness and equal treatment. The point is not that identity or "culture" trumps the application of general norms and laws in every instance, but that in some instances claims related to culture or identity deserve serious consideration and may indeed call for various modes of accommodation. A *liberal* and historically sensitive multiculturalism is distinguished from other kinds of multiculturalism precisely because it is committed to making these kinds of distinctions, and taking a long hard look at what work the appeal to "culture" is actually doing.[8]

DOES MULTICULTURALISM UNDERMINE ITSELF?

This last aspect of the multicultural project brings us back to the discussion of moralism with which we began. For it might seem deeply unrealistic to expect multiculturalism to actually work out this way. And it might be

that given deep disagreement over the interpretation of important social and political values, any attempt to implement multiculturalist policies will inevitably run afoul of the "fact of reasonable pluralism" and risk tipping into unjustified moralism. Recognizing and encoding in law the various differences between groups, even on the basis of egalitarian concerns, can generate resentment, both on the part of minorities and majorities, which can undermine the social solidarity required to achieve justice. Does multiculturalism undermine itself, as Barry suggests?

I think this conclusion is premature, for both conceptual and empirical reasons. But the challenge of building broad social acceptance and support for the kinds of policies multiculturalism underwrites—such as Aboriginal rights—is a difficult one, and something defenders of them have been slow to respond to. These policies are particularly susceptible to manipulation by political leaders operating in circumstances where people feel economically and culturally vulnerable. If defenders of Aboriginal rights are to avoid the charge of moralism, then they must be careful not to engage in undue abstractions about the circumstances on the ground. And they must be prepared to justify their claims to others on terms they could accept. But this does not mean giving up on the moral claims underpinning Aboriginal rights. The only option is the democratic option—of openly engaging one's fellow citizens in debate and argument about the grounds for these policies—in other words, of engaging in and remaining open to the processes of public reasoning, paying attention especially to the motivational dimension of public argument, that is, to the means through which people are motivated to live with ongoing disagreement (or more negatively: to the sources that block or sour these possibilities). This is the only antidote to impotent moralizing. All politics is moral in at least this sense: if power does not in itself justify, then there is always (at least potentially) a basic question of legitimation internal to the political (Williams 2005: 5–6; cf. Forst 1999). Power always seeks to legitimize itself in *some* way in politics, or at least to delegitimate those who oppose it, because there is always someone who questions it, and thus always leaves itself open (at least in principle) to the counterlegitimizing moves and arguments of others. Insofar as politics constantly involves problems of legitimation, morality is in some way intrinsic to it—where the moral is internal to politics, not prior to it or imposed from outside.[9] Of course, this ever-present demand for justification can be understood (and met) in different ways. Consider two ways of conceiving of the way the demand for legitimation works (or ought to work) in politics.

One model contrasts an ideal speech or choosing situation undistorted by illegitimate relations of power with actual deliberations, as a way of picking out valid normative beliefs about the exercise of political power. The challenge is then to show how the impartial decision rules that emerge can be established politically. For procedural theories of justice, such as Rawls's or Habermas's, the aim is to discover a set of rules for living together that are capable of gaining the free assent of all who are subject to them. The rules and norms are justified, in the first instance, at a higher and more abstract level, and thus the connection between my assent and their legitimacy (their normative accessibility) is much looser. Citizens engage in public reason when they address their collective arrangements, when they reflect upon and contest reasons provided to justify the coercive power of the state and matters of basic justice (Rawls 1993: 212–47). A political decision is legitimate, then, when it is arrived at via the right procedures fairly conducted. This does not mean that at various lower levels, in the actual formulation of various policies or in the details of legislation, one cannot appeal to more concrete conceptions of the good. The asymmetry between impartiality at the level of general constitutional rules (or the "basic structure of society") and the "partiality" of specific political decisions is not a contradiction but is to be expected. There will be many issues in a liberal democracy that are not matters of basic justice and that will involve all manner of democratic contestation and compromise (Barry 1995: 205–7; Habermas 1996).

But now consider two other criticisms of proceduralism, tied more directly to our concern with moralism. The first is a concern that the model of an ideal speech (or choosing) situation presupposes a sharp distinction between "free and un-coerced communication" and the exercise of (illegitimate) power that cannot be sustained. The most radical version of this critique goes something like this: All political interaction is essentially strategic interaction, and therefore all appeals to principle or morality are essentially strategic appeals, and thus the persuasiveness of political argument is derivative of the strategic positions of the interlocutors, not the quality of moral deliberation between them. As Stanley Fish has argued, when it comes to political argument, "Who gets to say what is and is not a plausible premise?... The answers are obvious and embarrassing because they point to an act of power, of preemptory exclusion and dismissal, that cannot be acknowledged as such lest the liberal program of renouncing power and exclusion be exposed for the fiction it surely is" (Fish 1999: 96). There simply are no other "different or stronger reasons than policy reasons" in public reasoning.

Stated this way, however, the argument is far too strong. Note, for Fish, the problem is the "preemptory exclusion and dismissal" of those who do not accept liberal premises of mutual respect. For Elizabeth Povinelli, whom we discussed earlier, the problem is the liberal state's hypocrisy in celebrating difference whilst all the while governing and "scarring" indigenous alterity, hence justifying the material and social disadvantages of indigenous

people at the hands of the "liberal common law" (Povinelli 1999: 3–6). The rhetorical appeal, at least, is thus to the *illegitimacy* of exclusion and the "scarring" of indigenous alterity. These are moral appeals, to do with the value of freedom, or of cultural and political difference. Why should we care if *democratic practices and institutions are justified in this manner? Because if they aren't, then democracy—or at least our public deliberations about* matters of basic justice—risks becoming merely coercion. If Fish wants to accuse contemporary democratic institutions of being merely that, and to get us to imagine how they might be otherwise, then he has a conception of the "reasonable" despite himself. For both, the hope must be that politics *can* actually generate the right conclusions about certain questions, or at least a morally appropriate way of handling our disagreements about them (Fish 1999: 98).[10]

This leads to a second set of criticisms of procedural public reason and the kind of politics it promotes. Here the concern is with the way this ideal of public argument is tied closely to convergence on a theory of justice. It forms too convenient a connection, so this argument goes, between what counts as an acceptable premise in political argument and the kind of values and outcomes that Rawlsian liberals, for example, support.[11] Now, the problem here is not necessarily with the values or outcomes in themselves, but with the way they are arrived at and justified. In short: how is it that the "fact of reasonable pluralism," as Rawls calls it, applies only to conceptions of the good and not to standards of right? The "circumstances of politics," Jeremy Waldron (1999a) argues, entails that the centrality of disagreement to our practices of public justification is much more extensive than many Rawlsians admit. This concern with disagreement is often combined with a pragmatic or contextualist emphasis against the alleged undue abstraction of Rawls and Habermas. In particular, these critics doubt the extent to which any firm distinction can be drawn between legitimate and illegitimate discourse or power in advance of actual engagements between diverse citizens, and thus act from the beginning as condition for them (and as to what counts as a genuinely public or nonpublic reason within them).[12]

Another way of conceiving of legitimation in politics, then, is to situate it much more closely to history and practice, but at the same time not give up on the commitment to mutual justification. James Tully (1995, 1999, 2000b, 2001, 2003, 2005), for example, has been developing this approach in a series of recent essays (cf. Williams 2002, 2005). For Tully, the norms that emerge from these confrontations and negotiations are not best thought of as structured by an *a priori* set of determinative principles grounded in a theory of justice, or a transcendental claim about the nature of rationality. What emerges instead are "norms that come into being and come to be

accepted as authoritative in the course of constitutional practice, including criticism and contestation of that practice" (Tully 1995: 116, 181; 2005: 206–8). These norms or conventions can be grasped in a variety of ways, and *thus being guided by a convention is conditioned not only by the context in* which it is applied but also by it having emerged from and being continually subject to criticism and modification by others. Applying this distinctive (Wittgensteinian) perspective to various Canadian examples, but especially *to the claims of Aboriginal peoples, Tully identifies three particularly salient* conventions: mutual recognition, continuity, and consent *(Tully 1995: 116ff).* These emerge out of a "living practice" of negotiation and accommodation, and are immanent to these practices, rather than derived from intuitions or beliefs about fairness or impartiality extracted from an "original position" or "ideal speech situation" which are then applied to politics. And yet, Tully argues, they can still act as norms of justification, and crucially, they provide critical leverage against existing practices and norms (Tully 1995: 138–39). The idea is not one of participants at an imaginary constitutional convention forging consensus on general terms that are then applied to specifics, but rather of starting with the specifics and working from there. Thus a greater emphasis is placed on the process and practice of deliberation and dialogue, as opposed to establishing independent criteria for evaluating the practice itself. We do not need to approach dialogue across gaps of belief and experience by way of agreement on principles. Instead, we look for moments of agreement in practical judgment and work from there, whether it is an argument between citizens of the same city or state, or between Australians and Zimbabweans. Part of the concern, no doubt (although Tully does not discuss it in these terms) is a motivational one: can practical public reason, at least as it is conceived by Habermas and other neo-Kantians, motivate in light of the "fact of reasonable pluralism"?[13]

But the alternative model raises some difficult questions of its own. "Living practices" of negotiation and dialogue can be warped, partial, and shot through with inequality. Particular groups within these practices can suffer from exclusion and discrimination, and the outcomes of particular deliberations might affect outsiders in morally objectionable ways. So how do we judge if the conventions that emerge, or that constitute the practice, are genuinely acceptable to the parties involved? And even if they are, what if they are deeply unjust in other ways? Appealing to consent may be a necessary condition of acceptability, but it cannot be a sufficient one, since the conditions in which people consent to a set of norms or rules are themselves not something they can consent to, and yet they often exercise enormous influence over the range of opportunities and options actually available to them. But in a way, this is precisely Tully's point. Just because it is impos-

sible to transcend partiality and relations of power in any human practice, and especially those we find in modern politics, the sense and reference of our basic concepts and regulative principles must always remain open to contestation. But why should grasping the ambiguity of rule following lead to mutual recognition and respect, rather than only to toleration, as Tully clearly thinks it can? What keeps the parties not merely talking, but talking *in the right way*—that is, with mutual respect and with a view to finding reasons they can share (at least about the exercise of political power)?

This touches on a deep and familiar debate about the relation between foundationalism and forms of ethical and political dialogue, and indeed democracy. Tully, and others seeking to defend a form of contextual rationalism, locates legitimation in the collective activity and practice of ongoing deliberation, rather than in moral principles or constitutional rules established prepolitically. He thinks we can find normativity immanent in "the reciprocal conditions of dialogue" itself, wherein lies at least one basic rule—"perhaps the only universalizable principle of democratic deliberation"—which is: "always listen to the other side" (Tully 2005: 208, 252).[14] So the practice of democratic dialogue is rule-governed after all, but the rules are supposed to emerge from the practice itself. One challenge this kind of argument faces, however, is that for someone like Wittgenstein at least, the primacy of practice means that we really should not be looking for any other grounding for our beliefs or attitudes other than what the practice commits us to: our way of going on just is the way we should go on. We cannot appeal to a description of the practice to "ground" our beliefs, since if practice is primary this would mean that we would need to refer to another practice upon which *those* descriptions and beliefs rested, *ad infinitum*. But then how do we get the critical leverage on our concepts that Tully (and others committed to this approach) so desires, as well as any kind of *theory* of liberalism or the political to guide us?

One thing Tully and others appeal to at this point is a normative interest in freedom that human beings share, albeit one rooted in the particular historical conditions of modernity, and at the same time, the common materials of politics: power, coercion, fear, interests, and yet also hope. Insofar as our ethical and political practices are oriented toward criticism in this sense (i.e., that critique is part of "our" practice, including a constant questioning of what our use of "our" and "we" refers to), and insofar as they have a history and diversity about which we are particularly self-conscious, then we have the resources for the kind of critical engagement Tully seeks.[15] Different aspects of the practice can be brought to bear on each other and reinterpreted in different ways. And, according to this view, we *need* other interlocutors who challenge and redescribe our views in order to help us see

the sense in which our own perspectives are always partial and incomplete, something always in danger of being overlooked, and yet something that, in light of our interest in freedom (here thought of as always incomplete and "undefined"[16]), we need to guard against.

Does this vision of a historically informed, dialogical liberalism suffer from the kinds of moralism outlined above? On the one hand, it seems primed to various realities on the ground, since it avoids overly abstract assumptions about the kind of consensus that can be sought between different people. It presupposes reasonable disagreement as opposed to reasonable agreement. On the other hand, is it not also a very demanding ideal? Certainly the kind of "vigorous public discussion" Tully favors (Tully 2005: 254–55), and upon which the ideal of democratic legitimation depends, suggests an active and engaged citizenry, something modern political life often makes difficult to sustain. Moreover, the very practices of contestation he so eloquently champions—of diverse citizens deliberating freely together over their shared and contested rules of recognition, distribution, and coordination—if they are also to generate new critical forms of democratic solidarity, will require participants who possess (or develop) a particular set of skills or virtues. They will have to be capable of explaining their views to others, listening to others, empathizing with them, and synthesizing or accommodating alternative views to their own. And they will have to learn to live with ongoing disagreement and demands for revisiting previously settled disputes, as well as with the fact of political loss and the social and political passions this can generate. In other words, they will have to develop the virtues of deliberative rhetoric, in the classical sense of appealing to each other—through both *logos* and *pathos*—in ways that support ongoing, productive deliberation about "public things" rather than undermine it (Waldron 1999b: 114–15; Abizadeh 2002; Allen 2004). The gap between their support for the institutions and procedures that govern the processes of political legitimation, and their desire for particular outcomes, will have to be kept within a certain bound. All of this presents a deep challenge for modern democrats, given the conditions of contemporary public spheres—riven with inequality and asymmetrical relations of power as they are.

However, one thing this model of citizenship may help us see is that pluralism is not only a social fact, as Rawls emphasizes, but a resource (Young 2000). What do I mean? There might be certain kinds of political disagreements, and ways of handling them, that can help build political community rather than undermine it, by contributing to more robust and fine-grained processes of legitimation. In societies where citizens have at least some freedom of speech and association, and the disparities of wealth are not too great (far from empty conditions, to be sure) people learn, through a com-

bination of bargaining and arguing, to manage the conflicts thrown up by the inequalities and asymmetries that inevitably accompany life in such societies.[17] Moreover, such conflicts are not "managed" in the sense of being pacified, but produce demands for corrective action and reform (based on both self-interest and a concern for the common good) that can generate new arrangements and potentially new self-understandings on the part of citizens.[18] The "positive residue" of disagreement left behind is the experience of living in a society that learns to cope with its conflicts peacefully and in which various experiences of injustice are able to be fed into the political process. Social cohesion becomes a by-product of certain kinds of conflict and disagreement, and of the ongoing processes of managing and dealing with these disagreements successfully. But to do so we need a clear-eyed sense of the role of not only interest and power in politics but also the passions. There will be limits to these possibilities, to be sure. Societal learning is rarely comprehensive or linear and not always resilient. The potential for any positive residue to emerge or be sustained might be overwhelmed by the persistence of historical and contemporary injustice. And it is important to understand how and in what ways injustice (and perceptions of injustice) persist in our political disagreements in order to have any hope of finding satisfactory ways of dealing with them. As I have been arguing, resentment, or at least frustration, can accompany the exercise of both illegitimate and legitimate power. We should aim to take these reactions seriously, not only because they can be manipulated in harmful ways but also because they remind us of the fact that the process of political legitimation is always ongoing, as it is imperfect. The recent riots in Sydney (in late 2005), which flared up after a series of racially charged incidents on Cronulla beach, demonstrate how the demands of living with diversity, in combination with other factors (such as a global "war on terrorism"), can generate public expressions of deep misunderstanding and frustration. Living with difference is demanding, both morally and politically, and defenders of multiculturalism need to be attuned to this fact.

One of the difficulties with the argument about the positive residue of disagreement is that it involves achieving insight that seems *post hoc* rather than *a priori*. How do we know which conflicts will produce these positive residues—effects the participants themselves are possibly not even aware of? And what if we're wrong? Are not some forms of conflict better left off the political agenda, lest they deepen social and cultural cleavages that end up leaving everyone worse off? This is one justification for liberal constitutionalism and the "gag rules" that aim to keep religious or ethnic conflict, for example, out of debates about constitutional essentials (Holmes 1995). More deliberation and contestation is a fine idea, so the argument goes, but

it is not an unambiguous good; at times it can poison mutual relations as much as improve them. There are strategic and psychological versions of this objection, too. According to the latter, in some circumstances, incessant deliberation might lead citizens to *harden* their attitudes toward others, especially if there are prevailing incentives to deliberate mainly with people you already identify with. At the very least, if pluralism and disagreement are as pervasive as pluralists say they are, more deliberation does not necessarily entail a higher probability of resolution. According to the strategic objection, removing limits on the politicization of political and cultural differences not only makes political deliberation more difficult but also risks opening up the exercise of political power to capture by moral and cultural zealots (Barry 2001; Shapiro 2001).

These are powerful objections, and they return us to some of the original problems with abstract and excessive moralism with which we began. But they also reinforce the importance of the democratic antidote to moralism. First, why assume that underlying interests and identities remain static, or at least self-contained, when confronted with each other? Politics, and the arguing and bargaining that it entails, can help to reshape those interests, which is a necessary (though hardly sufficient) step in moving the parties to a different and possibly better equilibrium point. But there are no guarantees. As Cass Sunstein points out, deliberative enclaves made up of like-minded people will emerge in large heterogeneous societies, because of limited argument pools and parochial influences (Sunstein 2001: 407). And they can move in extreme directions. But they are even more likely to fester and do harm the less opportunity there is for cross-cutting and inclusive forms of political deliberation (by both legislators and citizens).

What about the most extreme challenges to the kind of values and practices appealed to by both the foundationalist and practice-oriented modes of democratic dialogue? Racism and terrorism remain serious threats to our polities, a platitude that hardly needs reemphasis in an age of the "war on terror." But it is not clear that a concern to combat the most egregious forms of racism or terrorism should lead necessarily to one kind of foundationalism—to the search for a transcendental moment of unconditionality, to an Archimedean view from nowhere, or to principles established beyond the pale of political argument. After all, there is only so much philosophy can do, and, as I've argued, there are clearly resources within *both* frameworks examined above to condemn the beliefs that fuel racism. As Bernard Williams has put it, since no political theory can determine by itself its own application (Williams 2005: 28), it is not as though foundationalist arguments, on their own, offer any greater guarantee against the distortion of our political practices of legitimation than other theories might. But there is a more posi-

tive argument, too. The value and effectiveness of basic rights, for example, depend on our ability to understand, apply, and recraft these rights to meet new circumstances and conditions as required, including meeting new demands for justification of to whom they apply and when. And this might indeed mean revisiting old debates previously thought closed (because already thought justified and agreed, etc.), if only because there is always a chance the injustices identified in those older debates are being extended in new ways that cannot immediately be seen or anticipated. These reformulations and applications can end up changing the meaning of rights in profound ways. Thus even basic rights are ultimately provisional in this sense.

Moralism is an inherent risk in politics generally, and the risk of moralism when arguing about the nature of multiculturalism is no different. But the risk cuts both ways. Defenders of the inclusive logic of struggles over multicultural rights risk overestimating the capacities and virtues of citizens called upon to live with the tumults and disagreement caused by these debates. And they risk underestimating the psychological, institutional, and social preconditions required for living with ongoing reasonable disagreement and the social and political emotions it generates. But equally, those who argue that a whole range of basic principles are not up for negotiation, because already settled, risk overlooking the recurring demand for legitimation that is at the heart of our conception of the political.

NOTES

1. By multiculturalism I mean very broadly the accommodation of immigrant and ethnic groups through a range of public policies that supplement the protection of basic individual civil and political rights. Multiculturalism as public policy was introduced in Canada and Australia in the 1970s as a response, by and large, to issues arising from mass immigration. It is often extended to include the accommodation of the claims of indigenous peoples (in Australia and Canada) and the Quebecois (in Canada). But their situation (as nonimmigrant national minorities) is very different, as are their claims. However, unfortunately, at least in the Australian context in which this essay was written, "multiculturalism" has become associated with a general approach to cultural diversity that includes trying to accommodate the needs and claims of *both* immigrant groups and indigenous peoples. In this chapter I use multiculturalism in this broad sense for the purposes of exploring some of the criticisms and worries expressed about it, but I do not mean to endorse this broad usage. In fact, I have argued elsewhere that the situation of indigenous people deserves careful separate consideration (Ivison 2002, 2005).

2. So the difference is between a more and less moralized account of resentment. On the Nietzschean account, *ressentiment* seems primary and fuels the emergence of new values, as opposed to presupposing the values supposedly repudiated in the "slave revolt." But does not a sense of deprivation imply a set of evaluative concerns out of which *ressentiment* develops? This raises a complex set of issues for interpreting Nietzsche's argument that I cannot discuss here; but see Leiter 2002: 202–8; and Bittner 1994: 127–38.
3. Needless to say, resentment is not the only political emotion relevant to an understanding of multiculturalism; one might equally focus on pride, compassion, or hope. A more complete taxonomy of the political emotions relevant to a theory of multicultural democracy will have to await another occasion.
4. In Nietzschean terms, then, multiculturalism might represent yet another example of the triumph of slave morality over the aristocratic values associated with the higher types of humanity he praises in the *Genealogy of Morality* (1998) and *Beyond Good and Evil* (1969). For an interesting application of the notion of *ressentiment* to identity politics in general, see Brown 1995.
5. On the difference between legitimate abstraction in moral argument and problematic "idealizations," see O'Neill 1996: chap. 2.
6. Barry 2001: 326; also 21: "the [politics of difference] rewards the group that can most effectively mobilize to make claims on the polity, or at any rate rewards ethnopolitical entrepreneurs who can exploit its potential for their own ends by mobilizing a constituency around a set of sectional demands."
7. For the criteria according to which multicultural policies are considered strong, weak, or modest, see Banting and Kymlicka 2003a: 19–23, 25–30. See also Banting and Kymlicka 2003b: 59–66. One example of a strong commitment to social welfare combined with only "modest" multiculturalism is the Netherlands (interesting to consider given recent troubles there with its Muslim immigrant population). At least when compared with the United States and Germany, the Netherlands performs best according to social-democratic criteria to do with maximizing equality and minimizing poverty (along with maximizing income growth and minimizing family breakdown); see Goodin et al. 1999. But it is hard to draw any strong conclusions from this correlation; see Banting and Kymlicka 2003a: 26–27. The historical legacy of slavery and the politics of race in general have played a central role in American attitudes to the welfare state and its reform. But the relationship between race and multicultural policies (which came long after race became relevant) is complex and deserves separate treatment. There is certainly no easy analogy between attitudes toward race and affirmative action and multiculturalist policies and the welfare state.
8. I have argued for a more chastened approach to cultural claims in politics in Ivison 2002: 33–39.
9. I would go so far as to say that the demand for legitimation is a human universal, just insofar as coercion and power are among the universal stuff of politics anywhere.
10. The last two paragraphs draw on Ivison 2002.

11. This criticism is less effective against Habermas and his followers, since he is explicit that, aside from certain very general preconditions, the outcome of moral and political discourse is supposed to be radically open-ended. Moreover, like Tully, he too sees moral norms as emerging out of dialogue itself, but on the basis of a very different theory of communicative reason. Cf. the discussion of Habermas in Tully 1999.
12. For a version of this critique see Williams 2002: 226ff.
13. The problem is not a feasibility issue: it is not whether or not Habermasian discourse, for example, is unrealizable in practice (he is well aware that it might not be), but rather the deeper charge that it might be incoherent if it cannot show how rational (moral) discourse can be motivationally efficient.
14. A principle that, of course, will require further elaboration, clarification, and testing in light of other possible principles or norms.
15. The mixing of themes from Wittgenstein and Foucault is not seamless and deserves more careful attention than I can give here; cf. Owen 2002; Tully 1999. Both are resistant to large-scale abstract theorizing, albeit for different reasons and to different extents. But note that precisely because the scope of the practice is always itself open to question, there is nothing inherently anti-universalistic about an approach that takes the primacy of practice seriously. See, for example, the point made by Foucault, in response to a criticism by Richard Rorty (Foucault 1984: 385): "But the problem is, precisely, to decide if it is suitable to place oneself within a 'we' in order to assert the principles one recognizes and the values one accepts; or if it is not, rather, necessary to make the future formation of a 'we' possible, by elaborating the question."
16. The allusion is to Foucault 1997: 315–16.
17. This is not the claim that only those societies that undergo some specific process of social modernization are capable of generating the appropriate "moral modernization" that enables social conflict to be handled in productive ways. This kind of claim is often associated with Habermas's moral anthropology. Different societies will generate different kinds of social conflicts and thus different processes of social learning. Still, something like a basic demand for legitimation is close to being a universal, at least in most of the world today, whether or not it is associated with a particular language of rights.
18. Arguments about the benefits of conflict have a long lineage in the history of political thought, but perhaps one of the best known can be found in Machiavelli, especially in the *History of Florence* and the *Discourses;* for more discussion see Ivison 1997: chap. 3; McCormick 2001: 301–3.

Part III

Community, Culture, and Rights